

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 III**

Sector 2: The Launch of  
the Arrest Operation and  
Events in the Area of the  
Rossville Flats  
(Chapters 22–54)

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HC29-III

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

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(Chapters 22–54)

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## **VOLUME III**

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Sector 2: The Launch of the Arrest Operation and Events in the Area of the Rossville Flats  
(Chapters 22–54; Chapters 55–66 of Sector 2 can be found in Volume IV)

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# Sector 2: The Launch of the Arrest Operation and Events in the Area of the Rossville Flats

(Chapters 22–54; Chapters 55–66 of Sector 2 can be found in Volume IV)

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## Chapter 22: General introduction

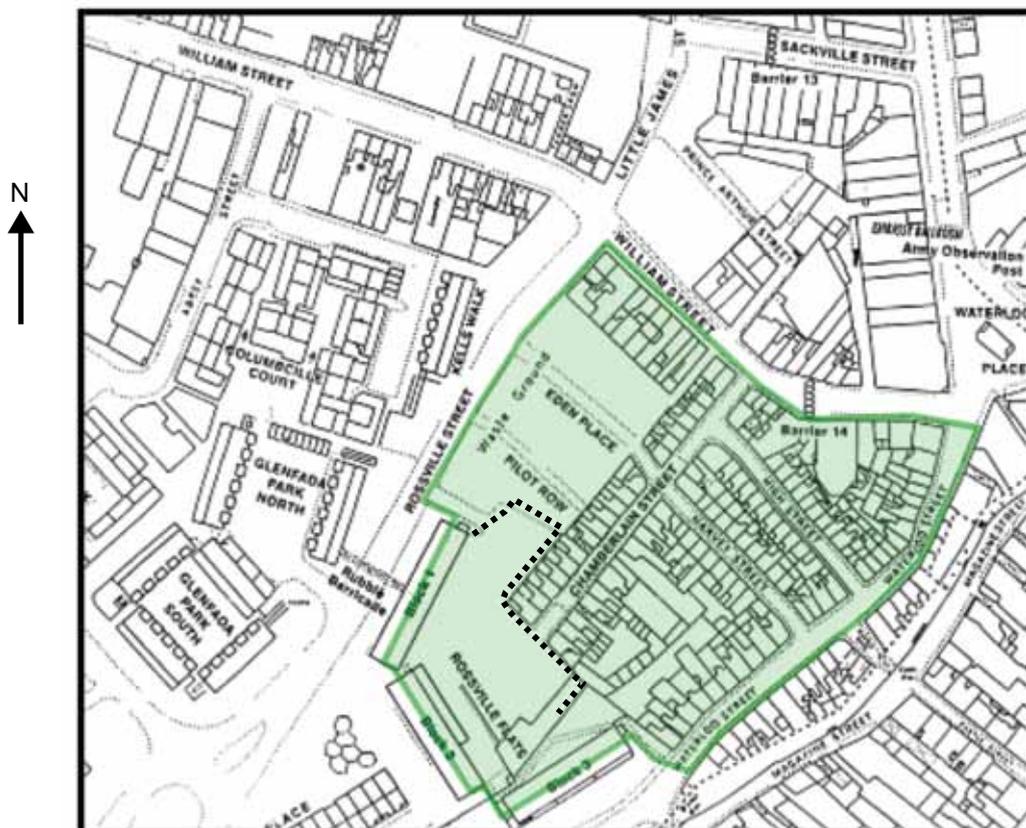
- 22.1** Sector 2 is concerned with what happened in the area of the Rossville Flats car park and in the adjoining waste ground to the north. There is no doubt that in this sector Jackie Duddy was killed by gunfire, while Margaret Deery, Michael Bridge and Michael Bradley were wounded by the same means. Patrick McDaid, Patrick Brolly and Pius McCarron were injured, though whether by gunfire or otherwise was a matter of controversy.
- 22.2** The casualties occurred after soldiers of Mortar Platoon had arrived in Armoured Personnel Carriers (APCs) in this area.
- 22.3** We describe first the layout of this part of the city, and then the movement of Mortar Platoon into this area from Barrier 12. There were a number of incidents both as Mortar Platoon arrived in Sector 2 and as and after they disembarked from the APCs, before anyone was hit by gunfire. These incidents are both important in themselves and help to set the scene for the Army gunfire that followed. Having considered those incidents we deal with the Army and civilian evidence relating to the casualties.

# Chapter 23: The layout of this area of the city

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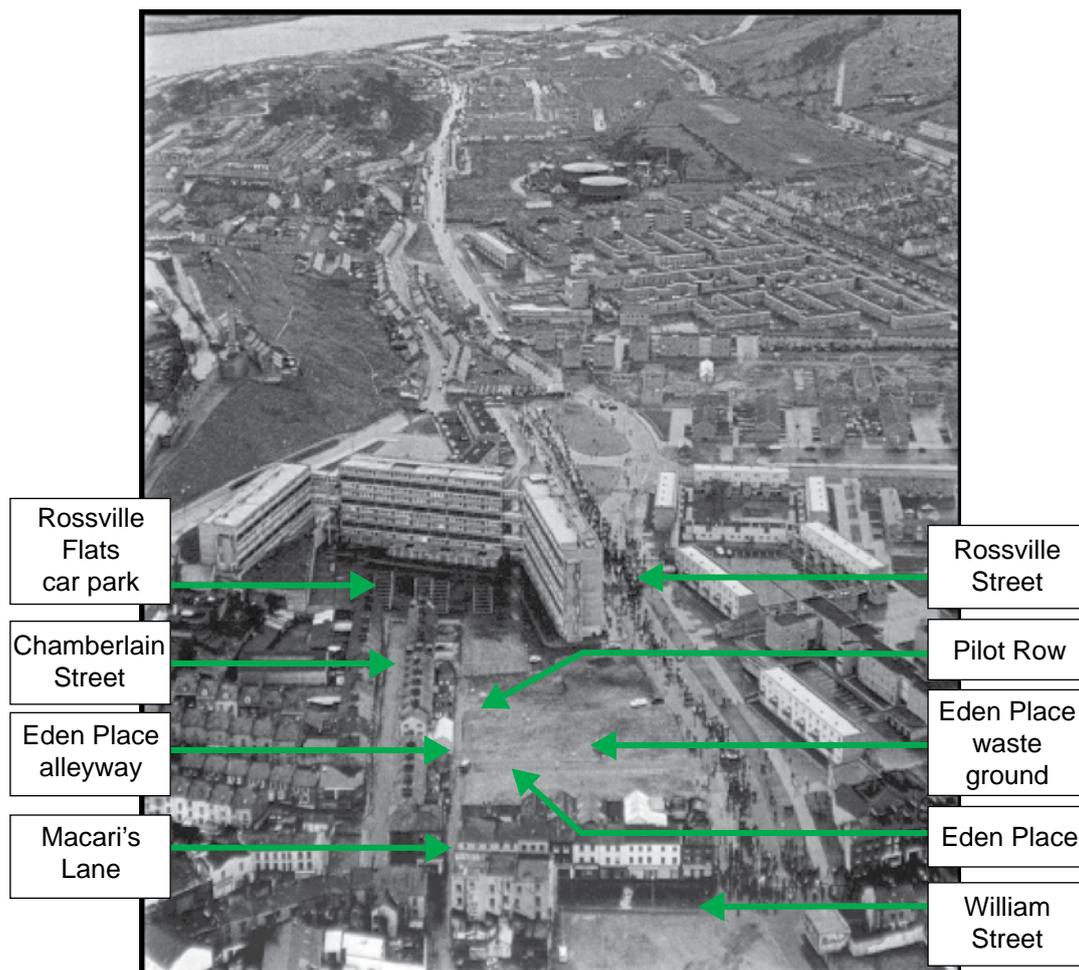
23.1 The area covered by Sector 2 is highlighted on the map below.



23.2 The most conspicuous landmarks in this area were the three high-rise blocks that made up the Rossville Flats. These flats were demolished in the 1980s. They can be seen on the map above at the bottom of the shaded area. Block 1 of these flats was the one

adjoining Rossville Street. Block 2 was the centre block and Block 3 was the most easterly block, as can also be seen from this map. The distance from the junction of William Street and Rossville Street to the southern end of Block 1 of the Rossville Flats was approximately 215 yards. We set out further details of the Rossville Flats later in this chapter.

- 23.3** Two areas of Sector 2 are of particular importance. These are the Rossville Flats car park and the Eden Place waste ground.
- 23.4** The car park was the name given to the area enclosed on three sides by the three blocks of the Rossville Flats. Part of this area was marked out as a car park. A portion on the eastern side was fenced off as a recreation ground. The northern part of the recreation ground was described by some witnesses as being netball courts. The term “car park” was used to apply to the whole area. The approximate boundary of the car park is shown by a dotted line on the map above. The car park was partially separated from the Eden Place waste ground by a wire fence. We describe the car park in greater detail below.
- 23.5** The Eden Place waste ground incorporated the remnants of two disused roads, Eden Place and Pilot Row. It was often described in this Inquiry simply as “the waste ground”. The road known as Eden Place at one time ran from Chamberlain Street to Rossville Street. In January 1972, the gap in the buildings in Chamberlain Street through which the road used to run still survived. The road through that gap, about 15 yards long, linked the waste ground to Chamberlain Street and was still in use in 1972. In this report we refer to that road as the Eden Place alleyway, though many witnesses described it as Eden Place or Eden Terrace. There was also a small alleyway parallel to Chamberlain Street and running from William Street to the Eden Place waste ground, which was known as Macari’s Lane. Again we describe this part of Sector 2 in more detail below.
- 23.6** The photograph below was taken from the north and shows the central area of Sector 2. On it we have marked the features described above.



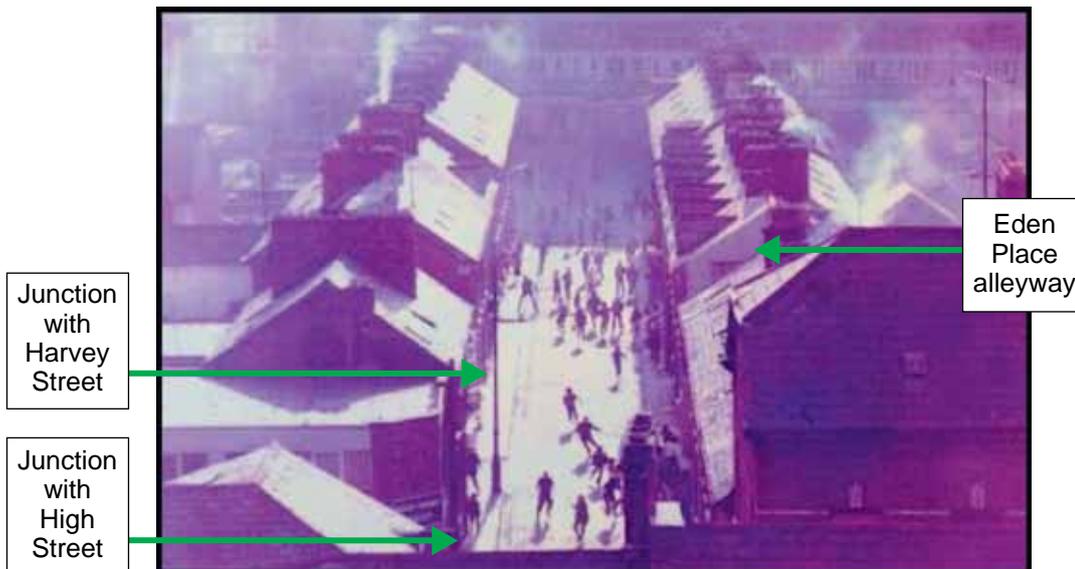
23.7 As can be seen, Macari's Lane ran from William Street into the north-east corner of the Eden Place waste ground. It was sometimes called Quinn's Lane, as it ran down the side of Quinn's fish shop.<sup>1</sup>

<sup>1</sup> [Day 176/151](#)

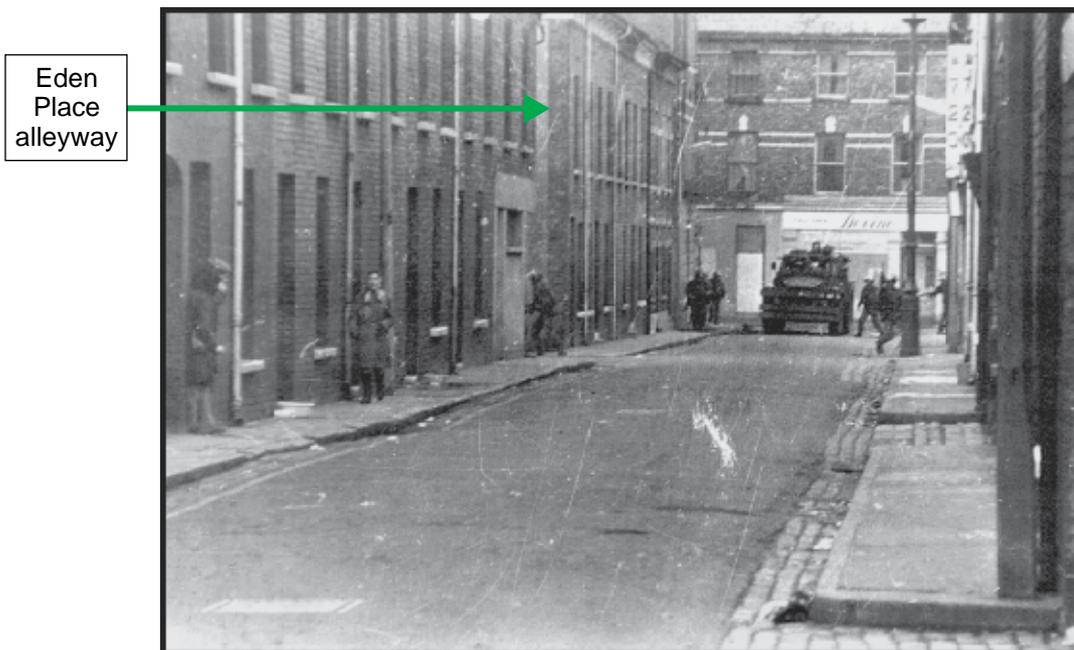
## Chamberlain Street

23.8 Chamberlain Street ran roughly north-east to south-west from William Street to the car park of the Rossville Flats. The distance between its junction with William Street and the entrance to the car park was about 140 yards. High Street and Harvey Street ran in a south-easterly direction uphill from Chamberlain Street to join Waterloo Street, which ran parallel to, and below, the City Walls.

- 23.9** The following photograph was taken from the roof of the Embassy Ballroom. The photographer was looking south-west down Chamberlain Street. Block 2 of the Rossville Flats can be seen in the background. The junctions with High Street and Harvey Street can just be seen. The white gable end on the right-hand side is on the south side of the gap that led into the Eden Place alleyway.



- 23.10** The photograph below shows Chamberlain Street from the south. The photographer was looking north-east towards the junction with William Street. Devine's florist's shop, which can be seen in the picture, was on the north side of William Street. The photograph was taken on Bloody Sunday.



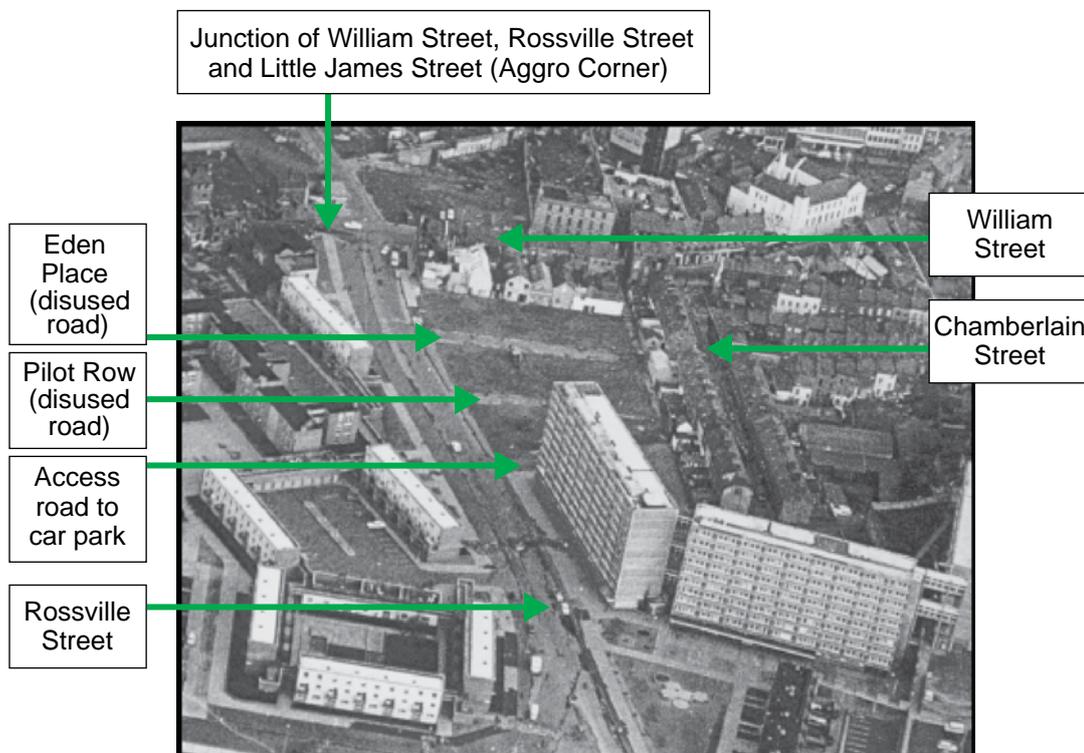
**23.11** The photograph below shows Harvey Street. The picture was taken on Bloody Sunday from Harvey Street's junction with Chamberlain Street. Waterloo Street can be seen at the top of the photograph.



## The Eden Place waste ground

**23.12** The Eden Place waste ground stretched in a south-westerly direction from the backs of buildings in William Street to the fence of the Rossville Flats car park. It was bordered to the west by Rossville Street and to the east by the walls of the yards of the houses on the western side of Chamberlain Street. The waste ground was about 90 yards long (north-east to south-west) and 60 yards wide (south-east to north-west).

**23.13** The aerial photograph below shows the Eden Place waste ground from the south. The photograph was not taken on Bloody Sunday but shows the waste ground much as it was on that day. At the top (the north side) of the waste ground are the backs of the buildings on the south side of William Street. The buildings running down the right (east) side of the waste ground are the backs of the houses on the west side of Chamberlain Street. The disused roads, Eden Place and Pilot Row, can be seen. Below (to the south of) Pilot Row another road can be seen, running into the waste ground at right angles to Rossville Street. This road gave access to the Rossville Flats car park.

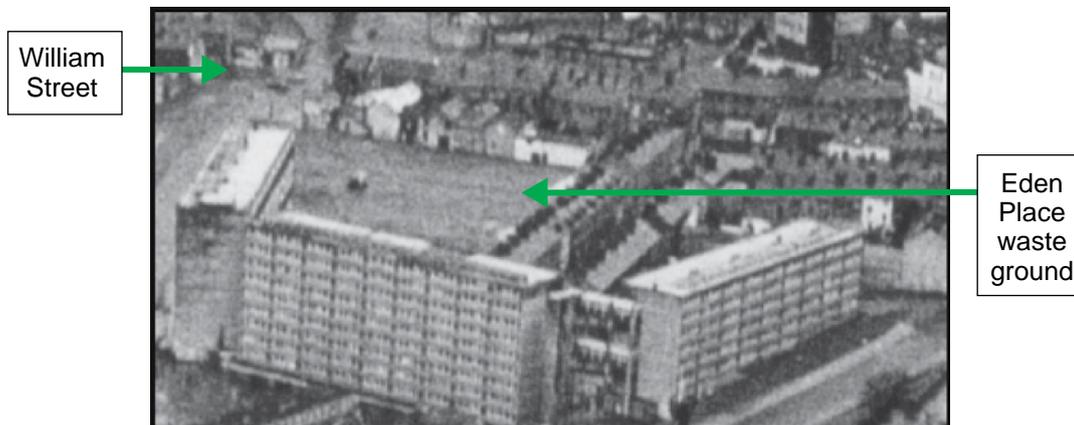


**23.14** The photograph below was taken on Bloody Sunday and shows most of the Eden Place waste ground. The photographer was standing on the west side of Rossville Street, looking east. The gap giving access to Chamberlain Street (the Eden Place alleyway) can

just be seen. The backs of the houses on the west side of Chamberlain Street are shown, running down the side of the waste ground. The Guildhall clock tower is in the background.

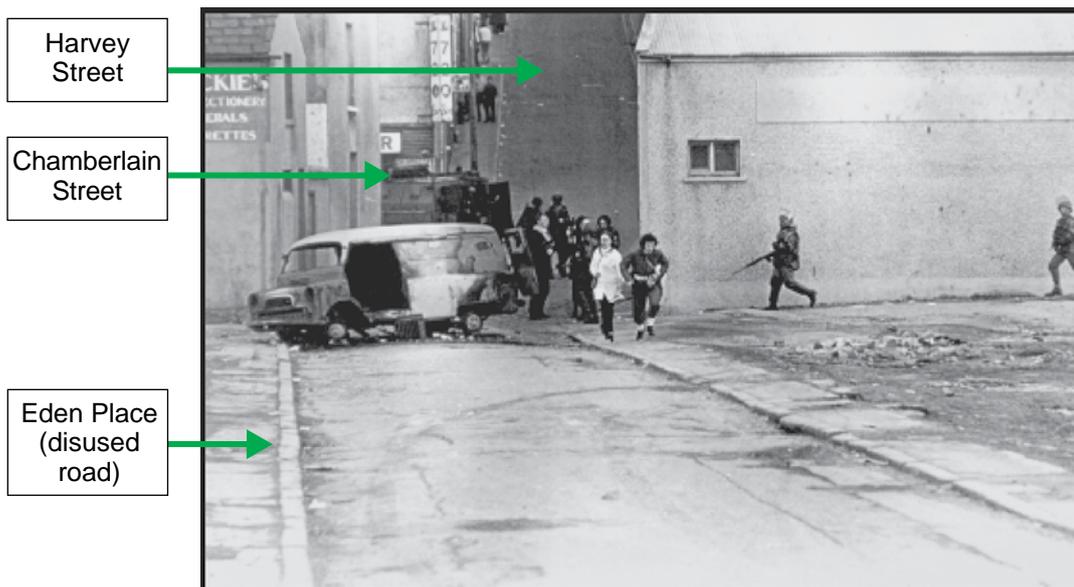


**23.15** The backs of buildings on William Street, forming the northern boundary of the waste ground, can be seen in the photographs below, the second of which was taken on Bloody Sunday. The second photograph was taken looking in a north-easterly direction up Rossville Street. Many of the buildings were derelict.





- 23.16** The following photograph was taken on the Eden Place waste ground on Bloody Sunday. The photograph shows the Eden Place alleyway leading from Eden Place into Chamberlain Street. Harvey Street can be seen in the background, running uphill to Waterloo Street in a south-easterly direction away from Chamberlain Street.



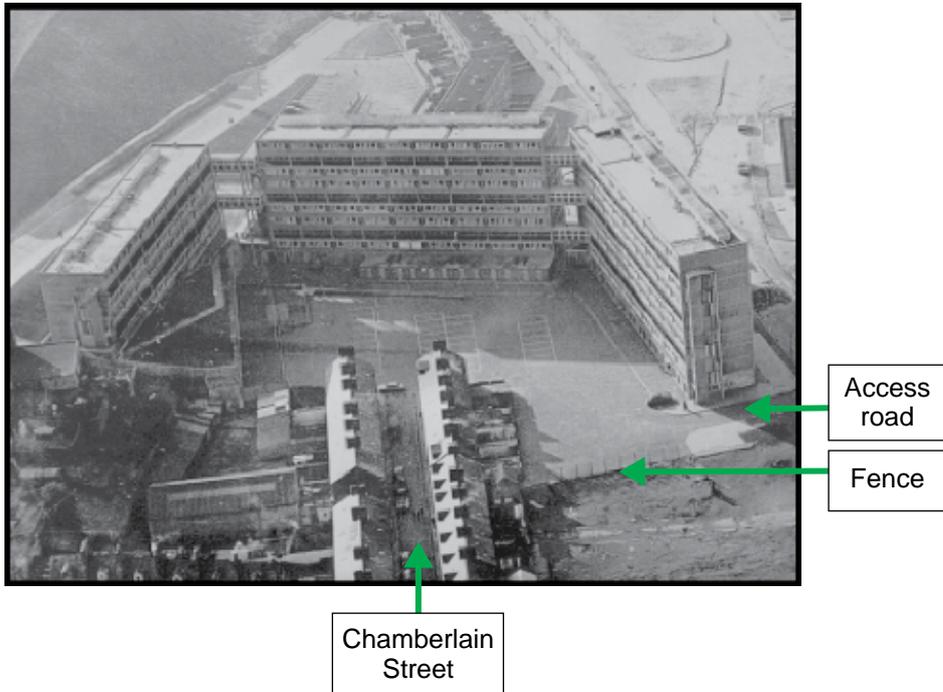
- 23.17** The following photograph, again taken on Bloody Sunday, shows the same alleyway but from the opposite end. The photographer was standing on the corner of Chamberlain Street, looking into the Eden Place waste ground. The modern building in the background is Kells Walk, which was a block of maisonettes on the west side of Rossville Street. St Eugene's Cathedral can be seen in the distance.



- 23.18** An L-shaped fence ran across the southern part of the Eden Place waste ground. Part of the fence can be seen in the photograph below. For a short distance the fence ran southwards, parallel to and about 10ft out from the backs of the Chamberlain Street houses. It then ran west at a right angle to the houses across the waste ground.



- 23.19** The fence did not extend across the entire width of the waste ground; it came to a halt about two-thirds of the way across, stopping level with the end of the road that gave access to the Rossville Flats car park. The fence and access road can be seen more clearly in the photograph below, which was not taken on Bloody Sunday.



- 23.20** In the photograph below, which was taken by Derrik Tucker Senior on Bloody Sunday from Block 2 of the Rossville Flats, the fence can be seen in the middle distance. On the left is the north end of Block 1 of the Rossville Flats. On the right are the houses on the west side of Chamberlain Street.



## The Rossville Flats car park

- 23.21** The car park was bordered on three sides by the Rossville Flats. At its widest the car park was about 70 yards wide. The distance from the southern end of Chamberlain Street to Block 2 of the Rossville Flats (the central block) was about 45 yards. The car park was sometimes referred to as the market, since there had formerly been a market in this area.
- 23.22** The photograph below, also taken by Derrick Tucker Senior, shows the entrance to the car park from Chamberlain Street and, on the right, part of the fencing around the recreation ground.



- 23.23** A low wall ran along the south-western side of the Rossville Flats car park, parallel to Block 2. The wall fell in height as it went north-westwards, disappearing entirely before reaching Block 1. The photograph below, which was taken on Bloody Sunday, gives an impression of the differing heights of the wall. Block 2 is on the left of the picture and Block 1 is seen in the background.



- 23.24** The wall can be seen in the photograph below.



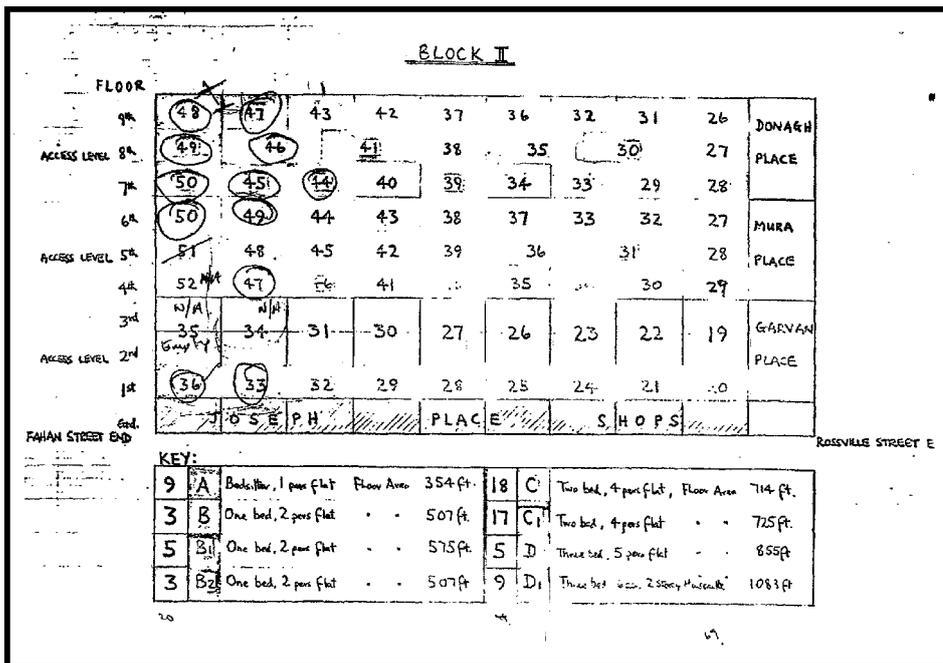
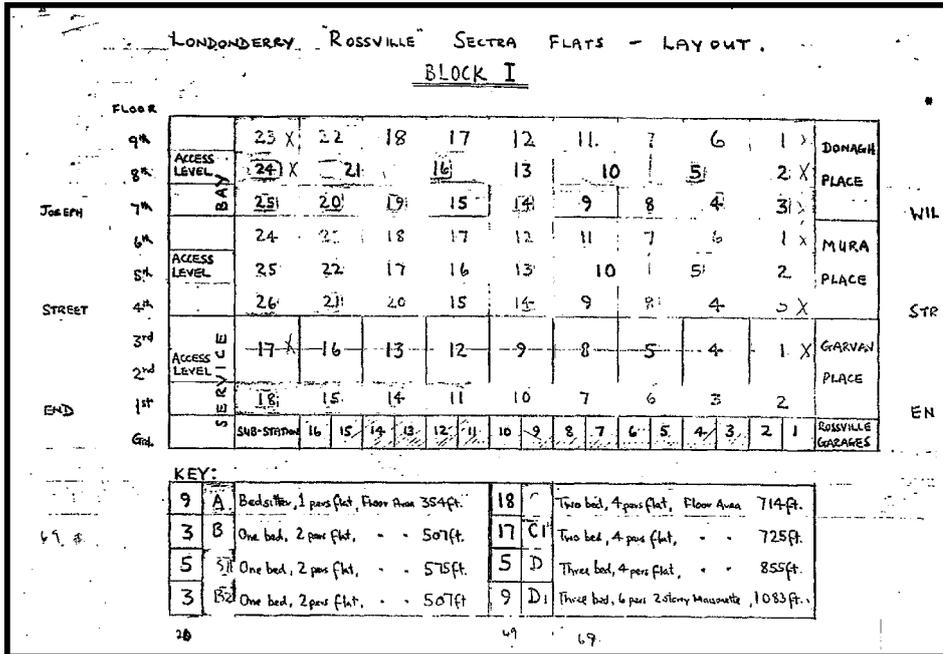
## The Rossville Flats

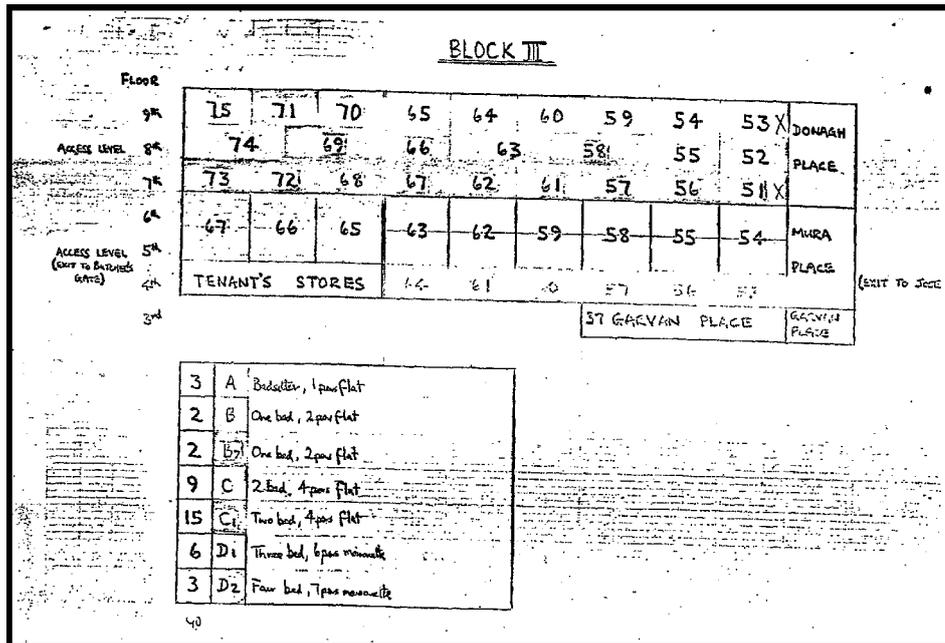
- 23.25** The Rossville Flats consisted of three separate blocks joined by walkways. As described above, the block that ran parallel to Rossville Street (shown on the right of the photograph above) was known as Block 1. The central block was Block 2 and the easternmost block was Block 3.
- 23.26** The Rossville Flats were built on sloping ground. Blocks 1 and 2 both had ten storeys. Block 3 was built on higher ground and so, although it had the same roof height as the other two blocks, it had only seven storeys. As the previous photograph above shows, Blocks 1 and 2 were joined by three walkways. Blocks 2 and 3 were joined by two walkways. The photograph below, taken long after Bloody Sunday, shows the difference in ground level between Blocks 2 and 3. As the photograph shows, the lowest storey of Block 3 did not run the full length of the building, but tapered out as the ground rose. A retaining wall ran the length of the car park beneath Block 3.



- 23.27** The ground floor of Block 1 consisted of a row of garages. The ground floor of Block 2 was a row of shops. The shops faced southwards into Joseph Place, not into the car park. The ground floor of this block on the car park side was used as storage space. The lowest floor of Block 3, as noted above, did not run the whole length of the building. It consisted of one property, known as 37 Garvan Place. The floor above this, which did run the length of Block 3, consisted partly of flats and partly of storage space.
- 23.28** The flats were divided into three horizontal sections, excluding the ground floors. The first three floors of Blocks 1 and 2, together with the lowest floor of Block 3, were known as Garvan Place. The next three floors of Blocks 1, 2 and 3 formed Mura Place. The top three floors of Blocks 1, 2 and 3 formed Donagh Place.
- 23.29** The following diagrams<sup>1</sup> identify Garvan Place, Mura Place and Donagh Place and show the location of each dwelling within the Rossville Flats. There is an error in the first diagram: the reference to Joseph Street on the left side of the diagram should be a reference to Joseph Place. The left side of this diagram represents the southern end of Block 1, which faced towards Joseph Place.

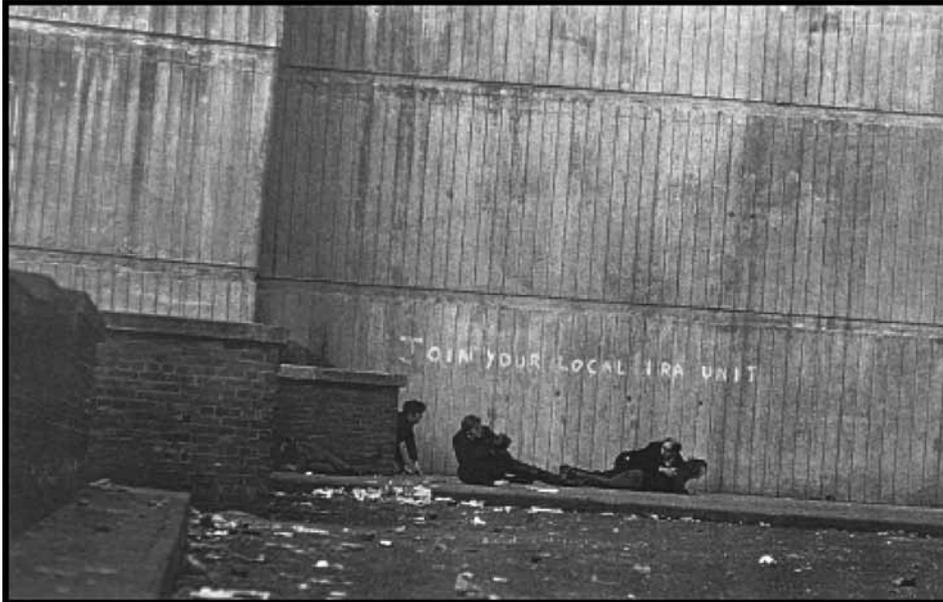
<sup>1</sup> GEN3.12-14





- 23.30** On the Block 3 diagram (above), the words “Joseph Place” should appear. What has been cut off the right side is probably “Joseph Street”. The right of the diagram shows the northern end of Block 3.
- 23.31** As the diagrams show, most of the dwellings were single-storey flats. However, there were rows of two-storey maisonettes on the second and third floors of Blocks 1 and 2 (which formed part of Garvan Place) and on the fifth and sixth floors of Block 3 (part of Mura Place).
- 23.32** Balconies ran along the entire length of each block. Blocks 1 and 2 had three balconies, while Block 3 had two. There were balconies on the sides of the blocks that faced into the car park; the outward-facing sides had windows only.
- 23.33** There was a stairwell at each end of each block. Access to the balconies could be obtained from the stairs at either end. It was possible to walk from the northern end of Block 1 all the way round to the northern end of Block 3, using the balconies and the connecting walkways.
- 23.34** There was a gap at ground level underneath the walkways that joined Blocks 1 and 2 and those that joined Blocks 2 and 3. It was possible to walk through these gaps and reach Joseph Place.

- 23.35 The photograph below, which was taken on Bloody Sunday, shows part of the retaining wall on the east side of the car park beneath Block 3. It is the part leading to the gap between Blocks 2 and 3. The wall on the far left of the photograph is the low wall that ran parallel to Block 2.



- 23.36 The photograph below, which was not taken on Bloody Sunday, shows the gap between Blocks 2 and 3 of the Rossville Flats.



- 23.37** The photograph below shows the gap between Blocks 1 and 2. Close to the gap, a doorway can be seen at ground level in Block 1. This doorway led to a staircase giving access to all floors. There were also lifts next to the stairwell. It was possible to walk straight through the block at ground level; a doorway opposite this one led onto Rossville Street.



- 23.38** Another doorway can be seen in the foreground, at the northern end of Block 1. This doorway also led to a stairwell that can be seen in the picture, clad in vertical wooden slats. There was no doorway on the other side of this stairwell, facing into Rossville Street.
- 23.39** A rubble barricade, constructed by civilians, lay across Rossville Street at the time of Bloody Sunday. It ran from Block 1 of the Rossville Flats to the eastern block of Glenfada Park North, a block of maisonettes on the opposite side of Rossville Street. The photograph below, which is a still taken from film footage shot from a helicopter on Bloody Sunday, shows the barricade.



- 23.40** The barricade was made from a variety of materials, including an oil drum, rubble and wooden trestles. The photograph shows that there was a gap in the barricade, towards the western side of the road. One of the trestles barred the gap in the barricade and could be moved to allow vehicles to pass.
- 23.41** This barricade is described in more detail in our consideration of the events of Sector 3,<sup>1</sup> but a description of it is included here because some of the witnesses concerned with Sector 2 refer to it.

<sup>1</sup> [Paragraphs 68.30–35](#)

## Chapter 24: The movement of Mortar Platoon Armoured Personnel Carriers into the Bogside

**24.1** As we have already described in our discussion of Sector 1,<sup>1</sup> shortly before 1610 hours Support Company went in vehicles through Barrier 12 in Little James Street, while a little later C Company went on foot over or through Barrier 14 in William Street. As to the latter company, 7 Platoon of C Company continued along William Street to the junction with Rossville Street, followed by 9 Platoon. 8 Platoon turned left off William Street and subsequently went down Chamberlain Street. We describe in more detail later in this report<sup>2</sup> what the soldiers of C Company did.

<sup>1</sup> [Paragraphs 20.207–257](#)

<sup>2</sup> [Chapter 65](#)

**24.2** So far as Support Company is concerned, the two leading vehicles were Armoured Personnel Carriers (APCs). These were often called “Pigs” and, by many of the civilians, albeit inaccurately, “Saracens”.

**24.3** The two leading APCs contained Mortar Platoon. These were followed by Major Loden’s command vehicle, described as “*Company Headquarters one ACV (1 ton Armoured modified)*”,<sup>1</sup> and a Ferret scout car with a mounted Browning machine gun.<sup>2</sup> Next came the two empty APCs of Machine Gun Platoon, and then two soft-sided, four-ton lorries containing the 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.<sup>3</sup>

<sup>1</sup> [B2220](#)

<sup>3</sup> [WT12.36; B2220](#)

<sup>2</sup> [WT11.76](#)

**24.4** As we have already noted,<sup>1</sup> it seems probable that the Support Company vehicles went across the junction of William Street and Rossville Street before soldiers from C Company went over or through Barrier 14 in William Street, because a number of civilians who had been close to Barrier 14 described moving from there into Chamberlain Street on seeing these vehicles, rather than fleeing from the soldiers at Barrier 14.

<sup>1</sup> [Paragraphs 20.257–261](#)

**24.5** In the leading APC was Lieutenant N, the Commander of Mortar Platoon. In the following APC was Sergeant O, the Platoon Sergeant.<sup>1</sup>

<sup>1</sup> [B398; B466](#)

**24.6** The nominal roll of Mortar Platoon shows that 18 members of that platoon were deployed on Bloody Sunday.<sup>1</sup> Lieutenant N confirmed this deployment in his oral evidence to the Widgery Inquiry.<sup>2</sup> We are satisfied that, of these 18, the following 13 were divided between the two APCs as follows:

<sup>1</sup> GEN8.4

<sup>2</sup> WT12.62

### First APC

- Lieutenant N<sup>1</sup>

<sup>1</sup> B398

- Corporal 162<sup>1</sup>

<sup>1</sup> B1962.002

- Lance Corporal V<sup>1</sup>

<sup>1</sup> B821.018; WT13.23

- Private Q,<sup>1</sup> Private S (driver),<sup>2</sup> Private 019,<sup>3</sup> Private INQ 1918 (radio operator).<sup>4</sup>

<sup>1</sup> B641

<sup>3</sup> B1494.002

<sup>2</sup> B706

<sup>4</sup> C1918.1

### Second APC

- Sergeant O<sup>1</sup>

<sup>1</sup> B466

- Corporal P<sup>1</sup>

<sup>1</sup> B591

- Private R,<sup>1</sup> Private T,<sup>2</sup> Private U,<sup>3</sup> Private INQ 1579 (driver).<sup>4</sup>

<sup>1</sup> B669

<sup>3</sup> B771

<sup>2</sup> B735

<sup>4</sup> C1579.3

**24.7** There remain five soldiers who were deployed on Bloody Sunday but in respect of whom it is less clear in which APC they travelled. They are Lance Corporal INQ 768, Private 006, Private 013, Private 017 and Private 112.

**24.8** Lance Corporal INQ 768 made no statement in 1972. In his evidence to this Inquiry he said that he believed that he was in the second vehicle (Sergeant O's APC) and that since he was the driver he also acted as a vehicle guard when the soldiers disembarked.<sup>1</sup> In our view he was not the driver of either of the APCs, since we are satisfied from the

evidence of Private S and Private INQ 1579 (supported by the evidence of Lieutenant N and Sergeant O respectively) that the former drove Lieutenant N and the latter Sergeant O.<sup>2</sup> Lance Corporal INQ 768 may have acted as vehicle guard, but if so this cannot have been of Sergeant O's APC, since we are satisfied from the evidence of Private R that he was the guard of that vehicle.<sup>3</sup>

<sup>1</sup> C768.1; C768.3; Day 323/128-129

<sup>3</sup> B676

<sup>2</sup> B706; B724.002; C1579.2; Day 336/149-150; B438.006; B575.111

**24.9** However, Lance Corporal INQ 768 also said that the normal practice was to have one Lance Corporal in each vehicle. There is no doubt that of the two Lance Corporals in the platoon, Lance Corporal V was in Lieutenant N's APC.<sup>1</sup> This indicates that Lance Corporal INQ 768 may have been in Sergeant O's vehicle, as indeed Sergeant O also believed was the case.<sup>2</sup>

<sup>1</sup> B821.018

<sup>2</sup> B575.111

**24.10** In his Royal Military Police (RMP) statement,<sup>1</sup> Private 006 recorded that he was a member of a snatch squad commanded by Sergeant O. In his written statement to this Inquiry, while he said that he thought that he was with Sergeant O, he also said that he thought that Private S was in the same vehicle and that this vehicle led the convoy.<sup>2</sup> In our view the statement he made at the time is likely to be more accurate, so we consider that he was in the second APC commanded by Sergeant O.

<sup>1</sup> B1375

<sup>2</sup> B1377.004

**24.11** Private 013 recorded in his RMP statement that he moved into the forecourt of the Rossville Flats.<sup>1</sup> In his statement to this Inquiry he recalled that he was in the second vehicle.<sup>2</sup> As will be seen, Sergeant O's vehicle drove to what could be described as a forecourt and accordingly this may indicate that Private 013 was in this vehicle. However, in his first RMP statement Lieutenant N recorded that Private 013 accompanied him as he ran from his APC after it had stopped.<sup>3</sup>

<sup>1</sup> B1406

<sup>3</sup> B373

<sup>2</sup> B1408.003

**24.12** In his written evidence to this Inquiry, Private 017 stated that he was pretty sure that he had travelled in the leading APC.<sup>1</sup> However in his oral evidence he said that he thought that he was in Sergeant O's vehicle.<sup>2</sup> According to his first RMP statement,<sup>3</sup> the APC he was in halted to the north-east of the northernmost block of the Rossville Flats. This is closer to a description of Sergeant O's APC than that of Lieutenant N. Furthermore,

Private 017 worked with Corporal P as his pair,<sup>4</sup> and Corporal P told the Widgery Inquiry that he and his pair disembarked from the same vehicle, Sergeant O's APC.<sup>5</sup> On this basis it seems that Private 017 was in that vehicle.

<sup>1</sup> B1484.002

<sup>4</sup> B1482

<sup>2</sup> Day 358/39

<sup>5</sup> B596

<sup>3</sup> B1472

**24.13** In his RMP statement,<sup>1</sup> Private 112 recorded that he was deployed "*on the waste ground off Rossville St*". In his evidence to this Inquiry he said that he believed that he was in Sergeant O's APC,<sup>2</sup> but of the soldiers he said were with him, some were clearly in that vehicle while others were with Lieutenant N. He remembered an altercation between someone in the APC ahead of him and someone at Barrier 12 when they were waiting to go through, which also points to him being in the second APC. However, Private Q, in his written evidence to this Inquiry,<sup>3</sup> recalled Private 112 being with him in the first APC.

<sup>1</sup> B1730

<sup>3</sup> B657.3

<sup>2</sup> B1732.1; Day 320/96; Day 320/123

**24.14** If Lance Corporal INQ 768, Private 006, Private 013, Private 017 and Private 112 were all in Sergeant O's APC, then there would have been 11 soldiers in that APC and only seven with Lieutenant N. However, both Lieutenant N and Sergeant O gave evidence in 1972 that there was an equal number of soldiers in each vehicle.<sup>1</sup> Furthermore, Lieutenant N's evidence was that four men in his platoon were armed with baton guns,<sup>2</sup> and that (as Sergeant O also said at the time)<sup>3</sup> there were two of these in each APC.<sup>4</sup>

<sup>1</sup> B373; B466

<sup>3</sup> B439

<sup>2</sup> B397

<sup>4</sup> B373

**24.15** As appears from their RMP accounts, Private 013, Private 017 and Private 112 were armed with baton guns, though they also had self-loading rifles either with them or in the APCs.<sup>1</sup> It appears from his evidence to this Inquiry that Private 019 (in Lieutenant N's APC) was the fourth soldier with a baton gun; he recognised himself near to Lieutenant N in one of the photographs to which we refer hereafter.<sup>2</sup> On one view of the evidence, therefore, there were three soldiers armed with baton guns in Sergeant O's APC, and only one with Lieutenant N. In our view this cannot be right, as apart from the evidence given by Lieutenant N in 1972, the cine film from the helicopter,<sup>3</sup> to which we refer below, shows two separate puffs of smoke appearing in different places in quick succession close to Lieutenant N's vehicle soon after the soldiers had disembarked. We have no doubt that this smoke came from two baton guns.

<sup>1</sup> B1406; B1472; B1730; Day 322/27-28

<sup>3</sup> Vid 2 02.10

<sup>2</sup> B1494.003

**24.16** Weighing the evidence discussed above, it seems to us from their accounts that Private 017 and Private 112 were with Sergeant O and that Private Q was mistaken in his recollection that he was with Private 112. It follows in our view that Private 013 was, contrary to his recollection but consistent with the account given by Lieutenant N at the time,<sup>1</sup> with Lieutenant N in the first APC. Private 013's description in his RMP statement of moving into the forecourt of the Rossville Flats probably relates to what he did after he disembarked, though the expression "*forecourt*" could also perhaps be applied to the whole of the open ground to the north of the Rossville Flats.<sup>2</sup>

<sup>1</sup> B373

<sup>2</sup> Day 323/185

**24.17** On this basis, there would have been two soldiers with baton guns in each vehicle. That leaves Lance Corporal INQ 768. It is not possible to be certain in which vehicle Lance Corporal INQ 768 travelled. His own recollections are, for reasons given above, clearly erroneous at least in part. On the basis that there would be equal numbers in each APC, this would put him in Lieutenant N's APC, while on the basis that there would be one Lance Corporal in each APC, this would put him in Sergeant O's vehicle. On the whole it seems to us that the former is more likely to be the case, on the basis that both Lieutenant N and Sergeant O said that there was an equal number of soldiers in each vehicle.

**24.18** For these reasons it seems to us that the 18 soldiers of Mortar Platoon were probably deployed between the two APCs as follows:

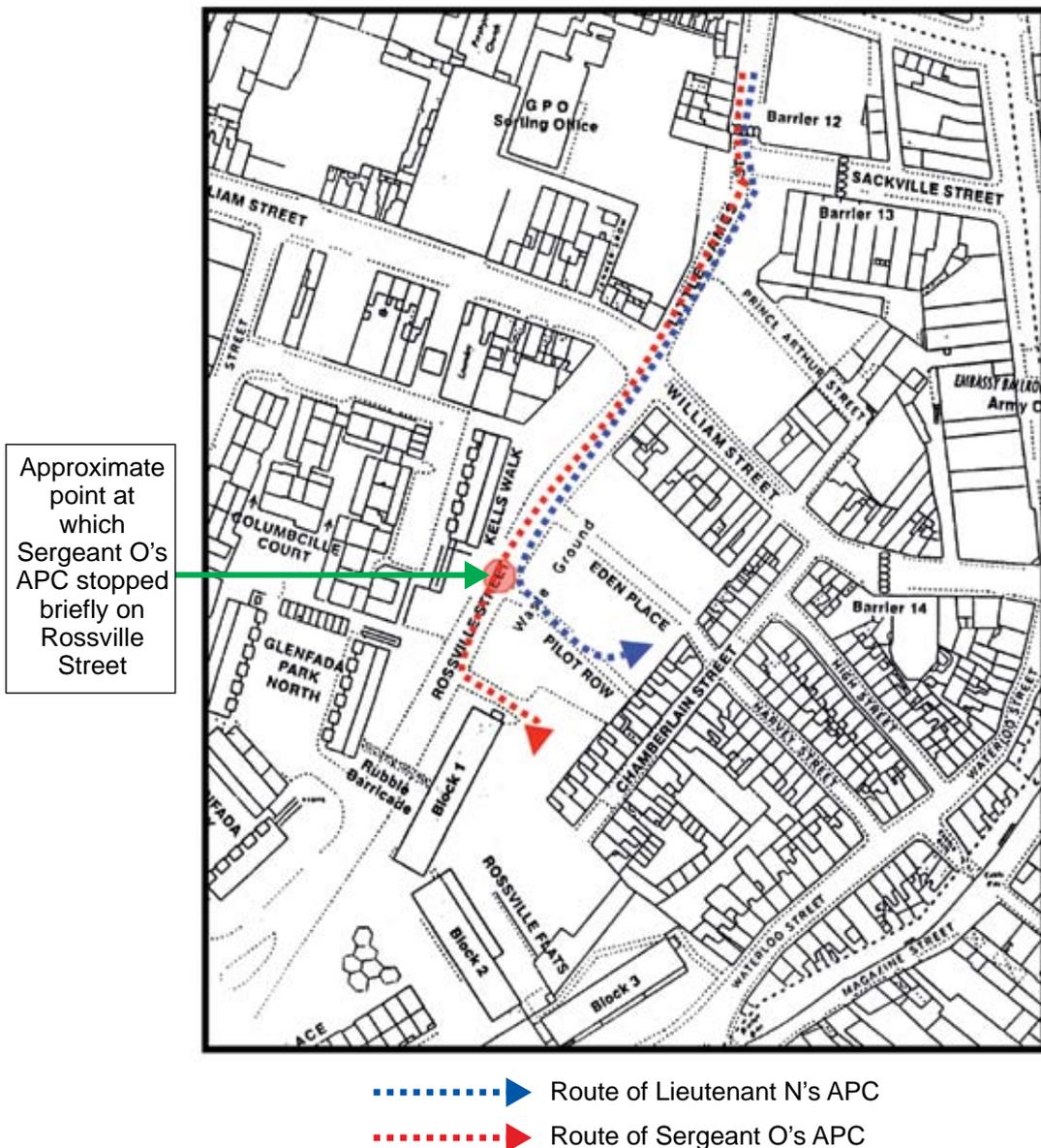
#### **First APC**

- Lieutenant N
- Corporal 162
- Lance Corporal V, Lance Corporal INQ 768
- Private Q, Private S (driver), Private 013 (armed with baton gun), Private 019 (armed with baton gun), Private INQ 1918 (radio operator).

#### **Second APC**

- Sergeant O
- Corporal P
- Private R, Private T, Private U, Private 006, Private 017 (armed with baton gun), Private 112 (armed with baton gun), Private INQ 1579 (driver).

- 24.19 Those with baton guns were accordingly Private 013 and Private 019 (who were with Lieutenant N) and Private 017 and Private 112 (who were with Sergeant O).
- 24.20 After passing through Barrier 12, the two APCs travelled south along Little James Street, over the junction between Rossville Street and William Street and on along Rossville Street. Lieutenant N's vehicle turned left off Rossville Street and stopped between Eden Place and Pilot Row, a few yards from the Eden Place alleyway. Sergeant O's APC continued along Rossville Street and then turned left, finally stopping well into the entrance to the car park of the Rossville Flats. The map set out below depicts the approximate route that the APCs took and where they stopped.
- 24.21 Just before Sergeant O's vehicle turned off Rossville Street into the car park entrance, it stopped briefly near Pilot Row and some soldiers disembarked.



**24.22** The entry of the APCs into the Bogside was recorded on film both by an ABC News cameraman from the ground and by an Army cameraman in a helicopter.<sup>1</sup>

<sup>1</sup> [Vid 48 12.26](#); [Vid 2 01.50](#)

**24.23** The photographs below are stills taken from the film footage obtained from the helicopter. The first photograph shows the junction of Rossville Street, William Street and Little James Street. On the right of the photograph is Lieutenant N's APC, heading south along Rossville Street. Sergeant O's APC is seen crossing the junction. The second image shows Lieutenant N's APC as it turns into Pilot Row. On the right of this photograph, Sergeant O's APC can be seen coming to a halt in Rossville Street.





- 24.24** A photograph taken from the west side of Rossville Street by Robert White also shows Sergeant O's APC in Rossville Street.



- 24.25** In the photograph above, three soldiers can be seen behind the APC; the direction in which they are moving indicates that the photograph was taken as the APC moved off, after having stopped and after a number of soldiers had debussed from it. At first glance, the photograph seems to suggest that the APC must have stopped further north in Rossville Street than the film footage shows; however, this is an illusion created by the

angle from which the photograph was taken. Behind the APC one can just make out the curving kerbstones that led into Pilot Row, showing that the APC had passed Pilot Row at the time at which the picture was taken. The location of the APC in the photograph is consistent with the movement of the APC shown in the footage shot at ground level by an ABC News cameraman looking southwards down Rossville Street and the helicopter footage, which shows clearly that Sergeant O's APC stopped approximately opposite the turning into Pilot Row.<sup>1</sup>

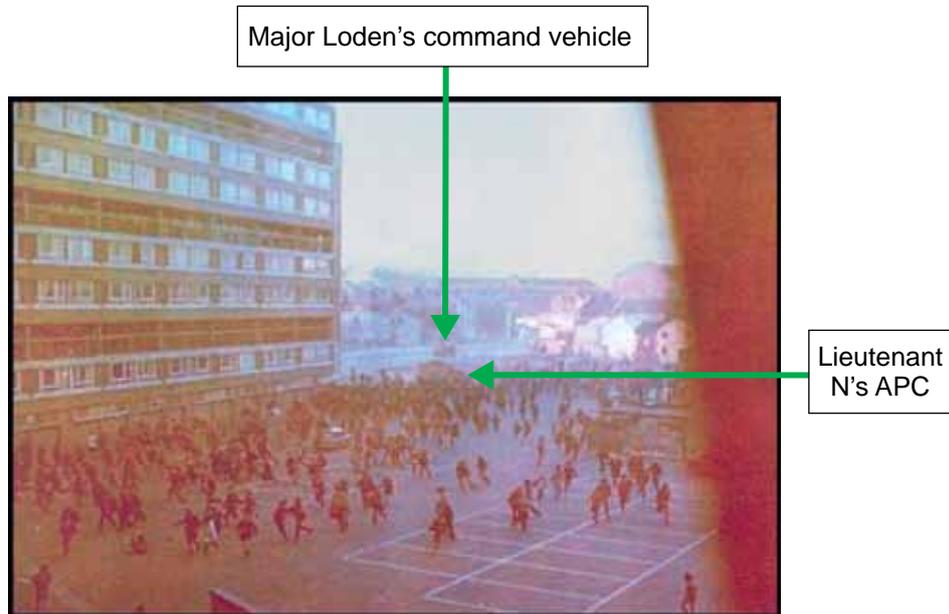
<sup>1</sup> Vid 48 11.48; Vid 2 01.50

- 24.26** The photograph below is a still from the helicopter footage. At the bottom of the picture, Lieutenant N's APC can be seen. It has come to a halt on the Eden Place waste ground. The two white smudges above and to the right of the APC are in our view puffs of smoke discharged by baton guns.

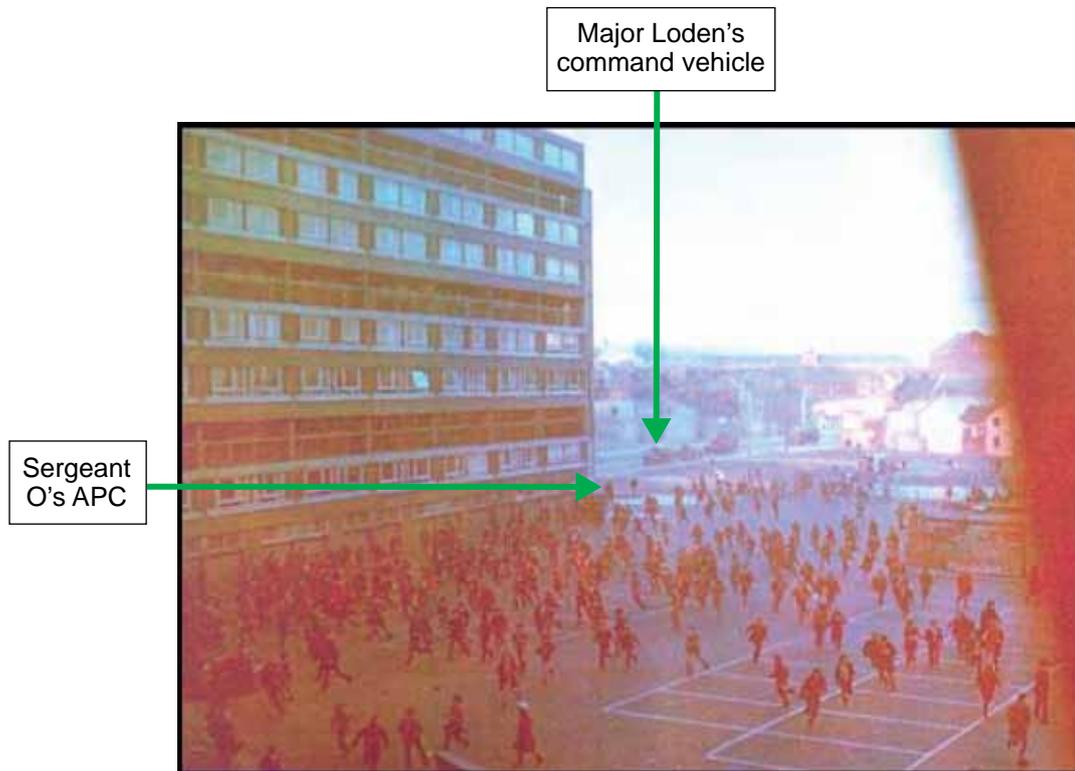


- 24.27** In the previous chapter we referred to two of a series of photographs taken by Derrik Tucker Senior from his home in Block 2 of the Rossville Flats, which showed the scene from his vantage point before the Army vehicles came into the Bogside. Set out below are two photographs that he took as the vehicles arrived. We have identified on the photographs the vehicles that can be seen.

- 24.28** The first photograph shows Lieutenant N's APC as it moves south-east along Pilot Row before turning north-east towards Eden Place. In the background can be seen Major Loden's command vehicle with the perspex turret. Sergeant O's APC was out of sight behind Block 1 of the Rossville Flats when this photograph was taken.



- 24.29** The second photograph shows a number of Army vehicles on Rossville Street. The leading vehicle is Major Loden's command vehicle. It is followed by the Ferret scout car. Behind the scout car are two APCs belonging to Machine Gun Platoon (one APC being barely visible behind the other). The rear vehicle on the photograph is the first of the two four-ton lorries that carried members of Composite Platoon (Guinness Force). Lieutenant N's APC can no longer be seen. By the time at which this photograph was taken, Lieutenant N's APC had turned to the north-east and was on the Eden Place waste ground, to the right of the scene shown on the photograph. Sergeant O's APC was no longer on Rossville Street but had turned into the access road leading to the car park, close to the north end of Block 1 of the Rossville Flats. The front offside part of Sergeant O's APC may just be seen in the photograph, emerging from behind the north end of Block 1.



**24.30** In his written statement for the Widgery Inquiry, Lieutenant N stated that the Company Commander “*told me to go through the barrier and arrest rioters*”:<sup>1</sup>

“8. I’ve never been in Londonderry on operations before and this area was unknown to me. I had the impression of large open spaces with the crowd standing round watching us. We kept going up what I now know to be Rossville Street. The crowd began to run away from us. We kept driving up the street to overtake some of them and caught up with the back people, and then I turned my pig left to somewhere between what I now know to be Eden Place and Pilot Row, cutting off about 100. My sergeant who had followed the normal drill of pulling past me up the right and had halted towards the car park of the Rossville Flats.”

<sup>1</sup> B398

**24.31** In his oral evidence to the Widgery Inquiry, Lieutenant N said that as he moved through the barrier he saw a crowd about 50 or 75m from him, running along Rossville Street and he followed this crowd in his vehicle. He caught them up and kept going with them. “*The aim in my mind was to cut as many off as we could so that we could debus in the middle*

of them.” He described the crowd as quite dense. He told the Widgery Inquiry that he did not know for some minutes where Sergeant O’s APC had gone, but that it had followed what he described as “our normal procedure”.<sup>1</sup>

<sup>1</sup> WT12.63-64

**24.32** In his written statement for the Widgery Inquiry, Sergeant O stated that he was ordered “to go into the crowd and make arrests”. He described how people scattered to either side of Rossville Street as they drove down and how, after his Platoon Commander had turned left at Pilot Row, he continued on and then swung left himself. “In this way we cut off between us a group of about 200 people. These were intended as the people the snatch squads would go into.”<sup>1</sup> In his oral evidence to the Widgery Inquiry he said<sup>2</sup> “... the Platoon Commander came up, gave me a briefing. It was a Snatch operation initially at Aggro Corner.”

<sup>1</sup> B466

<sup>2</sup> WT13.35

**24.33** Sergeant O told the Widgery Inquiry that as his APC slowed down to turn left, he believed that four men at the back of his vehicle had jumped out.<sup>1</sup>

<sup>1</sup> WT13.25

**24.34** Corporal P was one of those who told the Widgery Inquiry that he had got out of Sergeant O’s APC at this point, together with a soldier he was guarding who had a baton gun.<sup>1</sup> For the reasons given above, this was probably Private 017, who had a baton gun and who believed that he was one of this group.<sup>2</sup> Private R also told the Widgery Inquiry that he had got out at this stage.<sup>3</sup> Private U, from his written statement for the Widgery Inquiry, also appears to have disembarked at this point, together with the soldier carrying a baton gun whom he was protecting.<sup>4</sup> On the basis of our identification of the two soldiers carrying baton guns in Sergeant O’s APC, this would, if Private U were right (as we consider he probably was), have been Private 112.

<sup>1</sup> WT13.45

<sup>3</sup> WT13.72

<sup>2</sup> Day 358/45

<sup>4</sup> B767

**24.35** In his RMP statement, Private 006 recorded that he disembarked at the junction of Eden Place and Rossville Street.<sup>1</sup> In our view he meant Pilot Row, as there is no doubt that this is where Sergeant O’s APC briefly stopped. On the basis that he was in Sergeant O’s APC, which in our view was probably the case, he too appears to have disembarked before this APC turned left into the car park.

<sup>1</sup> B1375

**24.36** For these reasons, we consider that Corporal P, Private 017, Private R, Private U, Private 006 and probably Private 112 got out of the APC before it turned off Rossville Street, leaving Sergeant O, the driver Private INQ 1579 and Private T to continue to the Rossville Flats car park. Although Sergeant O believed that only four soldiers had disembarked at the earlier stage, it must be remembered that he was sitting in the front of the vehicle with the driver<sup>1</sup> and so might well not have been able to see exactly how many had got out. The ABC News film shows men disembarking from Sergeant O's APC as it turned left, and though it seems to show only four soldiers disembarking, there is a break in the film at this stage so that two more may well have disembarked afterwards.<sup>2</sup> The film also shows a puff of smoke, which in our view was from the firing of a baton round.

<sup>1</sup> B575.111

<sup>2</sup> Vid 48 12.26

## The question of firing at the moving Armoured Personnel Carriers

**24.37** According to the driver of Sergeant O's APC (Private INQ 1579), these vehicles had a top speed of 30mph and took time to reach this speed, as they were very heavy. His evidence was that there was not sufficient time for the APCs to reach top speed as they drove into the Bogside;<sup>1</sup> though as can be seen from the film footage,<sup>2</sup> they seem to have moved reasonably quickly.<sup>3</sup> In his written statement for the Widgery Inquiry, Private S (the driver of Lieutenant N's APC) estimated the speed of the APC that he was driving as about 20mph.<sup>4</sup>

<sup>1</sup> Day 336/153-154

<sup>2</sup> Vid 2 01.50; Vid 48 12.26

<sup>3</sup> The distance from the north end of Rossville Street to a point level with the entrance to Eden Place is about 55 yards. The film footage (Vid 2 01.59) shows that Sergeant O's APC covered this distance in about 4.5 seconds, suggesting a speed of about 25mph.

<sup>4</sup> B706

**24.38** None of the soldiers in Lieutenant N's APC suggested that this vehicle, which led the others, came under fire as it drove into the Bogside. The same applies to the soldiers in the second APC, though Private U in his first RMP statement recorded that "*As we were advancing the rioters threw stones and bottles at the vehicle, I also heard the sound of automatic gunfire*", but added that as far as he knew, "*no rounds hit the vehicle*".<sup>1</sup> In his written statement for and oral evidence to the Widgery Inquiry, he stated that as the vehicle came into Rossville Street, he heard a long burst of automatic gunfire that he was sure was coming from "*the other side of Glenfada Park*".<sup>1</sup>

<sup>1</sup> B748

<sup>2</sup> B767; WT13.94

**24.39** We have difficulty in accepting this account of Private U. He was the only soldier in the second APC to say that he heard automatic gunfire at this stage. We do not understand how, from inside this vehicle, he could have been able to tell from where the fire was coming, and it is noteworthy that this detail is absent from his RMP statement. In his evidence to this Inquiry, Private U told us that the shots he had heard sounded like slow sub-machine gun fire or Thompson sub-machine gun bursts. “*I could not tell where the gunfire was coming from.*”<sup>1</sup> He also said that his recollection was that it was a short burst of gunfire, though he had told the Widgery Inquiry that it was a long burst that he had heard.<sup>2</sup>

<sup>1</sup> B787.004; Day 369/16-17

<sup>2</sup> Day 369/18

**24.40** As will be seen from other parts of this report,<sup>1</sup> we have been unable to accept much of what Private U said he did and saw after disembarking from the APC. In our view his evidence is unreliable in so many respects that in the absence of any supporting evidence from those in the APC with him, we can place no reliance on his account of hearing automatic gunfire while in the APC. Had he heard such gunfire, we are sure that other soldiers in the vehicle would also have heard and commented on it. Indeed, Private U agreed in his evidence to the Widgery Inquiry that he could see no reason why the soldiers in the leading APC would not have been able to hear automatic fire.<sup>2</sup>

<sup>1</sup> Paragraphs 85.29–82 and 86.564–606

<sup>2</sup> WT14.2

**24.41** There was no evidence of any bullet marks or damage on either APC.

**24.42** Lieutenant 119, the Commander of Anti-Tank Platoon, was travelling in the second-to-last vehicle coming into the Bogside.<sup>1</sup>

<sup>1</sup> B1752.043

**24.43** In his first RMP statement, which was timed at 1320 hours on 31st January 1972,<sup>1</sup> Lieutenant 119 recorded that as they travelled down Rossville Street, “*the vehicles came under fire from the Rossville Flats and Glenfadda [sic] Flats*”. In his written statement for the Widgery Inquiry, Lieutenant 119 recorded that as they passed the William Street/Rossville Street junction, “*I saw that the leading Platoon had come under fire*”.<sup>2</sup>

<sup>1</sup> B1752.041

<sup>2</sup> B1752.043

24.44 In his oral evidence to the Widgery Inquiry, Lieutenant 119 said this:<sup>1</sup>

“Q. As you were passing over the junction, or round about there, did you observe any firing taking place, apart from baton rounds and CS gas?

A. When the leading platoon got up into Rossville Street I observed them come under fire from gunmen.

LORD WIDGERY: That is the Mortar Platoon.

Mr. GIBBENS: Would you give my Lord more detail about that. How did you observe them?

A. I was able to hear the fire and to see fire and when they got out of their vehicles they fired a large number of baton rounds in the direction of the crowd in the attempt to make the arrests.

Q. A little more detail than that. Which part of your vehicle were you sitting in?

A. In the front seat of my vehicle.

Q. The passenger seat?

A. Yes sir.

Q. And you could see fire coming, you say?

A. Yes sir, I could.

Q. What could you see of it? Could you see its source, or merely where it landed?

A. I could see the strike on the ground, sir.

Q. About how many strikes on the ground could you see?

A. It would be difficult to say, but three or four at first anyway.

Q. Whereabouts did it strike?

A. Very close, on the right-hand side of the Mortar Platoon's vehicles.

Q. Could you indicate on the model roughly?

A. Yes sir. They would be up to about here and the fire, I think, had come from somewhere in the direction of the flats and landed on that sort of side of the road.

Q. You said from the direction of the flats, but you were pointing, in fact, parallel down towards Lecky Street [sic]. Was it from the building, or from behind the flats?

A. I think it may well have been behind. It appeared, because I was here, to come from the direction of the flats.”

<sup>1</sup> WT14.10

**24.45** A little later in his evidence, Lieutenant 119 said that he did not feel it necessary to report this gunfire, as he thought Mortar Platoon and the Company Commander would have been aware of it.<sup>1</sup>

<sup>1</sup> B1752.063

**24.46** In his written evidence to this Inquiry, Lieutenant 119 stated that he was aware that Mortar Platoon was coming under fire and recalled seeing “*the splash of a round that was fired, it hit the road near the lead Mortar Platoon Pig*”.<sup>1</sup>

<sup>1</sup> B1752.015

**24.47** In his oral evidence to this Inquiry, Lieutenant 119 said that he was unable to remember how, from his position in the ninth of the ten vehicles going into the Bogside, he was able to see, with all the vehicles in between, shots hitting the ground on the right-hand side of the leading vehicle.<sup>1</sup> He was then shown the film of the vehicles entering the Bogside.<sup>2</sup> As Counsel to the Inquiry correctly pointed out:

“... What we can see from that photograph is that the command vehicle is some way behind the second Mortar Platoon Pig and the Ferret is some way behind the command vehicle, apparently at a time when the first Pig of the Mortar Platoon has turned off and then behind the Ferret car are two Pigs of the Machine-Gun Platoon and then there are two lorries and then there is the two Pigs of your platoon.

Looking at that material it seems prima facie to make it even more difficult to see how you would have seen shots landing on the right-hand side of the first Mortar Platoon Pig; do you follow the point that I am putting to you?

A. I follow the point, sir.

Q. How confident can you be that you did in fact see that?

A. I still have the snapshot of one round, sir.”

<sup>1</sup> Day 363/121

<sup>2</sup> Vid 48 12.26

**24.48** Counsel to the Inquiry also pointed out to Lieutenant 119 that his first RMP account<sup>1</sup> suggested that the vehicles that came under fire were his own.<sup>2</sup> Lieutenant 119 said that he did not believe that this is what he meant to say. Later in his oral evidence, Lieutenant 119 gave a similar explanation. When it was put to Lieutenant 119 again that he was not in a position to see the vehicles of Mortar Platoon as they came into the Bogside and therefore could not have known whether they came under fire, he replied: *"I have a snapshot recollection of that shot being fired."*<sup>3</sup>

<sup>1</sup> B1752.041

<sup>3</sup> Day 364/19-20; Day 364/59-60

<sup>2</sup> Day 363/123-124

**24.49** Major Loden was in the command vehicle, which was the third in the convoy after the two APCs of Mortar Platoon. His evidence to the Widgery Inquiry was that he observed no firing as the vehicles went in.<sup>1</sup> In his Diary of Operations<sup>2</sup> there is the following entry, timed at 1617 hours: *"Three rounds struck the second pig of the Mor Pl. My veh stopped on Rossville St/Pilot Row junction in the close vicinity of two rioters. The crew of my veh debussed to arrest these men."*

<sup>1</sup> WT12.27-28

<sup>2</sup> B2213

**24.50** Major Loden's Diary of Operations was written up after the event and included matters that he had not observed himself. In his oral evidence to this Inquiry, Major Loden said that he imagined that the information about the rounds striking the second APC had come from someone in his company, but that he had not observed this himself. He also said that he stood by what he had told the Widgery Inquiry and agreed that it looked from that evidence as though he had some scepticism about bullets hitting the second APC,<sup>1</sup> though he was at pains to emphasise that although he was in the next vehicle behind Sergeant O's APC and looking out, he would not necessarily have heard or observed these shots had they occurred.<sup>2</sup>

<sup>1</sup> Day 342/49-51

<sup>2</sup> Day 345/75-79

**24.51** In our view, Lieutenant 119 did not observe gunfire directed at either of the APCs of Mortar Platoon. He was at the back of the convoy, sitting on the passenger (left-hand) side, a considerable distance from these vehicles. Had there been such fire, it seems to us that, despite what Major Loden said to us, at least some of those in the leading APCs or immediately following vehicles would have been bound to have noticed it, if not Major Loden himself. We return to Lieutenant 119's accounts later in this report.<sup>1</sup> As will be seen, there are other parts of his evidence that we have found ourselves unable to accept.

<sup>1</sup> Paragraphs 93.16–55, 96.4–7, 98.4–10, 100.15–19 and 113.58–60

**24.52** However, the representatives of the majority of represented soldiers submitted that as the two APCs drove south down Rossville Street and turned east across the Rossville Street waste ground, they were attacked by gunmen and rioters.<sup>1</sup> It is noteworthy that in support of this submission these representatives did not rely on the evidence of soldiers, but on the evidence of a number of civilians, namely George Nelis, Gerard Grieve, Eunan O'Donnell, Edward Dillon, Thomas Daly, Noel Moore, Ann Harkin, Harry McBride and Bernard Gilmour.<sup>2,3</sup>

<sup>1</sup> [FS7.1329](#)

<sup>2</sup> [FS7.1329-1339](#)

<sup>3</sup> We have also looked at the evidence of the following three witnesses, but have not found it of any assistance on the matter under discussion: Donncha MacFicheallaigh ([Day 409/96](#)); Ciarán Mac Lochlainn ([Day 415/126](#)); Robert McLaughlin ([Day 107/14](#); [Day 107/35](#)).

**24.53** None of these witnesses suggested that they observed any gunfire directed at the two leading APCs, or indeed at any of the Army vehicles.

**24.54** George Nelis gave us an account of being at his mother's house at 33 Chamberlain Street (which was the southernmost house on the east side of Chamberlain Street), hearing a running crowd, and going outside to investigate:<sup>1</sup>

"It was as I stepped outside the house that I also became aware of gunfire. I did not hear the sound of guns being fired, but I distinctly remember hearing the sound of bullets striking. It seemed to me that I could hear bullets hitting the house somewhere high up, perhaps at the eaves. Bullets seemed to be hitting the house in short bursts, as if there had been regular bursts of fire from an automatic weapon. I remember thinking that the sounds had an echo to them, but my overall impression was of the sound of bullets hitting the house somewhere high up."

<sup>1</sup> [AN9.2](#)

**24.55** In his oral evidence to this Inquiry, George Nelis told us that there were maybe two bursts of possibly three or four bullets each. Again he placed the bullet strikes that he heard (he repeated that he did not hear the weapon discharging) at the level of the eaves of his mother's house and of the next two houses in the street. The bullets seemed to move along in a line above his head and were not focused on one spot.<sup>1</sup>

<sup>1</sup> [Day 103/149](#)

**24.56** George Nelis told us that after he had gone out of the house, he followed the crowd into the Rossville Flats car park and there saw a body lying on the ground. From his account this would appear to be Jackie Duddy.<sup>1</sup> He also saw Margaret Deery.<sup>2</sup> These were two of the casualties in Sector 2, who were hit by gunfire after the soldiers had arrived and disembarked in Sector 2.

<sup>1</sup> AN9.2

<sup>2</sup> AN9.3

**24.57** In our view, George Nelis's account does not support the suggestion that he heard non-military fire as the Army vehicles came into the Bogside. On the contrary, it appears that what he recalled hearing was the strike of bullets at a later stage, after the soldiers had disembarked and perhaps even after two of the known casualties had been hit by gunfire. Furthermore, we find difficulty in accepting that bullets were in fact hitting the eaves of his mother's house. It was submitted that these could not have been Army fire, as there is no evidence that any soldier was in a position to hit the eaves of a house on the east side of Chamberlain Street. Equally, however, it seems highly unlikely that any non-Army firer would have had any cause to fire in this direction. In the end we formed the view that it would be unwise to rely on this part of the account that George Nelis gave us so long after the event. There is no other evidence to suggest that shots hit 33 Chamberlain Street.

**24.58** As to Gerard Grieve's account,<sup>1</sup> he told us that the fire that he heard was from the Army and before the APCs (he described them as "Saracens") had stopped. However, he also recalled that soldiers were coming in on foot with the Saracens following. We are sure that no soldiers preceded the two leading APCs, so we are doubtful about the accuracy of his recollections after so many years. In any event, he described the firing as being from the Army. In our view his account does not support the proposition that the leading APCs came under fire.

<sup>1</sup> Day 147/9-10

**24.59** We take the same view of the account that Eunan O'Donnell gave us. He described a volley of shots that appeared to him to come from the City Walls, but expressed himself as "*no longer entirely clear*" as to the order in which he saw the Army coming in and heard these shots.<sup>1</sup> In his Northern Ireland Civil Rights Association (NICRA) statement<sup>2</sup> he described hearing shouts that the Army was coming in, running towards an entry in Columbcille Court and falling to the ground on hearing shots. In this statement he recorded that although he was not sure, he thought he had heard about 30 shots in all.

<sup>1</sup> Day 54/114-115

<sup>2</sup> AO28.6

**24.60** Edward Dillon gave a NICRA statement<sup>1</sup> in which he described coming up towards the meeting at Free Derry Corner. “*At the High Flats the soldiers started firing.*” In his written account to us<sup>2</sup> he described hearing shooting, which he thought was from the direction of Blocks 1 and 2 of the Rossville Flats and “*possibly*” from the roof, more or less at the same time as he saw Army vehicles. From his accounts it appears that Edward Dillon was to the south of the Rossville Flats. He was sure that the fire was Army fire.<sup>3</sup> In our view his accounts do not demonstrate or suggest that what he heard was firing directed at the soldiers.

<sup>1</sup> AD45.6

<sup>3</sup> Day 174/84-89

<sup>2</sup> AD45.1

**24.61** Thomas Daly told us<sup>1</sup> that he recalled running down Rossville Street with a lot of people when they heard the sound of Army vehicles. He recalled being at about Pilot Row when he heard a number of cracks that he believed to be Army fire. He ran towards the car park of the Rossville Flats and the gap between Blocks 1 and 2, hearing more single shots behind him. At some point he looked behind him and saw Army vehicles in Rossville Street roughly opposite Kells Walk. In our view this evidence does not indicate that the fire he heard was fire directed at the Army vehicles, as it is not apparent from his account that he heard gunfire before the Army vehicles had arrived.

<sup>1</sup> AD4.2

**24.62** Noel Moore gave written and oral evidence to this Inquiry.<sup>1</sup> Having considered the whole of this evidence, we concluded that we could not rely on the accounts of this witness, as his recollections differed in numerous and material respects from other convincing evidence of a number of events.

<sup>1</sup> AM416.1; Day 63/101-128

**24.63** Ann Harkin made a NICRA statement<sup>1</sup> in which she described standing opposite the Eden Place waste ground, hearing a roar and seeing the Saracens coming “*ro[u]nd the corner*”, and running past the rubble barricade in Rossville Street. Ann Harkin made no mention of hearing gunfire at this stage, but later in this statement said that she was sure there was firing from the City Walls when she had reached the Old Bog Road (Fahan Street West). In her written account and in her oral evidence to us Ann Harkin recalled hearing live rounds at the same time as she heard the roar of the Army vehicles. However, this witness also told us that she saw Army vehicles in the Eden Place area<sup>2</sup>

and also said that she was not sure whether she had heard the roar and the shots at the same time. Listening to her evidence, we formed the view that Ann Harkin did not really recall the order in which these events occurred.

<sup>1</sup> AH10.8

<sup>2</sup> AH10.4; Day 59/115-116

**24.64** Harry McBride told us that the first shots he had heard were when he was at Free Derry Corner. These were “*single shots but ... quicker than I normally heard*”. He told us that these were before he saw any Army vehicles:<sup>1</sup>

“Q. All you can tell the Tribunal is that the noise of where the guns appeared to be, they appeared to be to the north of you, somewhere near Rossville Street?

A. Yes.

Q. That was the fire that you described in paragraph 6 as being like automatic fire?

A. Yes.

Q. And that was before you saw any Saracens?

A. Yeah, when I was on the ground, I was not actually looking for Saracens or anything, I was then apprehensive that the Saracens or other vehicles could come through the barricade, but I was not particularly looking to see if they were there.

Q. And you had not seen any at that stage?

A. I really was not looking, I was trying to protect myself and then when I felt that, where I was lying, that I was still in danger, I ran underneath a lorry. I was not looking around, I was just trying to get out of the road as quickly as possible and into some safe place.”

<sup>1</sup> AM47.2; Day 105/108

**24.65** In our view this evidence falls far short of even suggesting that Army vehicles were fired on as they came into the Bogside. Harry McBride, according to his account, was not looking for “*Saracens*” but was concerned that they might come south through the barricade in Rossville Street.

**24.66** Bernard Gilmour is the brother of Hugh Gilmour, who was shot and killed on Bloody Sunday. We consider the circumstances of that shooting in our consideration of the events of Sector 3.<sup>1</sup>

<sup>1</sup> Paragraphs 85.29–82, 86.60–156 and 89.46–49

24.67 In his NICRA statement<sup>1</sup> Bernard Gilmour and two other witnesses described being in 23 Garvan Place (a flat in Block 2 of the Rossville Flats) and seeing two Saracens coming in from Rossville Street. These witnesses then described what they saw from that flat, to which we return later in this report.<sup>2</sup> There is nothing in that statement to suggest that they had previously heard gunfire. However, in Bernard Gilmour's account to us he described hearing 30 to 40 shots when he was in Rossville Street and about five seconds later the revving up of the APCs, all before he had reached the flat.<sup>3</sup> In this respect we are of the view that Bernard Gilmour has confused the order of events. Had this amount of gunfire occurred before the Army vehicles had come into Rossville Street, we are sure that he would have described it in his NICRA statement; and that there would be other evidence of firing at this stage.

<sup>1</sup> AG38.9

<sup>3</sup> AG38.3; Day 87/201-202

<sup>2</sup> Paragraph 63.13

24.68 There is another consideration. As can be seen from the film footage and stills referred to above, as the leading APCs drove into the Bogside, there were fleeing civilians in the area. Anyone considering firing at these vehicles would have been bound to realise that there would be a risk of hitting civilians if he opened fire. In our view this militates against the suggestion that the APCs were fired on at this stage, since it would be entirely against their interests for paramilitaries to risk being blamed for the shooting of civilians.

24.69 For these reasons, we take the view that no shots were fired towards or hit either APC of Mortar Platoon as these vehicles came into the Bogside.

24.70 Private U gave evidence in his first RMP statement<sup>1</sup> of rioters having thrown stones and bottles at his vehicle as it advanced. In his written statement for the Widgery Inquiry, Private S recorded that "*Missiles had been thrown at the vehicle all the way from William Street*".<sup>2</sup> In his RMP statement, Private 006 recorded that the vehicles were hit with missiles but the statement is not clear as to whether the vehicles were hit before or after the soldiers alighted.<sup>3</sup> Private 006 told us that rioters threw bricks and bottles at the vehicles until the vehicles stopped.<sup>4</sup>

<sup>1</sup> B748

<sup>3</sup> B1375

<sup>2</sup> B707

<sup>4</sup> Day 334/45

24.71 Neil McLaughlin told us that he was in the Rossville Flats car park when "*four or five army Pigs approached the north western entrance to the car park and stopped in a group at the north gable end of Block 1 of the Rossville Flats*". He continued: "*Together with about twenty other people ... I ran at the Pigs, throwing stones at them. I am pretty sure that I hit one of them. Suddenly, soldiers jumped out of the back of the Pigs.*"<sup>1</sup> In his oral

evidence to this Inquiry, he accepted that there was only one APC at the entrance to the car park and more in Rossville Street. He said that he was at the gable wall at the south end of Chamberlain Street when he saw the vehicles and threw the stones.<sup>2</sup> He said that it was the APC at the car park entrance towards which he and about 20 others charged.<sup>3</sup>

<sup>1</sup> [AM347.2](#)

<sup>3</sup> [Day 91/53-54](#)

<sup>2</sup> [Day 91/5-6](#)

## 24.72

We consider that, as the vehicles came into the Bogside, a few civilians did throw stones or similar missiles at them, as some soldiers have said.<sup>1</sup> In our view the ABC News film<sup>2</sup> shows one or two people whose posture and movements suggest that this was the case, though most people seem to be running away and the stoning does not seem to be as heavy or prolonged as some soldiers suggested.

<sup>1</sup> [B748; B707; Day 334/45](#)

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

## Chapter 25: The arrival of Lieutenant N's Armoured Personnel Carrier

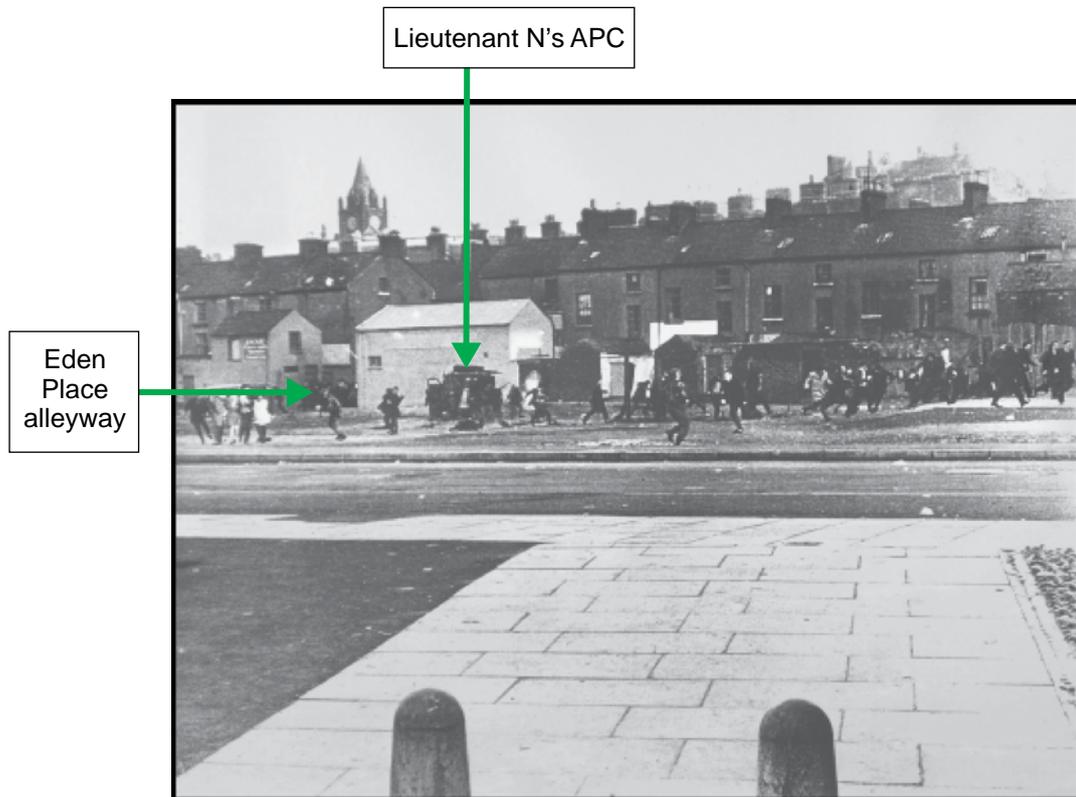
25.1 There are photographs that show where Lieutenant N's Armoured Personnel Carrier (APC) stopped on the Eden Place waste ground. The first was taken looking south-west.<sup>1</sup>

<sup>1</sup> This photograph was obtained from the *Sunday Times* archive and attributed to Fulvio Grimaldi. In his evidence to this Inquiry, Fulvio Grimaldi said that he thought that the photograph might well have been taken by him ([Day 131/15](#)).



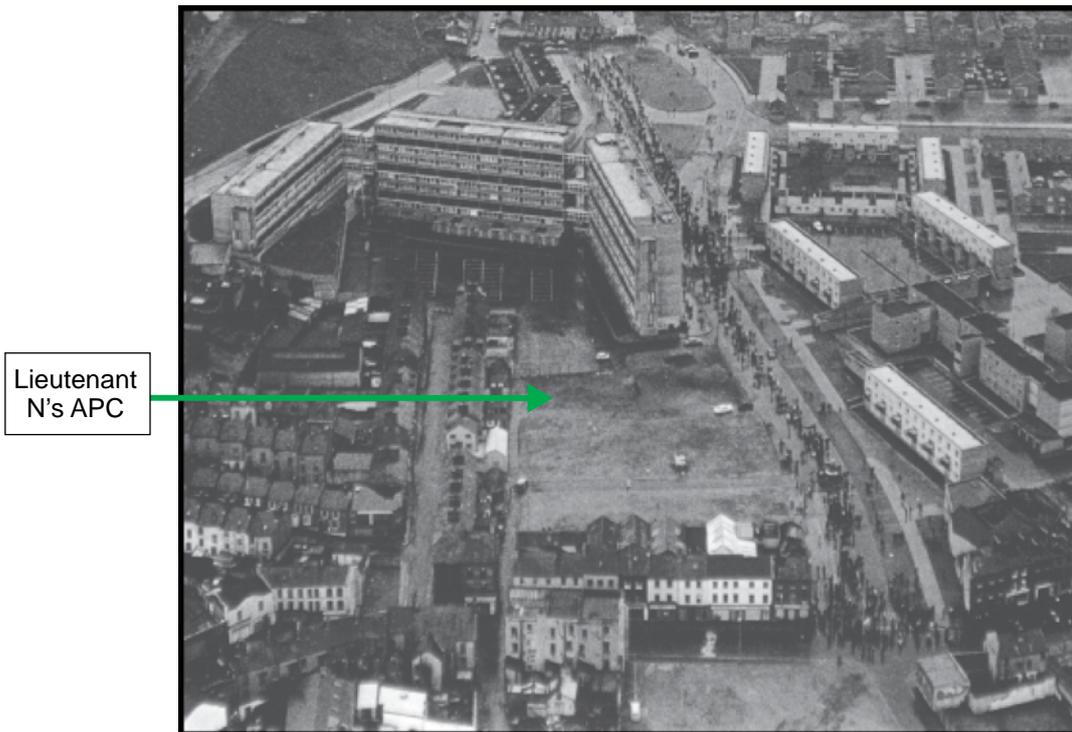
25.2 The photograph below<sup>1</sup> was taken from the west side of Rossville Street. Lieutenant N's APC is in the position at which it stopped on the Eden Place waste ground. The Eden Place alleyway can be seen on the left of the photograph.

<sup>1</sup> Photograph taken by Robert White ([AW11.3](#); [AW11.26](#)).



**25.3** On the aerial photograph below, which was not taken on Bloody Sunday, the approximate place at which Lieutenant N's APC came to a halt has been marked.<sup>1</sup>

<sup>1</sup> Photograph supplied by the Imperial War Museum.



25.4 We now consider the evidence of the soldiers in this APC as to what then happened.

# Chapter 26: The evidence of the soldiers in Lieutenant N's Armoured Personnel Carrier

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## Lieutenant N

**26.1** In his first Royal Military Police (RMP) statement, Lieutenant N recorded that as he got out of the vehicle several people ran past throwing stones and bottles. Some ran towards the flats, while others ran into Eden Place and continued towards Chamberlain Street. He recorded that he ran after the latter group accompanied by Private 019 and Private INQ 1918.<sup>1</sup> He said nothing about coming under fire.

<sup>1</sup> B373

- 26.2 In his written statement for the Widgery Inquiry, Lieutenant N described how, as he got out of his APC:<sup>1</sup>

“... a man about 10 feet away began to throw lumps of concrete at me. I made straight for him. He turned and ran and then turned and threw another one. By which time I had closed with him. I started to try and grapple with him. My helmet strap broke and my helmet fell off over my eyes and during the confusion the man got away. As a result I was somewhat behind the rest of the platoon who had pursued the crowd towards the high flats. I moved out of the open towards the backs of the houses in Chamberlain Street taking up position roughly at Eden Place with my radio operator and one man with a riot gun. The situation here was not comfortable...”

<sup>1</sup> B398

- 26.3 Again, at this stage in his account Lieutenant N made no mention of coming under fire, though later in this account<sup>1</sup> he stated that:

“13. During the period I was occupied around Eden Place I was aware of firing but none of it affected me directly, I was considerably occupied, and I cannot say exactly when it began or ceased. Certainly when I reached the platoon sergeant’s pig firing had ceased from my men.”

<sup>1</sup> B399

- 26.4 In his oral evidence to the Widgery Inquiry, Lieutenant N described how shortly after the incident described above he fired three shots into Chamberlain Street and a little later fired at what he described as a nail bomber. We consider these incidents below, but for present purposes it is important to note that when asked whether at this stage he had heard any shots other than his own, he replied that he had not, apart from rubber bullets.<sup>1</sup>

<sup>1</sup> WT12.67; WT12.69

- 26.5 On 2nd February 1972, Lieutenant N took part with other soldiers in an interview recorded for a Thames Television This Week programme. In a part of the interview which was not used in the programme, Lieutenant N said that there had been “*a rifle-man who’d been firing from the – I can’t remember exactly – the bottom left hand corner of the flats*” and that he had seen this man firing.<sup>1</sup> Lieutenant N acknowledged to the Widgery Inquiry that he had not seen a man firing from that position, but said that as part of an attempt to rebut criticism being made of the Army, he had claimed in the interview to have seen

something that had in fact been reported to him by some of his soldiers. When it was suggested to him that what he had said in the interview was a lie he replied that “*technically*” it was untrue.<sup>2</sup>

<sup>1</sup> ED57.3-4

<sup>2</sup> WT12.73-74

## Private INQ 1918

26.6 Private INQ 1918 was Lieutenant N's radio operator.<sup>1</sup> In his RMP statement dated 30th January 1972<sup>2</sup> he recorded nothing about his movements after he had disembarked from the APC, but this was probably because this statement was concerned with an arrest that he said he had made of Duncan Clark, a matter that we consider later in this report.<sup>3</sup> In his written evidence to this Inquiry, he again recorded nothing about what he did as he disembarked. He described being near Lieutenant N at the entrance to the Eden Place alleyway when he heard “*the sound of incoming fire from my left rear quarter*”, he thought a couple of shots, which he was sure was high velocity fire but not from a self-loading rifle (SLR).<sup>4</sup> He marked on a drawing<sup>5</sup> his position as A, Lieutenant N's position as B, the area from which the sound of the fire was coming as X, the position of the two APCs as P, the positions of other soldiers as C and D, and the direction from which the APCs had come with arrows.

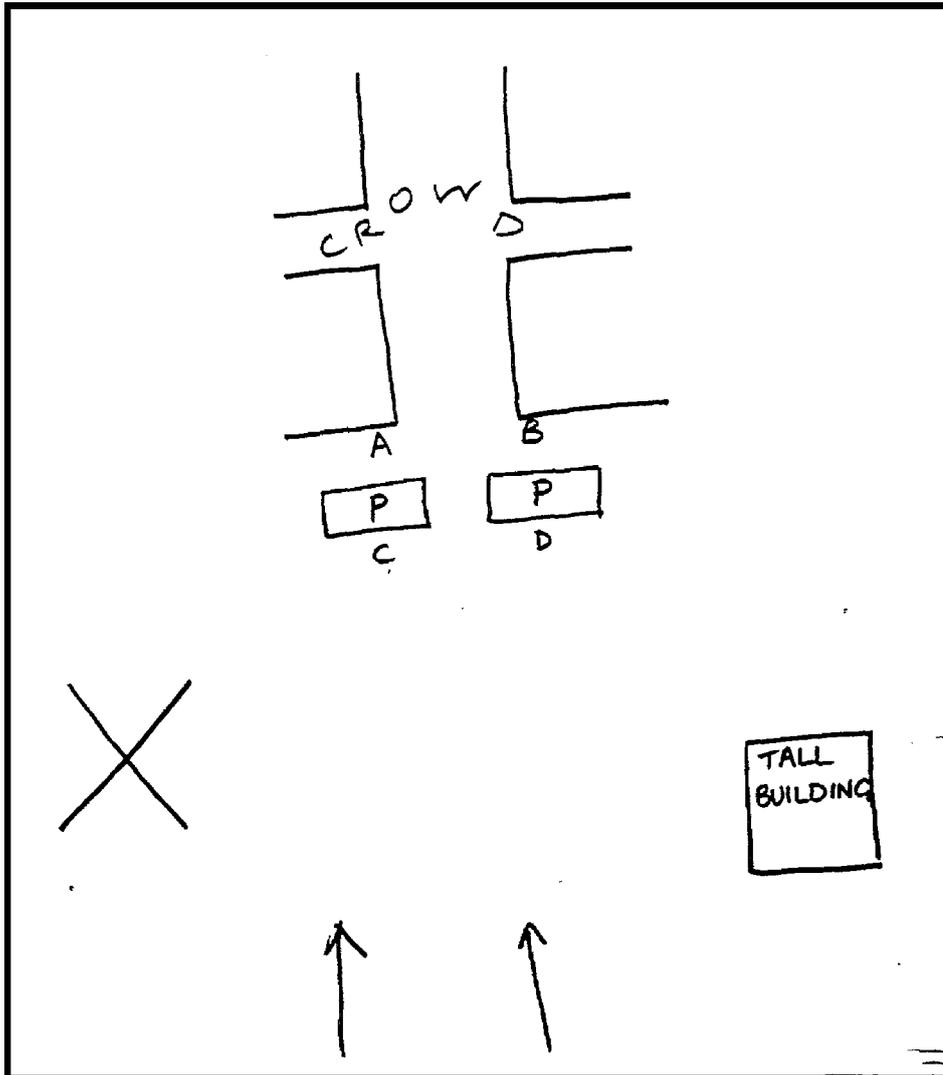
<sup>1</sup> C1918.1

<sup>4</sup> C1918.2

<sup>2</sup> C1918.9

<sup>5</sup> C1918.5

<sup>3</sup> Paragraphs 30.13–34



## 26.7

Private INQ 1918 can be seen in the first of the photographs displayed in the previous chapter.<sup>1</sup> He is the soldier carrying a radio on his back.<sup>2</sup> He is also seen in the two following photographs, the second of which marks him as A and Lieutenant N as B.<sup>3</sup> We consider below what was happening when these photographs were taken by the *Daily Mail* newspaper photographer Jeffrey Morris.<sup>4</sup>

<sup>1</sup> Paragraph 25.1

<sup>2</sup> Day 342/81

<sup>3</sup> Day 342/82

<sup>4</sup> C1918.6



26.8 In his oral evidence to this Inquiry, Private INQ 1918 agreed that he could not be 100 per cent certain about the sound or direction of the incoming fire he said he recalled hearing.<sup>1</sup> During the questioning of Private INQ 1918 about this and his recollection<sup>2</sup> of hearing Thompson sub-machine gun fire at some stage, there was the following exchange:<sup>3</sup>

“The reason I asked these questions is because you have very honestly said your recollection is one of isolated snapshots and it raises the question of whether, in your attempt to set out your recollection to the best that you can, you may have imported into the recollection of that day an incident or a recollection from another day on your tour of Northern Ireland?”

A. That is perfectly possible, yes.

Q. So this recollection of a Thompson sub-machine-gun may come from another occasion?

A. It could well do.”

<sup>1</sup> Day 342/98-99

<sup>3</sup> Day 342/100-101

<sup>2</sup> C1918.3

26.9 Private INQ 1918 also said that although as the radio operator he was wearing headphones, he was able to distinguish between SLR fire and other high velocity fire.<sup>1</sup> We remained unconvinced that he was able to do this.<sup>2</sup>

<sup>1</sup> Day 342/102-103

<sup>2</sup> Day 342/114-116

## Corporal 162

26.10 Corporal 162 mentioned nothing in his RMP statement dated 4th February 1972<sup>1</sup> about coming under fire or hearing fire as he debussed and ran towards the Eden Place alleyway. He described seeing a man running towards the alleyway from the direction of William Street, who was carrying a metal stake, about a foot long, which he threw at Corporal 162. He stated that Private 019 saw this and fired a baton round at this man, who “*disappeared into Chamberlain St*”. In none of his accounts did Private 019 mention this incident, so although we are sure (from the helicopter footage) that Private 019 was one of the two who fired a baton round on disembarkation, whether he fired at a man who had thrown a metal stake remains uncertain.

<sup>1</sup> B1962.007

- 26.11** Corporal 162's RMP statement continued with an account of running along the Eden Place waste ground and getting as far as 30 Chamberlain Street where he met Sergeant O who had an arrested person (William John Doherty) with him. We consider later in this report<sup>1</sup> the circumstances of this arrest.
- <sup>1</sup> [Chapter 40](#)
- 26.12** In his written statement to this Inquiry, Corporal 162 stated that as he debussed "*I heard what I believed to be automatic fire coming from my right in front of the Pig ... I just remember hearing a burst of automatic fire, the zip sound of about four or five rounds ... I would say that it came from the Rossville Flats or Rossville Street area.*" He stated that though the firing was not an immediate threat to him it made him go close to the walls at the back of the houses on the west side of Chamberlain Street.<sup>1</sup>
- <sup>1</sup> [B1962.003](#)
- 26.13** Corporal 162 maintained this account of firing when he gave oral evidence to this Inquiry. When reminded that his RMP account made no mention of any firing at the time, he said that he would have mentioned it to the military policeman but could not say why it had not been included.<sup>1</sup> We were not persuaded that Corporal 162 had heard incoming fire.
- <sup>1</sup> [Day 323/213-214](#)

## Lance Corporal V

- 26.14** In his RMP statement timed at 0025 hours on 31st January 1972, Lance Corporal V recorded that "*As I debussed I heard the sound of shots. I cocked my weapon. I heard two explosions. Rioters also threw petrol and acid bombs.*"<sup>1</sup>
- <sup>1</sup> [B788](#)
- 26.15** In his written statement for the Widgery Inquiry, Lance Corporal V stated that it was just before he debussed that he heard the two explosions "*which were definitely not rubber bullets. I had cocked my rifle as soon as I debussed since I had heard these explosions and as I was running forward behind [Private] S I heard the firing of single shots. I also saw the spurt of bullets hitting the ground somewhere to my right.*"<sup>1</sup>
- <sup>1</sup> [B801](#)

26.16 In his oral evidence to the Widgery Inquiry, Lance Corporal V said that the sound of the explosions that he had heard had come from the Rossville Flats area and that so far as he could judge the single (high velocity) shots had come from the alleyway between Blocks 1 and 2 of the Rossville Flats.<sup>1</sup>

<sup>1</sup> WT13.11

26.17 Lance Corporal V gave written and oral evidence to this Inquiry. In his written evidence he said nothing about the explosions or hearing single shots, though he emphasised that his oral evidence to the Widgery Inquiry had been given to the best of his ability.<sup>1</sup> In his oral evidence to this Inquiry, he said that he had no present recollection of hearing explosions before he debussed, or the single shots hitting the ground as he ran behind Private S.<sup>2</sup> He was unable to explain why in his RMP statement he appeared to record that he had heard shots as he debussed, then cocked his weapon and then heard two explosions, while in his evidence to the Widgery Inquiry his account was that he heard explosions before he debussed, cocked his weapon after he had debussed and then heard shots.<sup>3</sup>

<sup>1</sup> B821.004

<sup>3</sup> Day 333/103-104

<sup>2</sup> Day 333/55

## Lance Corporal INQ 768

26.18 As already noted, Lance Corporal INQ 768 gave no account in 1972. In his written evidence to this Inquiry<sup>1</sup> he stated that when the APC stopped he went to the rear, knelt down “*and I believe shut the PIG doors*”. He believed that he was the only person who stayed with the vehicle. He continued:

“18. I remember being at the back of the PIG and hearing incoming automatic fire. I would estimate that I heard 5 or 6 rounds being fired and that they were fired from either a machine gun or a rifle adapted to fire automatically, but I could not identify the exact weapon. All I now recall is that it was incoming fire, I could not say from exactly where it was fired but I do remember scanning the flats and I believe I did that in an attempt to identify a gunman, I did not see one.

19. As soon as I heard the incoming automatic fire, single shot SLR fire was returned from the army. I could not say who fired and from where but I certainly had the impression at the time and do so now that the army fire was in response to the automatic fire and so I assume that soldiers were engaging the gunmen.

My recollection is that I heard between 3 and 4 – 10 rounds being fired in reply.”

<sup>1</sup> C768.3

**26.19** A little later in this statement, Lance Corporal INQ 768 told us that he did not see anyone being beaten up. *"I would add that soon after we got out of the PIG we came under fire and then people would have reduced their target size and if available would have taken cover. To suggest that in such circumstances soldiers would seek to beat up somebody and thus expose themselves to the risk of being shot is a suggestion which lacks common sense."*<sup>1</sup>

<sup>1</sup> C768.5

**26.20** In the course of his oral evidence to this Inquiry, Lance Corporal INQ 768 said that he did not actually see anybody being physically arrested, nor any soldiers taking cover. As to the firing that he said he had heard, he told us that this was high velocity fire that came from the direction of the flats and that he believed himself to be under fire. He said he had no recollection of hearing Lieutenant N firing three shots into Chamberlain Street, or of any firing of baton guns.<sup>1</sup> He was unable to explain how he had only heard a few shots fired by the Army in reply to what he had said was incoming fire.<sup>2</sup>

<sup>1</sup> Day 323/142-150

<sup>2</sup> Day 323/154

**26.21** As we have already observed,<sup>1</sup> in our view Lance Corporal INQ 768 was wrong in his recollection that he was in Sergeant O's APC. His evidence was to the effect that the incoming automatic fire he said he heard was soon after the soldiers had disembarked. Since on his own account he did not see what the other soldiers did, his comment about the other soldiers taking cover and thus not being in a position to beat anybody up is, therefore, conjecture. In fact, as will be seen, soldiers did not take cover but instead set about trying to arrest people on the waste ground, as well as (in some cases) advancing towards the Rossville Flats.

<sup>1</sup> Paragraphs 24.8–18

## Private Q

**26.22** In his RMP statement timed at 0030 hours on 30th January 1972 (which must be a mistake for 31st January),<sup>1</sup> Private Q recorded that as he got out of the vehicle stones and bottles were being thrown at his position *"from where Chamberlain St runs into the forecourt of the Flats. As we deployed to cover I heard shots fired. These were fired towards us but I did not see any strikes made of the rounds fired. I was not able to locate any of the gunmen."*

<sup>1</sup> B624

26.23 In his written statement for the Widgery Inquiry,<sup>1</sup> Private Q gave the following account:

“We were told that we were moving in to make arrests. We moved off and arrived eventually on waste ground which I now know to be in front of the north corner of Rossville Flats. As I got out of the vehicle there were a lot of people running about mostly in the general direction of the forecourt of the flats and some down Rossville Street towards what I now know to be Free Derry Corner. Arrests were being made and I had been detailed to act as cover for an arrest group.

My rifle at this stage was not cocked. The soldier I was detailed to cover was armed with a baton gun and ran on towards the forecourt of Rossville Flats ahead of me and as he did so fired his baton gun several times in the direction of the crowd where there were a number of people who were turning and throwing stones in our direction as they retreated into the forecourt. The stone throwing was heavy so we took cover at the north end of the Rossville Flats. At this time I heard four or five single low velocity shots and I went to the western corner of the north end of the flats from where I could see soldiers moving up towards the barricade in Rossville Street from where stones were being thrown at soldiers. I then returned to the eastern corner of the north end of Rossville Flats.”

<sup>1</sup> B635-636

26.24 As we describe below, the baton gunner to whom Private Q referred was Private 013.

26.25 In his oral evidence to the Widgery Inquiry, Private Q described himself as in an arrest group of three, two with an SLR and the other with a baton gun. He said that the people in the forecourt of the Rossville Flats were “*stopping, throwing at us and moving again ... We took cover because the stoning became heavy.*” He then told the Widgery Inquiry that he and the soldier with the baton gun had run to the north end of the Rossville Flats and that it was at this stage that he heard four or five low velocity shots, but he did not know where they landed or where they had come from.<sup>1</sup>

<sup>1</sup> WT12.86

26.26 Later in this evidence Private Q said that there was no firing as the soldiers got out of the APC, that the firing that he heard was about 45 seconds or a minute later and that he was not conscious of any firing being directed either at him or the other soldiers who had been in the APC.<sup>1</sup>

<sup>1</sup> WT12.93-95

**26.27** In his written statement to this Inquiry, Private Q told us that as he ran from the APC towards the people, he could hear the crack and thump of incoming fire coming over his head.<sup>1</sup>

<sup>1</sup> B657.3

**26.28** In his oral evidence to this Inquiry, Private Q said that he was sure that the shots he heard were incoming fire and could not have been the shots fired by Lieutenant N.<sup>1</sup> Reminded of what he had told the Widgery Inquiry, he first told us that what he meant was that shots were not fired at him personally but at other soldiers near him, and then that he could not give an explanation for this change in his evidence.<sup>2</sup>

<sup>1</sup> Day 339/70-71

<sup>2</sup> Day 339/73-77

**26.29** If Private Q had heard incoming fire directed at him or his colleagues as or soon after they disembarked from the APC, we are sure that he would have said so to the Widgery Inquiry. For this reason we cannot accept the account of incoming fire at this stage that he gave to us.

## Private 013

**26.30** We are sure that Private 013 was the baton gunner whom Private Q described following towards the Rossville Flats, since the other baton gunner (Private 019) went towards the Eden Place alleyway, as we describe below.

**26.31** In his RMP statement dated 4th February 1972, Private 013 recorded that he moved into the forecourt of the Rossville Flats where on his arrival he used the baton gun to move back the crowd who were throwing various missiles. He continued: "*At the same time I heard the sound of gunfire and saw two or three bullets strike the ground behind me on my right. I could not say from which block of flats the shots came from as I was observing people throwing bottles and acid bombs from the balcony of Block 1, Rossville Flats.*"<sup>1</sup>

<sup>1</sup> B1406

**26.32** It appears from this statement that Private 013 was describing firing after he had moved away from the APC. In his written evidence to this Inquiry, Private 013 stated that he could hear "*bangs going off all around me although I didn't know where they were coming from. It could have been from us.*"<sup>1</sup> He also said he could not remember saying to the

RMP that he had seen bullets hitting the ground “*and I cannot now recall seeing these*”.<sup>2</sup> We should note that, for medical reasons, Private 013, did not give oral evidence to this Inquiry.

<sup>1</sup> B1408.003

<sup>2</sup> B1408.006

## Private 019

**26.33** Private 019 (the other soldier in Lieutenant N's APC with a baton gun) described in his RMP statement dated 4th February 1972 being at “*the corner of Eden Place/Harvey Street*” observing a group of rioters in that area, with Lieutenant N on the opposite side of Eden Place. “*Suddenly I heard three to five shots being fired. These shots were of high velocity and were fired from the direction of Block 2 Rossville Flats.*” He then described how the rioters advanced and how Lieutenant N fired two shots into Chamberlain Street.<sup>1</sup>

<sup>1</sup> B1492

**26.34** In his written statement to this Inquiry,<sup>1</sup> Private 019 described disembarking and going with Lieutenant N. He said that he could not remember seeing many civilians as he debussed. “*There were certainly some around but they were no cause for concern.*” He went with Lieutenant N and took cover at the southern end of the Eden Place alleyway:

“I could see a crowd of civilians at the junction between Chamberlain Street and Harvey Street (grid reference O13). I cannot remember what they were doing. I could hear the noise of the crowd at this stage and the bangs of baton rounds. I think I could hear rifle fire at this time too. I cannot remember hearing any pistol shots nor any automatic fire at this time or at any time. The rifle fire I could hear could have been hostile or it could have been ours. I simply did not know. I have no idea where the other occupants of my Pig had gone. I was standing with my back to the Rossville Flats and looking up Harvey Street, in a south easterly direction. I might have looked round for a split second to see what was going on behind me, but because no fire was directed at me and there was no immediate threat to me I was not concerned about it.”

<sup>1</sup> B1494.002-003

**26.35** In his oral evidence to this Inquiry, Private 019 said that he was pretty sure that the rifle fire that he heard came before the firing by Lieutenant N, but that he did not know whether or not it was hostile fire, but only that it was behind him and not coming his way.<sup>1</sup> He agreed that the figure in the background of the following photograph must have been him.<sup>2</sup>

<sup>1</sup> Day 343/115; Day 343/165

<sup>2</sup> Day 343/117



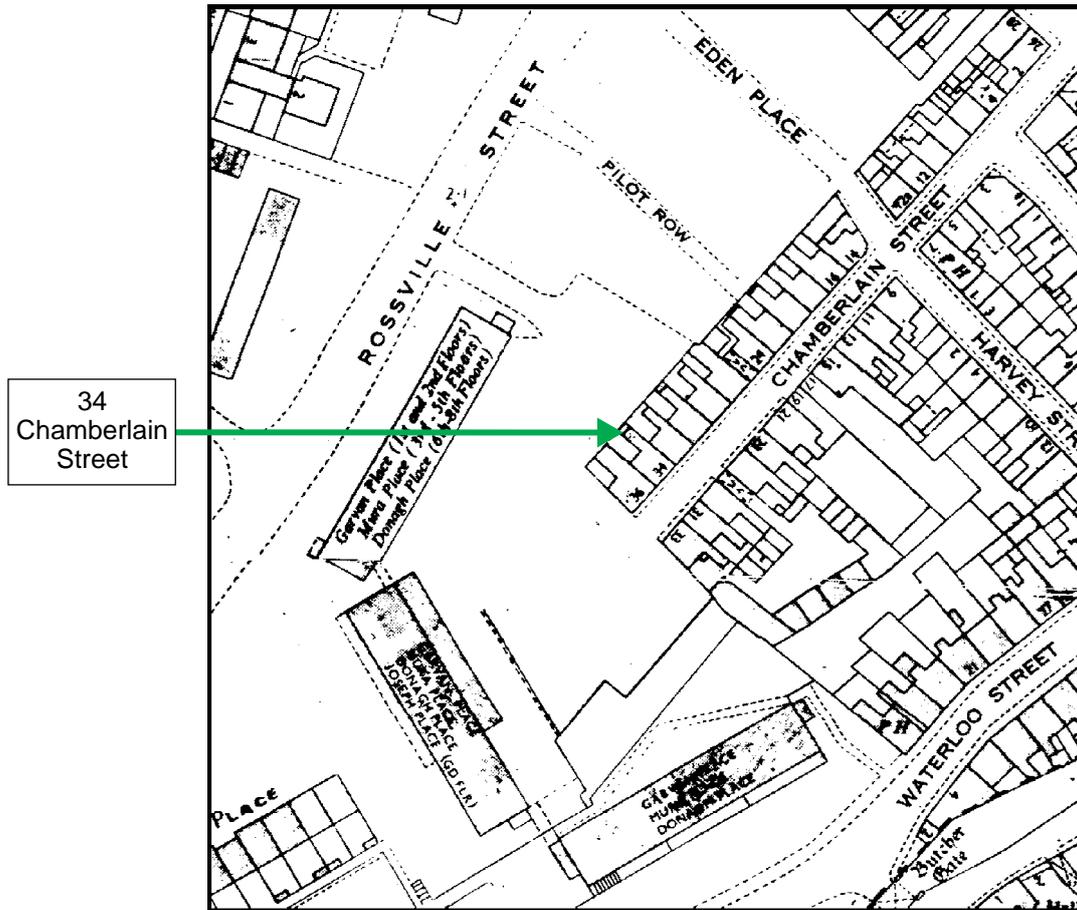
Soldier  
identified  
as  
Private 019

## Private S

**26.36** In his first RMP statement timed at 2230 hours on 30th January 1972, Private S (the driver of Lieutenant N's APC) described dismounting from the APC and deploying to defensive positions. "*My position was against the garden wall of, I believe, number 34 Chamberlain St*" He described moving forward into the crowd, which was throwing bottles and stones, and stated that nail bombs and acid bombs were being thrown from the top of the flats.<sup>1</sup>

<sup>1</sup> B692

**26.37** 34 Chamberlain Street was the next house but one to the end of that street nearest to the Rossville Flats and is marked on the following map.



26.38

In his second RMP statement, dated 4th February 1972,<sup>1</sup> Private S recorded that he saw gunfire directed from a ground floor window about three windows in from the south-east corner of Block 1 of the Rossville Flats at soldiers deployed around one of the APCs. It is clear from this account that he was referring to Sergeant O's APC, so we return to this part of Private S's evidence later in this report,<sup>2</sup> while noting here that in this statement he also described seeing about five nail bombs thrown from the balconies of Block 1 of the Rossville Flats.

<sup>1</sup> B703

<sup>2</sup> Paragraph 49.16

**26.39** In his written statement for the Widgery Inquiry, Private S stated:<sup>1</sup>

“As soon as the vehicle stopped and we debussed we came under fire. I was vehicle guard and would normally stay by the vehicle. Shots came down near the pig and I assumed it was the target. I therefore immediately ran for cover to the back wall of the houses on Chamberlain Street. The arrest operation was then in progress and there were civilians milling around. I agree that any shots fired at us might have hit civilians instead.”

<sup>1</sup> B707

**26.40** In this account, Private S stated that his previous accounts of nail bombs being thrown were “*not really correct. I heard some distant bangs and I assumed that these were nail bombs.*”

**26.41** In his oral evidence to the Widgery Inquiry, Private S said that all the men in his APC came under fire from what he described as medium velocity fast single repetition shots seconds after the soldiers had debussed more or less together. He said that he did not see any of these shots land.<sup>1</sup>

<sup>1</sup> WT12.102; WT13.5-6

**26.42** In his written statement to this Inquiry, Private S stated that he had forgotten most of what happened on Bloody Sunday, but had a distinct recollection of getting out of the APC and hearing the sound of incoming rounds.<sup>1</sup> In his oral evidence to this Inquiry, he said that he would have believed that he was being shot at.<sup>2</sup> He was originally unable to explain how he had come to say in his first RMP statement that nail bombs had been thrown, in his second statement to say that he had seen people throwing nail bombs and that about five of them had been thrown, and then in his written statement for the Widgery Inquiry to say in effect that he had seen no nail bombs at all and had merely heard some distant bangs.<sup>3</sup> However, later in his evidence<sup>4</sup> there was this exchange:

“Q. You mean you knew you had told a lie on two previous occasions about the nail bombs and you wanted to correct that?”

A. I had allowed myself to be – to make an inaccurate statement.

Q. Do you have any difficulty accepting the way I am putting it to you?

A. No, I have conceded the fact that, and I think I said yesterday that I, I apologise to the Inquiry for doing that and signing a statement that was wrong. I say it again, I am sorry and, and I am – I apologise to the families and everything, that are concerned in this. I do not take this lightly at all.”

<sup>1</sup> B724.001

<sup>3</sup> Day 331/65-69

<sup>2</sup> Day 331/44

<sup>4</sup> Day 332/41

**26.43** It will be seen from the accounts given by Private S that in his first RMP statement there is nothing to suggest that he came under fire as he disembarked from the APC, while in his later accounts he said that all the men from that APC had come under fire seconds after they had disembarked.

## Consideration of the evidence of the soldiers in Lieutenant N’s Armoured Personnel Carrier

**26.44** According to the evidence of the soldiers who disembarked from the first APC, it appears that Lieutenant N attempted to grapple with a man who ran away and that Lieutenant N then went to the entrance to the Eden Place alleyway. He was accompanied by his radio operator Private INQ 1918 and by one of the soldiers with a baton gun, Private 019. Corporal 162 appears to have gone towards the garden walls of the houses on the west side of Chamberlain Street that abutted on to the Eden Place waste ground. Lance Corporal INQ 768 stayed at the back of the APC. Private Q ran towards the Rossville Flats; ahead of him was the other soldier with a baton gun, Private 013. Lance Corporal V seems also to have run towards the Rossville Flats with Private S, though in the direction of the southern end of the garden walls of Chamberlain Street.

**26.45** The evidence of these soldiers on the question as to whether or not they were fired on at this stage is confusing and contradictory.

**26.46** Lieutenant N’s evidence was that he had heard only rubber bullets up to the time he fired into Chamberlain Street and then at what he described as a nail bomber in the Rossville Flats car park. We consider this firing in detail later in this report.<sup>1</sup>

<sup>1</sup> Paragraphs 30.36–128, 51.1–39 and 52.2

**26.47** Private 013 said nothing about hearing firing before he had got to the forecourt of the Rossville Flats.

**26.48** Private INQ 1918 gave no account in 1972 of hearing incoming fire; his evidence to us indicated that he thought, though he was not certain, that fire was coming from, in effect, the opposite direction to the Rossville Flats. We formed the impression from his evidence to us that his memory of events was such that it would be unwise to rely on his account of firing. However, as appears later in this report,<sup>1</sup> he was engaged in detaining a civilian when Lieutenant N fired into Chamberlain Street, and while he told us that he had no recollection of Lieutenant N firing,<sup>2</sup> we consider that nevertheless what he recalled were probably the shots fired by that officer.

<sup>1</sup> Paragraphs 30.5–34

<sup>2</sup> Day 342/114-116

**26.49** Corporal 162 made no mention of firing in his RMP statement. In our view, had he told the RMP about firing, it is most unlikely that the statement taker would have omitted it from the statement; RMP statements of other soldiers in this group do contain accounts of firing. In his case, we conclude that he said nothing about firing to the RMP, from which we infer that he is unlikely to have heard or seen any.

**26.50** Private Q told the Widgery Inquiry that there was no firing as they got out of the APC and that the firing he recalled was 45 seconds to a minute later when he had got up to the Rossville Flats.

**26.51** Private 019 said that he heard three to five shots being fired from the direction of the Rossville Flats when he was at the entrance to the Eden Place alleyway. He did not suggest that he or others from Lieutenant N's APC had been fired on and in his evidence to us said that he did not know whether the fire he heard was hostile or friendly fire but that it was not directed at him. He was, on his own account, close to Lieutenant N who said he heard no shots at this time. For reasons given later in this report<sup>1</sup> (when discussing the firing by Lieutenant N up the Eden Place alleyway), we have taken the view that we should not rely either on the account given by Private 019 in his RMP statement or on his evidence to us of hearing shots at this stage.

<sup>1</sup> Paragraphs 30.36–72

**26.52** Private S said nothing in his RMP statements about being fired on as the soldiers disembarked from Lieutenant N's APC. In our view had he in fact witnessed this he would have told the RMP; and as we have observed we consider that the RMP would have recorded this obviously important matter. In our view his changing accounts of nail bombs further devalue his testimony. We do not accept his evidence that he or his colleagues were fired on as they disembarked.

**26.53** Lance Corporal V's account of hearing two explosions is not supported by the evidence of any others in this group of soldiers. He could give no explanation for the change from his RMP account to what he said to the Widgery Inquiry. It is possible that the two explosions he said he heard were in fact the discharge of the baton guns close by, which can be seen in the film taken from the helicopter.<sup>1</sup> On the basis of his evidence to the Widgery Inquiry, we consider that Lance Corporal V did not hear firing as he disembarked but only (according to his account) at a later stage when he was moving up towards the Rossville Flats.

<sup>1</sup> [Vid 2 02.10](#)

**26.54** Lance Corporal INQ 768 gave no evidence in 1972. To us he said that he heard five or six rounds of automatic fire and thought that he was under fire. It is not clear at what stage he meant he heard this fire. There is no evidence given in 1972 by any of the other soldiers who disembarked from Lieutenant N's APC that they heard automatic fire as they disembarked.

**26.55** In our view there is no acceptable evidence given at the time by the soldiers disembarking from Lieutenant N's APC that they came under fire as or soon after they had done so. On the contrary, much of the evidence given in 1972 by these soldiers indicates to us that there was no such fire. We are not persuaded, for the reasons given, of the reliability of the accounts of firing at this stage that the soldiers from Lieutenant N's APC have given in recent years.

**26.56** In a later chapter<sup>1</sup> we consider the evidence of Jeffrey Morris, the *Daily Mail* photographer who came into the Eden Place waste ground soon after the soldiers had arrived there. As will be seen, his evidence was to the effect that the soldiers did not come under fire at this time.

<sup>1</sup> [Paragraphs 30.2–11](#)

**26.57** There is a further point. When Lieutenant N's APC arrived in the Eden Place waste ground, and soldiers disembarked, there were many civilians around, as can be seen from the photographs shown below. It seems to us in the highest degree unlikely that any paramilitary would fire at or towards Lieutenant N's APC in these circumstances, in view of the risk to those civilians.

**26.58** We return later in this report<sup>1</sup> to the question as to whether or not the soldiers from Lieutenant N's APC came under fire at a later stage.

<sup>1</sup> [Paragraphs 49.1–27 and 49.82–84](#)

**26.59** Before leaving the evidence of the soldiers as to what happened after they disembarked from the APC, we should draw attention to two photographs taken by Robert White from the west side of Rossville Street. In both photographs, Lieutenant N's APC can be seen.



**26.60** To our minds these photographs show people generally trying to get away. As we noted earlier in this chapter, Private 019 stated in his written evidence to this Inquiry that there were people around when he debussed but that they were no cause for concern. As also already noted, the helicopter footage shows the two baton gunners firing their weapons very soon after disembarking.<sup>1</sup>

<sup>1</sup> [Vid 2 02.10](#)

## Chapter 27: The use of baton guns by Private 013 and Private 019

**27.1** In his Royal Military Police statement,<sup>1</sup> Private 013 described using his baton gun to move back the crowd who were throwing various missiles at him. It seems from this statement that he was describing what he had done after moving from the Armoured Personnel Carrier (APC). In his written evidence to this Inquiry, he made no mention of firing his baton gun as soon as he had disembarked.<sup>2</sup>

<sup>1</sup> B1406

<sup>2</sup> B1408.003

**27.2** In his oral evidence to this Inquiry,<sup>1</sup> Private 019 was asked why, given that the civilians who were in the area when he disembarked had caused him no concern, he had fired his baton gun. His answer, that they might have given concern later, seems to mean either that he might have fired his baton gun at a later stage, or that he fired into a non-rioting crowd to discourage them from rioting later. The first of these possibilities does not address the fact that, as the film footage shows (and as Captain 200, Commander of Composite Platoon (Guinness Force), told the Widgery Inquiry<sup>2</sup>), soldiers of Mortar Platoon fired baton guns immediately after they had disembarked. The second possibility would indicate, if correct, the illegitimate firing of baton rounds against non-rioting people. Private 019 denied the suggestion that this “*was a standard practice, that you would get out of your vehicle and start terrorising the population, just to make them know who was boss*”.<sup>3</sup>

<sup>1</sup> Day 343/164

<sup>3</sup> Day 343/163-164

<sup>2</sup> WT15.42

**27.3** Whether or not it was standard practice to fire baton rounds at people who were not rioting, we are of the view that what the two baton gunners from Lieutenant N’s APC did, as soon as they had disembarked, was to use their baton guns in circumstances where the only object of doing so was to frighten or indeed hurt the civilians, rather than to seek to control rioting. In our view that was not an acceptable use of baton guns.

**27.4** In relation to the use of baton guns, we now turn to consider the circumstances in which Rosemary Doyle, a volunteer member of the Order of Malta Ambulance Corps, and Patrick “Barman” Duffy, a 51-year-old man, came to be hit by baton rounds. We describe later in this report<sup>1</sup> the circumstances in which Pat Cashman, an *Irish Press* newspaper photographer, was also hit by a baton round while on the Eden Place waste ground.

<sup>1</sup> Chapter 41

## Chapter 28: The incident concerning Rosemary Doyle

**28.1** At the time of Bloody Sunday, Rosemary Doyle was a 19-year-old volunteer in the Order of Malta Ambulance Corps. She was on duty on that day, wearing her medical uniform, which consisted of a white coat and a white linen kit bag. In addition to carrying first aid equipment, she was carrying an army issue gas mask in her kit bag.<sup>1</sup>

<sup>1</sup> [AD140.1](#)

**28.2** In a report made soon after the event to the Order of Malta Ambulance Corps,<sup>1</sup> Rosemary Doyle described seeing someone “*in the Rossville flats area*” who had been hit by a rubber bullet. She recorded that, after her colleague had instructed bystanders to carry the casualty to safety:

“We proceeded to walk across waste ground by the Rossville flats when two Saracen tanks raced up the roadway and another across the waste ground. The leading Saracen passed within about 1ft 6 inches of us and we stood our ground to avoid injury. A paratrooper then jumped out of the back of the Saracen and fired a rubber bullet at my face at a range of about 2ft 6ins to 3ft. As I was still wearing my gas mask I was protected a good deal from the force of the rubber bullet which slightly damaged three teeth and I sustained bruising of right jaw. We walked slowly away from the Saracen towards the Glenfada Park area and while doing so the paratroopers opened up with live machine gun fire after issuing no warning and with absolutely no provocation from the marchers ...”

<sup>1</sup> [AD140.5-7](#)

**28.3** While we have no doubt that Rosemary Doyle was hit by a rubber bullet, it is not clear from this report just where on the Eden Place waste ground this happened.

**28.4** It appears from her report that Rosemary Doyle was with two other members of the Order of Malta Ambulance Corps, Robert Cadman and Maureen Gallagher. In his report to the Ambulance Corps,<sup>1</sup> Robert Cadman also described this incident as occurring “*on the waste ground at Eden place*”.

<sup>1</sup> [AC1.23](#)

**28.5** In her written evidence to this Inquiry, Rosemary Doyle marked the position where she had been hit as being more or less in line with the entrance to the car park and the houses in Chamberlain Street, ie right to the south of the Eden Place waste ground.<sup>1</sup> However, in the course of her oral evidence, Counsel to the Inquiry showed her the following three photographs, which were taken by Robert White. The civilians seen in these photographs include a group of three people, one of whom is wearing a white uniform. This group can be seen more clearly in the third of these photographs, an enlargement of which follows on from it. While the image is not of the best quality, that enlargement shows that the person on the left of the group is a woman wearing what appears to be a grey uniform, including a skirt.

<sup>1</sup> [AD140.2](#); [AD140.11](#)

Person in a white uniform





Person in a white uniform

Person in a white uniform





Woman in a grey uniform

**28.6** Counsel to the Inquiry directed Rosemary Doyle to the third of the photographs reproduced above and put to her that she was the person on the right of the group with Robert Cadman in the middle and Maureen Gallagher on the left. Rosemary Doyle said that she thought she was the person in the white uniform standing next to Robert Cadman.<sup>1</sup> Later, Rosemary Doyle identified Maureen Gallagher from a photograph taken at an early stage of the march.<sup>2</sup> The image confirms that Maureen Gallagher was wearing the grey uniform of the Order of Malta Ambulance Corps.

<sup>1</sup> Day 101/9-12; Day 101/26

<sup>2</sup> Day 101/50

**28.7** During her oral evidence to us, Maureen Gallagher was shown another copy of the third of the photographs taken by Robert White reproduced above. She identified Rosemary Doyle as the figure in the white uniform and said that she was the person on the left of the group with Robert Cadman in the middle.<sup>1</sup> According to her written statement to this Inquiry,<sup>2</sup> the incident happened after she and Rosemary Doyle had walked across the waste ground at Eden Place and just as they were beginning to cross Rossville Street towards Kells Walk.

<sup>1</sup> Day 70/86-89

<sup>2</sup> AG21.2

**28.8** As noted above, in her report made at the time, Rosemary Doyle described a soldier who disembarked from a vehicle and fired at her at very short range. According to her written evidence to this Inquiry, she saw a soldier emerging from a Saracen (by which she meant an APC) who as he stepped out immediately fired a rubber bullet in her direction.<sup>1</sup> In her

oral evidence to this Inquiry,<sup>2</sup> she recalled that she thought the Saracen was coming to a halt:

"A. ... What happened was, it was coming quite fast and slowing and when the back of it opened, the soldier was actually half in and half out with his foot on a foot plate.

Q. When you describe a soldier coming out with a rubber bullet gun in his hand and being half in and half out of the vehicle when he fired, he was coming out the back with his foot on the foot plate?

A. I cannot remember if that was the actual soldier. It was – they were all coming out in succession and they were coming out running, you know, at speed coming out of it, but –

Q. Go on, I do not want to interrupt.

A. No, I just remember seeing the one with the rubber bullet gun who fired at myself.

Q. You saw him, did you?

A. Um, yes, I did."

<sup>1</sup> AD140.2

<sup>2</sup> Day 101/4

## 28.9

When Rosemary Doyle was asked to give an estimate, based on the size of the hearing room, of how far away the soldier was from her when he fired she said:<sup>1</sup>

"A. 25 yards maybe, or something, I do not know.

LORD SAVILLE: 25 yards would be almost across to the far corner, perhaps a bit less; was it that sort of distance?

A. I think so, that – perhaps a bit less, yes.

LORD SAVILLE: There or thereabouts?

A. Yes, I think so.

LORD SAVILLE: If you really cannot remember at all, do tell us, but we are trying to get as clear a picture as we possibly can. Do not hesitate to say 'I do not really remember', if that is the case?

A. I do not really remember, but I think it was less than that, yeah."

<sup>1</sup> Day 101/6

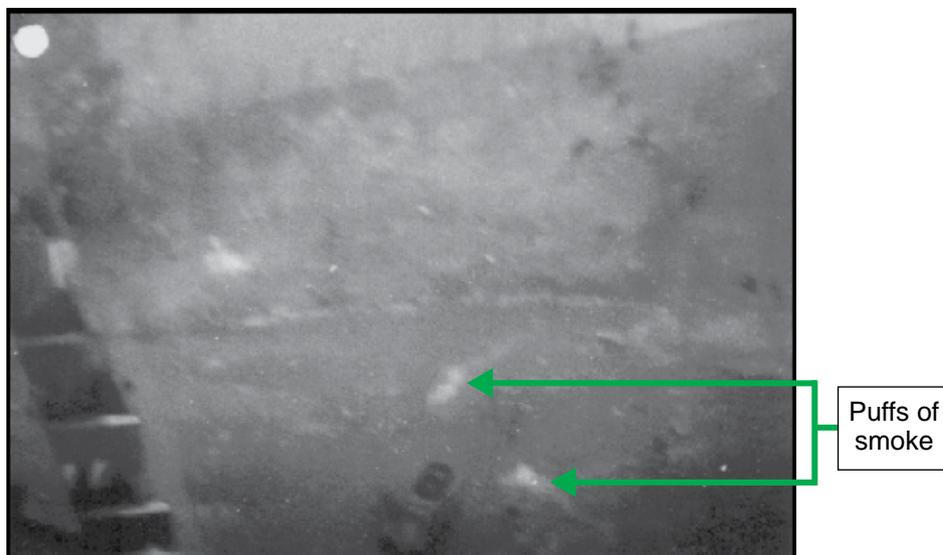


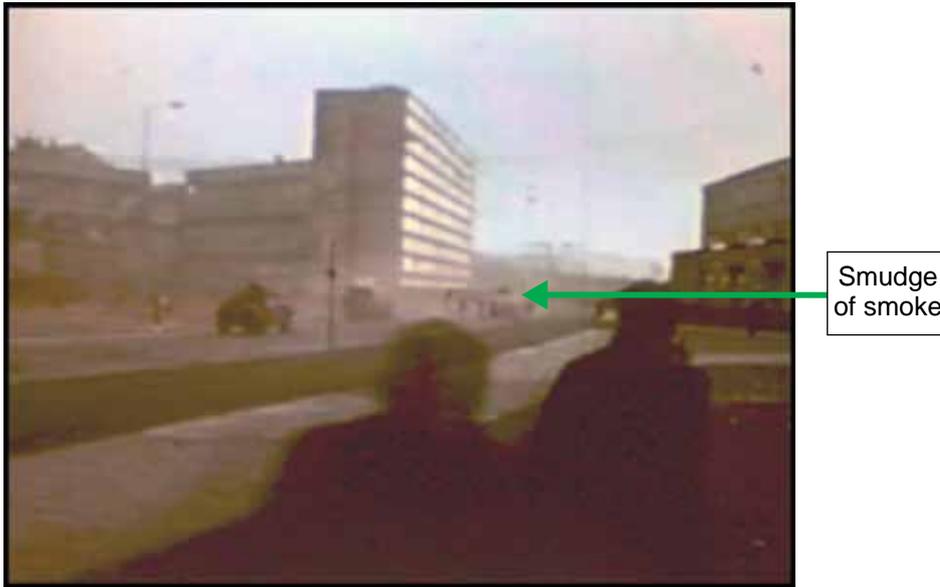
## Consideration of the evidence concerning Rosemary Doyle

28.14 It is difficult to tell from this evidence whether the soldier who fired the baton round had come from Lieutenant N's or Sergeant O's APC. The APC in the foreground of the first of the three photographs shown above is that of Sergeant O. Just behind the rear wheels can be seen the pavement turning into Pilot Row. Behind the APC are three soldiers, who we have no doubt have just disembarked from that vehicle. All three of these soldiers appear to be carrying rifles, not baton guns, but since in our view both Sergeant O's baton gunners disembarked at this stage, they must be either out of this picture, behind the APC, or about to disembark. As already noted, the film footage to which we have referred in previous chapters<sup>1</sup> shows soldiers firing baton rounds very soon after disembarking both from Sergeant O's APC in Rossville Street and Lieutenant N's APC on the Eden Place waste ground.<sup>2</sup> This is illustrated by the following still photographs, the first taken from the helicopter footage showing the arrival of Lieutenant N's APC and the second taken from the ABC film showing the disembarkation of soldiers from Sergeant O's APC in Rossville Street.

<sup>1</sup> Paragraphs 24.15, 24.26 and 26.60

<sup>2</sup> Vid 2 02.10; Vid 48 12.26





- 28.15** The three photographs in which Rosemary Doyle can be seen and which we have set out above are shown in the order in which they were taken. In each both the group of Order of Malta Ambulance Corps volunteers and soldiers are visible. The second and third photographs show soldiers, but it is impossible to tell for certain whether the one shown in the third photograph who is closest to the Ambulance Corps volunteers came from Sergeant O's APC or that of Lieutenant N. There is another photograph (attributed to Fulvio Grimaldi) which seems to us also to show Rosemary Doyle and the people close to her while soldiers were disembarking from Lieutenant N's APC.



Rosemary  
Doyle

28.16 Rosemary Doyle has consistently said that the soldier who fired the baton round had just got out or was in the process of getting out of the APC. Her evidence, as a whole, inclines us to the view that the APC in question was that of Lieutenant N. The report that she made at the time seems to refer to the leading APC as the one from which the soldier appeared, while her oral evidence to us seems to be to the same effect. When she was shown the third of the photographs set out above, her evidence was as follows:<sup>1</sup>

“Q. If we go to 595, I think we get a clearer or slightly clearer picture of the scene. If we look at this group here, it has been suggested that that group is Robert Cadman in the middle, you on the right and Maureen Gallagher on the left. Do you recognise that scene or any of those people?

A. Yes, because one of the things was – I remember was the way that the armoured vehicle came cutting across the ground to where it is now, yeah.

Q. So we can take it, can we, that probably is you and Robert Cadman?

A. I think it could be, yeah.

Q. That would certainly be consistent with your report because if the army vehicle had got to where it is on that photograph, it is not very far away from you?

A. No.

Q. And it looks as if it must have crossed quite close to you and it rather looks as if at this moment, when the photograph was taken, a soldier may have got out or been getting out from the back of that vehicle.”

<sup>1</sup> Day 101/10

- 28.17** On the basis of her evidence that she was hit very soon after the APC had stopped, it seems to us that this must have happened at about the same time as the three photographs were taken, and when she and her colleagues were at or close to their position as shown in those photographs. This would be consistent with the account that Robert Cadman gave at the time.
- 28.18** Robert Cadman has never suggested that he saw the shot that hit Rosemary Doyle. As to Maureen Gallagher, we do not accept the accuracy of the evidence that she gave to this Inquiry. She was undoubtedly doing her best to assist us, but as is shown by the photographs, she was wrong in believing that Robert Cadman was at the time on the other side of Rossville Street. In our view she was also mistaken in recalling that the baton round was fired from inside an APC, since the film footage shows otherwise, and in recalling that Rosemary Doyle was not wearing a gas mask. We have referred to these parts of Maureen Gallagher’s evidence, as they provide good examples of how the years distort the recollections of honest witnesses.
- 28.19** There remains the question as to whether or not Rosemary Doyle was correct when she said in the account that she gave at the time that the soldier had fired at a range of 2ft 6in to 3ft.
- 28.20** For three reasons, we are unable to accept that this was or even might have been the case. In the first place, we were given a demonstration of the discharge of baton rounds. To our minds, a baton round at this range would be likely to have knocked Rosemary Doyle down and caused greater injuries than she sustained. In the second place and more importantly, had a soldier fired his baton gun at such a range, we have no doubt that one or both of her colleagues would have been bound to have seen and heard this happen. As it is, neither has suggested at any time that such an incident occurred. In the third place, until she was reminded of what she had said in her 1972 report, Rosemary Doyle’s recollection was of a soldier firing from a much greater distance. Had the soldier in fact been only a couple of feet away, we believe that this would have been an abiding memory. However, we have no reason to doubt that the baton gunner was quite close to Rosemary Doyle when he fired, probably only a matter of a few yards away.

28.21 It was suggested by the representatives of the majority of the represented soldiers that there is no justification for concluding that the injury to Rosemary Doyle occurred “*other than by accident*”.<sup>1</sup>

<sup>1</sup> [FR7.362](#)

28.22 None of the four soldiers in Mortar Platoon armed with baton guns admitted firing the baton round that hit Rosemary Doyle. From the film footage discussed above, it is clear that baton guns were fired very soon after soldiers had disembarked. In our view, based on her evidence, it seems to us that it was one of those shots that hit Rosemary Doyle. We are sure that neither she nor her colleagues, all of whom were in uniform, were rioting or could be mistaken for being rioters. It is possible that the baton round was shot at the ground and bounced up to hit Rosemary Doyle. It is also possible that it was aimed at or towards her. What is evident, again from the film footage and the photographs, is that there were a considerable number of people in the area, so that the chance of a baton round hitting one or more of them was far from remote. In such circumstances we find it difficult to describe her injury as an accident, even if the round was not aimed at her. In the end we are unable to conclude with any certainty whether this shot was fired deliberately at Rosemary Doyle, at someone else in her vicinity, or recklessly without thought in her direction. Given the speed with which the baton gunners fired as they disembarked, it seems to us that the last of these possibilities is the most likely.

## Chapter 29: The incident concerning Patrick “Barman” Duffy

**29.1** Patrick Duffy (known as Patrick “Barman” Duffy) was 51 years old at the time of Bloody Sunday. He is now dead and gave no evidence to this Inquiry, but he did make a Northern Ireland Civil Rights Association (NICRA) statement, in which he recorded that he had been a steward on the march and that after trying to help some people who had been affected by CS gas he went to the Rossville Flats. His statement continued:<sup>1</sup>

“I was standing at the doorway to the flats at the William St end. A crowd of people then rushed around the corner and headed for the stairs. Two saracens then came around the corner into the square behind the flats. These saracens were travelling very fast and they stopped dead at the corner. I saw a boy who was actually struck by one of the saracens and his body somersaulted a few times. My view was then blocked by another saracen which arrived. Two soldiers jumped out of the back and rushed at me in the doorway. I appealed to the soldiers not to fire gas or rubber bullets as the stairs were packed with women and children. One of the soldiers kicked me in the pelvis and as I did not drop to the ground, he fired a rubber bullet from close range at me. This bullet struck me in the left thigh. The soldier then pointed the rifle at my head and was going to shoot me when William McIntyre tackled the soldier and pushed him out of the way. The other soldier then hit a woman with the butt of his rifle. These soldiers then left.”

<sup>1</sup> [AD164.1](#)

**29.2** Although in his NICRA statement Patrick Duffy described himself as a “*Storeman in Gas company*”,<sup>1</sup> it seems that he may have got the nickname “Barman” from the fact that he also worked at some stage as a bouncer at a local public house or dance hall.<sup>2</sup>

<sup>1</sup> [AD164.1](#)

<sup>2</sup> [AB97.2](#); [AS34.4](#)

**29.3** The doorway at the William Street end of the Rossville Flats was, as shown in the photograph below, on the eastern side of the northern end of Block 1, and opened onto the car park area.<sup>1</sup>

<sup>1</sup> This photograph was not taken on Bloody Sunday.



**29.4** The two baton gunners who were in Sergeant O's APC were Private 017 and Private 112. As we have described above,<sup>1</sup> it appears that these two soldiers disembarked from this APC when it stopped briefly on Rossville Street. We consider in detail later in this report<sup>2</sup> what these soldiers then did, but for present purposes it is sufficient to note that Private 017 went with Corporal P to the western side of Rossville Street, while Private 112 was involved with Private U in the arrest of Charles Canning on the Eden Place waste ground. It therefore seems that Patrick Duffy was mistaken in thinking that the baton gunner who fired at him had disembarked from the APC nearest to him. From his position at the doorway he may not have been able to see the two baton gunners disembarking from Sergeant O's APC in Rossville Street.

<sup>1</sup> [Paragraphs 24.21–25 and 24.32–36](#)

<sup>2</sup> [Paragraphs 69.1 and 69.32–58; Chapters 34 and 35](#)

**29.5** Private Q, who was in Lieutenant N's APC, told the Widgery Inquiry that the soldier he was covering ran ahead of him towards the car park, firing his baton gun several times as he did so in the direction of the retreating crowd, some members of which were turning and throwing stones. The two soldiers took cover at the north end of Block 1 of the Rossville Flats.<sup>1</sup>

<sup>1</sup> [B636](#)

**29.6** Of the two baton gunners in Lieutenant N's APC, Private 019 went with Lieutenant N to the Eden Place alleyway at the north-east corner of the Eden Place waste ground. We describe in the next chapter<sup>1</sup> what happened there, but suffice it to note here that he was

in that area for some time and is thus most unlikely to have been the baton gunner who shot at Patrick Duffy. That leaves the other baton gunner from Lieutenant N’s APC, namely Private 013.

<sup>1</sup> [Chapter 30](#)

**29.7** In his written statement to this Inquiry,<sup>1</sup> Private 013 told us that he was probably firing his baton gun as he disembarked from his vehicle and that he chased “*a lad*” up the stairs at (he believed) the northern end of Block 1 of the Rossville Flats, and fired a baton round up the stairs. No incident of this kind is mentioned in his RMP statement,<sup>2</sup> although he did say in that statement that he fired ten baton rounds at the crowd in the car park of the Rossville Flats.

<sup>1</sup> [B1408.003](#)

<sup>2</sup> [B1406](#)

**29.8** Patrick Duffy could hardly be described as a lad, but from the fact that Private 013 is the most likely of the baton gunners to be involved in this incident and from the fact that he told us that he fired his baton gun up the stairway leading from the door at the northern end of Block 1 of the Rossville Flats, it seems to us that he was the baton gunner concerned.

**29.9** The representatives of the majority of the families submitted that Private 006 was a “*prime candidate*” for having been present during the incident involving Patrick Duffy.<sup>1</sup> This submission was based on the fact that in his written evidence to this Inquiry Private 006 stated that he and a couple of other soldiers had entered “*a stairwell of the high flats*”.<sup>2</sup> However, as we describe elsewhere in this report,<sup>3</sup> after he disembarked from his vehicle Private 006 was involved in the arrest of William John Dillon, and on his own evidence it was only after that, and after he had seen soldiers firing towards the rubble barricade, that he entered the stairwell. By contrast, Patrick Duffy’s NICRA account indicates that the incident in which a baton round was fired at him happened directly after the arrival of the Army vehicles. In our view Private 006 was not present at the time of this incident.

<sup>1</sup> [FS1.1361](#)

<sup>3</sup> [Chapter 33](#)

<sup>2</sup> [B1377.006](#)

**29.10** There is a substantial body of evidence given at the time that supports Patrick Duffy’s account of being kicked and then hit by a baton round fired at short range.

29.11 Margaret Mellon was 52 years old at the time of Bloody Sunday. In her NICRA statement<sup>1</sup> she recorded:

“I got into the first door at the bottom of the multi storey flats when a soldier came running. He struck Mr. Paddy Duffy with the butt of the rifle. I got a slap with it as well. When Mr. Duffy tried to tell him that there were women present, he shot a rubber bullet at close range into his thigh. The soldier kicked Mr. Duffy in the groin as he stumbled after been [sic] struck with the rubber bullet.”

<sup>1</sup> AM400.5

29.12 Frank Deane was 65 and retired at the time of Bloody Sunday. In his NICRA statement<sup>1</sup> he described being on the march and running from the Army vehicles as they came in. His statement continued:

“I then ran into the entrance of the high flats, where there were a number of people including Mrs Mellon and Mr P. Duffy. A soldier ran into the doorway. Mr Duffy said, ‘There are a lot of women in here.’ The soldier immediately turned and kicked him in the pit of the stomach and then shot a rubber bullet at him, at point blank range. Then the soldier ran out.”

<sup>1</sup> AD16.1

29.13 We should note at this point that Andrew Barr told us in his oral evidence<sup>1</sup> that no shots of any kind were fired in the stairwell when he was there with Patrick Duffy, but he made no statement at the time and in view of the evidence of Frank Deane and Margaret Mellon, as well as other evidence to which we refer below, we are satisfied that with the passage of years he simply forgot that a baton gun was fired.

<sup>1</sup> Day 98/19

29.14 Counsel to the Inquiry prepared what we regard as an accurate summary of the evidence of other civilians that we consider related to the incident with Patrick Duffy.<sup>1</sup> We set down below an adapted version of this summary, which includes some comments of our own:

Monica Barr

In her interview with Kathleen Keville<sup>2</sup> she said that she saw an elderly man coming down the stairs in the Rossville Flats. She took it that he had been a steward because he was wearing a white armband. A soldier with a baton gun stopped him at the door. The man put up his right hand and took one step backwards. The soldier fired his

baton gun from a range of about two feet. When Monica Barr made her statement to this Inquiry,<sup>3</sup> her recollection was not that the soldier had fired a baton gun at the man but that he had hit him in the face with the butt of his rifle. She confirmed in her oral evidence<sup>4</sup> that she believed that her current recollection related to the same incident described in her interview with Kathleen Keville.

In our view the account given by Monica Barr to Kathleen Keville in 1972 is to be preferred to her recollections after so many years.

#### Michael Brown

In his NICRA account<sup>5</sup> he stated that a soldier ran over to Patrick Duffy, who was standing in a doorway in the Rossville Flats, and kicked him in the testicles. Patrick Duffy doubled over with pain. The soldier then placed the barrel of his baton gun within an inch of Patrick Duffy’s testicles and fired. As he did so, Patrick Duffy moved slightly to the side and the baton round struck him high on the left thigh. In his written statement to this Inquiry<sup>6</sup> Michael Brown gave a generally similar account. He did not give oral evidence.

#### Dolores MacFarland

In her NICRA account<sup>7</sup> she stated that soldiers went “*right into the bottom entrance*” of the Rossville Flats, where there was a crowd of men, women and children taking shelter. One of the soldiers opened fire with a baton gun at point blank range, while the other soldier went in kicking people and hitting them with the butt of his rifle. The people then fled up the stairs in panic. Her written statement to this Inquiry<sup>8</sup> is to much the same effect. In her oral evidence<sup>9</sup> she said that the soldier who fired his baton gun had done so from outside the doorway at the people inside.

#### Jack McIntyre

In his NICRA account<sup>10</sup> he stated that soldiers chased him to the “*bottom basement of flats*”. He turned round and a soldier made at him with either a gas gun or a “*bullet gun*”. Jack McIntyre caught the gun and shoved at the soldier, who was wearing a gas mask and looked nervous. Patrick Duffy came to help him, but the soldier went up to Patrick Duffy and fired a baton round into his leg. Jack McIntyre was 53 years old at the time. He did not give evidence to this Inquiry.

<sup>1</sup> CS4.35

<sup>2</sup> AB16.11-12

<sup>3</sup> AB16.2

<sup>4</sup> Day 148/6

<sup>5</sup> AB97.5

<sup>6</sup> AB97.1

<sup>7</sup> AM8.10

<sup>8</sup> AM8.4

<sup>9</sup> Day 83/96

<sup>10</sup> AM285.1

## Consideration of the evidence concerning Patrick Duffy

29.15 Although there are slight differences in these accounts and those of the other witnesses, including Patrick Duffy himself, we are sure that they all refer to the same incident. Although Private 013 did not, because he was unwell, give oral evidence to this Inquiry, and therefore could not be questioned about this incident, the evidence that we have been able to consider points strongly to the conclusion that he did fire his baton gun at close range and hit Patrick Duffy. There is nothing in this evidence or the written account of Private 013 that suggests that there was, or could have been believed by him to be, any justification for discharging his baton gun in this dangerous manner.

# Chapter 30: Soldiers at the entrance to the Eden Place alleyway

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**30.1** We now turn to consider what happened after the soldiers had disembarked from Lieutenant N's Armoured Personnel Carrier (APC) and some had moved towards the north-east corner of the Eden Place waste ground and the Eden Place alleyway. We deal first with the evidence of Jeffrey Morris.

## The evidence of Jeffrey Morris

**30.2** Jeffrey Morris was a professional photographer working as a staff photographer for the *Daily Mail* newspaper. He gave a written statement for and oral evidence to the Widgery Inquiry. He also gave a written statement to the present Inquiry in which he told us that while he had no recollection of the events of Bloody Sunday, or of giving oral evidence to the Widgery Inquiry, he stood by the statements that he had given at the time.<sup>1</sup> In these circumstances the Tribunal decided not to call him to give oral evidence, on the ground that no purpose would be served by doing so.

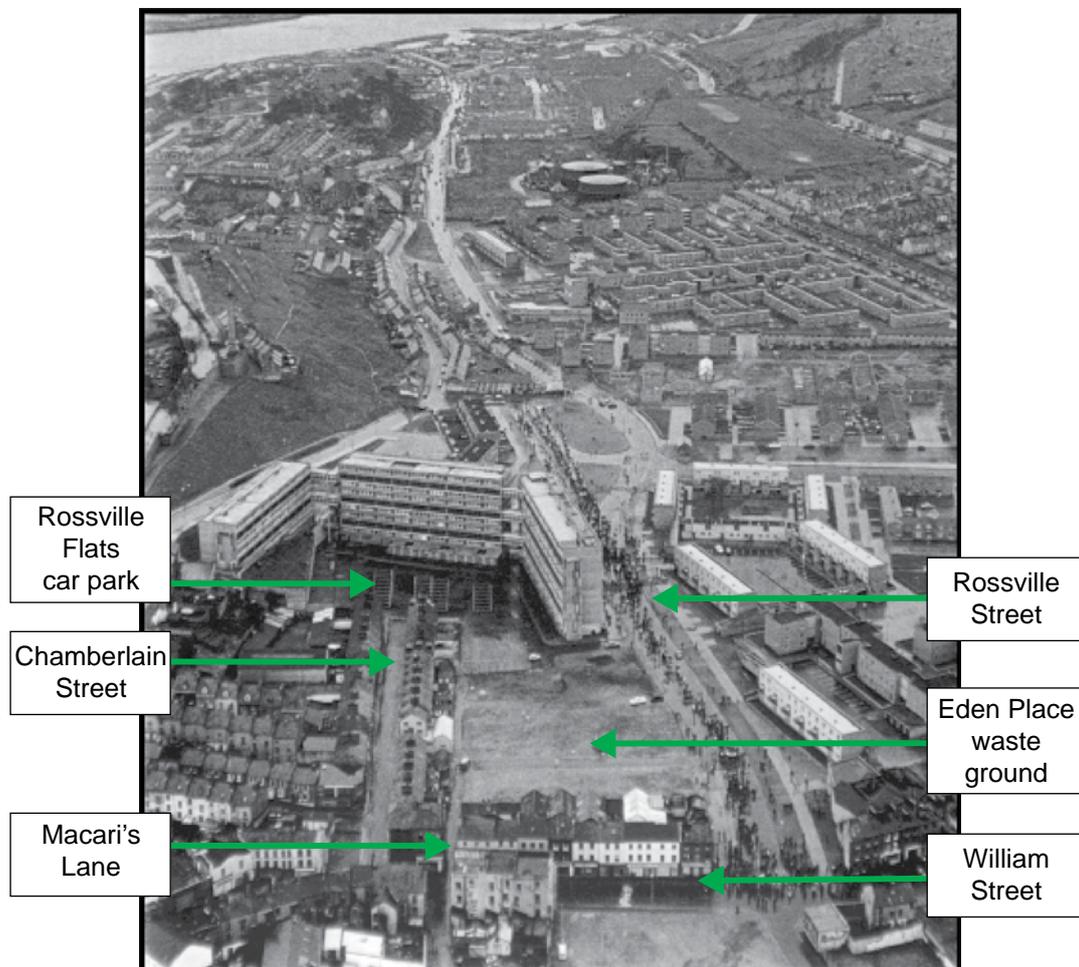
<sup>1</sup> [M57.30](#)

30.3 In his written statement for the Widgery Inquiry,<sup>1</sup> Jeffrey Morris described being sprayed by dye while at the corner of William Street and Chamberlain Street, seeing Army vehicles moving across the junction of William Street and Rossville Street, and following a crowd of people running down a small alley that led from William Street into the Eden Place waste ground.<sup>2</sup>

<sup>1</sup> M57.1

<sup>2</sup> M57.2

30.4 We have no doubt that the alley was Macari's Lane, which is marked on the photograph reproduced below, and which ran from William Street to the north-east corner of the Eden Place waste ground.



**30.5** Jeffrey Morris then gave the following description<sup>1</sup> of what he saw and what happened to him:

“When I got to the open ground at the end I could see over the area of open ground in front of Rossville flats. The Saracens had stopped in Rossville Street. The paratroops were fanning out and running in pairs across the open ground. It was just like watching an old war film, a sort of bayonet charge without bayonets. As the paratroops caught anyone they knocked him down with their rifle butts and kicked him. Then, leaving him lying, they ran on. I would have photographed this, but two paratroops caught me and forced me against a wall with a rifle jammed across my neck, forcing my head back. I reached in my pocket for my press card and one of the pair lifted his knee to kick me in the crutch. I moved and the kick landed on my thigh. I managed to say ‘Press, Daily Mail’. At this moment someone ran from a nearby doorway. The paratroop holding me against the wall said ‘Get that bastard’ and the one with the rifle turned on the man running, saying ‘Hold him, [name]’ to the man who stayed with me. My Press card had fallen on the ground. As the paratrooper reached the running man I lifted my camera and took photograph No. (4). Just after I took it the paratrooper (wearing a gas mask in the picture) slammed this chap on the head with his rifle butt. I would have shot this too but the paratroop with me realised what I was doing and threw me on the ground virtually next to the other soldier in the foreground of photo No. (4) who is pointing his rifle down the alley (which on the map appears as Continuation of Eden Place) in the direction of Harvey Street. This soldier took no notice of me but still looking down the alley went into a crouching position and fired two rounds up the alley. I think people were running down this alley. Just as I was grabbed I noticed some people going that way. I could not see up the alley as the shots were fired. I do not recall hearing any shots fired (other than rubber bullets) immediately before this.”

<sup>1</sup> [M57.2](#)

**30.6** Jeffrey Morris went on to describe how he had then taken cover under the burned-out van shown in the photograph below, at which stage he was hit by a rubber bullet and heard a lot of shooting. “*It was all rifle shots, no automatic and certainly no Thompson.*”<sup>1</sup>

<sup>1</sup> [M57.3](#)

**30.7** The Inquiry was unable to identify a soldier from the name Jeffrey Morris recalled had been used to address the soldier who held him.

30.8 The photograph Jeffrey Morris described as No. 4 is reproduced below.



30.9 Jeffrey Morris gave a similar account in his oral evidence to the Widgery Inquiry.<sup>1</sup> The transcript of that evidence records Jeffrey Morris as saying that he was hit across the side of the face with a rifle, but in our view in the light of the written statement this was a transcription error and Jeffrey Morris was in fact referring to the man he saw caught by the soldier who had left him. He said that he had heard a lot of rubber bullets being fired in the vicinity, but that the two shots he recalled being fired up the alley into Chamberlain Street “*were in my opinion the first two rifle shots I had heard*”. Later in his oral evidence he told the Widgery Inquiry that he saw people running away from the paratroopers who were in three pairs and that he witnessed “*three separate incidents of them coming behind clubbing with rifles, and as they went down they were almost kicking them*”.<sup>2</sup> As for himself, he told the Widgery Inquiry that he was carrying three 35mm cameras round his neck, though he had dye on his shoulder and had a face mask which he had pulled down to his throat. When it was suggested to him that when the soldiers arrested him they quite clearly understood he was “*one of the rowdies*”, his answer was, “*I don’t know, because I wasn’t done over as the other people were.*”<sup>3</sup>

<sup>1</sup> WT2.47-48

<sup>3</sup> WT2.46; WT2.64

<sup>2</sup> WT2.56

30.10 Jeffrey Morris also told the Widgery Inquiry that he had heard no nail bombs that afternoon and that he saw no paratroopers running and firing at the same time.<sup>1</sup>

<sup>1</sup> WT2.59

- 30.11** The evidence of Jeffrey Morris lends no support to the suggestion that soldiers from Lieutenant N's APC were fired upon as or soon after they had disembarked from the APC. On the contrary, his evidence, which we accept, was that the shots fired by Lieutenant N were the first live shots that he had heard that day.
- 30.12** At this stage we consider the circumstances of the arrest of the civilian shown in the photograph reproduced above.

## The arrest of Duncan Clark

- 30.13** There is no doubt that the soldier shown holding the civilian in this photograph was Private INQ 1918, who was the radio operator and who identified himself in this photograph.<sup>1</sup>

<sup>1</sup> C1918.3

- 30.14** It was suggested on behalf of the majority of the families that "*in all likelihood*" the soldier who had held Jeffrey Morris as he took the photograph was Private 019.<sup>1</sup> We are not persuaded that this is so. Lieutenant N told us that a soldier with a baton gun was on the other side of the alleyway when he fired towards Chamberlain Street. As can be seen from the photograph shown above,<sup>2</sup> a soldier's helmet is visible behind Lieutenant N, which in our view was that of Private 019. This soldier put himself in this position in his Royal Military Police (RMP) statement<sup>3</sup> and also told us that he was the soldier behind Lieutenant N in this photograph.<sup>4</sup>

<sup>1</sup> FS1.1325

<sup>3</sup> B1492

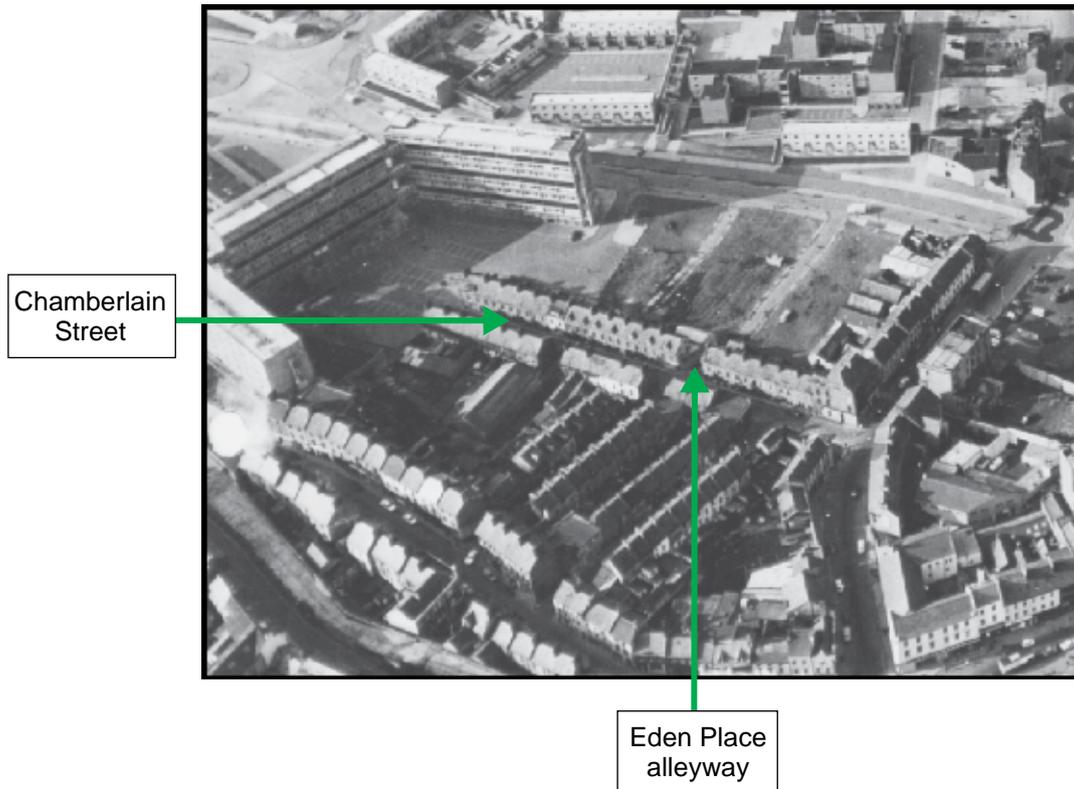
<sup>2</sup> Paragraph 30.8

<sup>4</sup> B1494.003; B1494.007

- 30.15** It is possible that the soldier who held Jeffrey Morris was Corporal 162. Although in his RMP account<sup>1</sup> Corporal 162 described himself as running towards the alleyway that runs between Eden Place and Chamberlain Street, in his oral evidence to us he said that this was wrong and that he had run to a much narrower alleyway, though this too led to Chamberlain Street.<sup>2</sup> He might have meant Macari's Lane, but this alleyway goes into William Street, not Chamberlain Street. We are sure that apart from the Eden Place alleyway, there was no other alleyway that went from the Eden Place waste ground into Chamberlain Street. This can be seen most clearly from the enlargement of an aerial photograph reproduced below.

<sup>1</sup> B1960

<sup>2</sup> Day 323/180-185



**30.16** In the end, though Corporal 162 is a possibility, we have found ourselves unable to identify the soldier who held Jeffrey Morris.

**30.17** We are satisfied from a photograph taken after he had been arrested that the civilian being held by Private INQ 1918 was Duncan Clark, a man of 39. In his NICRA statement,<sup>1</sup> Duncan Clark recorded that:

“On the evening of January 30th I intended to look in on the meeting in Guildhall Square. Hearing the commotion in William Street I went down High Street to Chamberlain Street. While standing at the corner of Chamberlain Street and High Street a soldier (paratrooper) approached from Eden Terrace and said, ‘Come with me you bastard.’ I went with him to Eden Terrace, where there was an armoured car parked. He searched me and told me to get into the armoured car.”

<sup>1</sup> [AC61.1](#)

**30.18** Duncan Clark is dead and gave no evidence to this Inquiry.

**30.19** There are differences between Duncan Clark’s NICRA statement and the evidence of Jeffrey Morris. According to Duncan Clark, he was standing at the corner of Chamberlain Street and High Street when he was arrested and was not hit until he was in the armoured vehicle; according to Jeffrey Morris, Duncan Clark was arrested after running out of a doorway and was hit over the head with a rifle butt shortly after Jeffrey Morris had taken the photograph shown above.

**30.20** There is some other civilian evidence that seems to refer to the arrest of Duncan Clark.

**30.21** Patrick Clarke made a NICRA statement<sup>1</sup> in which he said that he saw a soldier grab an “old man” who had been standing inside the confectionery shop in what was left of Eden Place. This would appear to be a reference to the Eden Place alleyway. The soldier hit the man on the head with a baton and dragged him away. Patrick Clarke gave evidence to the same effect to this Inquiry, but did not recognise Duncan Clark in a photograph.<sup>2</sup>

<sup>1</sup> AC64.1

<sup>2</sup> AC64.4; Day 74/82-85; AC64.20

**30.22** Tony Morrison made a NICRA statement<sup>1</sup> in which he recorded:

“I ran to the junction of Chamberlain St/Eden Terrace. From there I saw the soldiers take up position at the junction of William St./Chamberlain St. From Eden Terrace I saw soldiers in Rossville Street and in the wasteground there. There was an elderly man standing beside ‘Johnny’s’ Shop in Eden Terrace. I roared to him, ‘There’s the soldiers coming.’ He replied, ‘I cannot see with the gas in my eyes.’ A mate of mine, Connie Moore, and myself went to help this man, when he was grabbed by a soldier who appeared round the corner of ‘Quinn’s Lane.’ We were about to run when a second soldier appeared from the opposite corner of the street (Eden Terrace). We turned and ran back into the flats end of Chamberlain Street. As we turned from Eden Terrace into Chamberlain St I look back, thinking the soldier was going to run after us but I noticed he was bringing the rifle into a firing position and aiming at us. I shouted to Connie, ‘Duck.’ A second later, I heard a rifle shot, which passed over our heads and I saw bullet strike the wall of [...] house, just in front of us. This house is at the junction of Chamberlain St/Harvey St., just opposite the 720 Bar.”

<sup>1</sup> AM439.1

**30.23** As we have noted, Macari’s Lane used to be called Quinn’s Lane. It may originally have extended all the way down the backs of the houses on the west side of Chamberlain Street.

30.24 In his written statement to this Inquiry,<sup>1</sup> Tony Morrison recalled that the man was fat and was wearing a black jacket and white shirt. He thought that the man was going to get a walloping, and so he himself tried to pull the man back and struggled with the soldier for a while, but let go and ran off when another soldier fired a shot into the air. In oral evidence,<sup>2</sup> he said that the man shown in a photograph taken by the *Irish Press* photographer Colman Doyle, and reproduced below, looked just like the man he had seen.

<sup>1</sup> AM439.3

<sup>2</sup> Day 184/98



30.25 Tony Morrison said that the arresting soldier hit Duncan Clark on the head, though it appeared from later in his evidence that he did not see this happen but instead saw blood running down Duncan Clark's head and deduced that he had been hit.<sup>1</sup>

<sup>1</sup> Day 184/103; Day 184/147-149

30.26 In his written evidence to this Inquiry, Joe Nicholas told us that he saw three or four paratroopers beating an old man who was in what he described as the gap between Eden Place and Chamberlain Street. He stated that together with a few others from the crowd he advanced to try and rescue the old man and managed to get hold of his arm. *"I was trying to pull him away from the soldiers. I had my head down, but suddenly I was aware of one of the paras bringing his rifle up and firing a shot. He only fired one shot and I immediately retreated towards Chamberlain Street."*<sup>1</sup> In his oral evidence to this Inquiry,

he said that he was with about 20 or 30 others and that it appeared to him that a warning shot was fired over their heads as they advanced to the rescue of the old man.<sup>2</sup> Shown Jeffrey Morris's photograph of Private INQ 1918 holding Duncan Clark, he said that he could not be sure that that was the man that he had seen.<sup>3</sup>

<sup>1</sup> AN17.3

<sup>3</sup> Day 78/65-67

<sup>2</sup> Day 78/6-7

- 30.27** In view of Jeffrey Morris's evidence, which is to the effect that Duncan Clark had been arrested and was being held by Private INQ 1918 behind Lieutenant N when the latter fired, we take the view that Joe Nicholas was mistaken in saying that the shot he heard was fired as he was trying to pull the man away from the soldiers.
- 30.28** Malachy Duddy told this Inquiry that he walked along Chamberlain Street to the entrance to Eden Place where he saw a man of about 50 to 60 years of age being manhandled by a soldier on the Eden Place side of this gap. He stated that he did not remember any other soldiers around at the time. He recalled that the soldier was carrying a rifle but did not remember him carrying a baton gun. *"I tried to pull the man away from the soldier but then I saw other soldiers advancing towards us and I started to run."* He then described being hit by a baton round as he did so and then hearing a live shot fired over his head.<sup>1</sup>
- <sup>1</sup> AD151.2
- 30.29** In our view this evidence from civilians relates to the arrest of Duncan Clark, and though there are details that appear inconsistent with the account given by Jeffrey Morris, it seems to us that this could well be explicable on the basis that what the latter observed occurred shortly after Duncan Clark's arrest. In this connection there is an earlier photograph taken by Jeffrey Morris showing Private INQ 1918 looking up the alleyway to Chamberlain Street and Lieutenant N (holding his helmet) approaching him from behind. Jeffrey Morris's contact sheets show that this photograph was the one taken before that showing Private INQ 1918 holding Duncan Clark.



**30.30** According to the arrest report forms, Private INQ 1918 arrested Duncan Clark for throwing stones at the arrest forces in Rossville Street and rioting. Private INQ 1918 told us that he had no recollection of how he came to arrest Duncan Clark or of hitting people with his weapon.<sup>1</sup>

<sup>1</sup> [Day 342/90-97](#); [Day 342/126-128](#)

**30.31** On the basis of the foregoing accounts, there is nothing, apart from the arrest report forms, to suggest that Duncan Clark was arrested because Private INQ 1918 had seen him throwing stones in Rossville Street and rioting. On the basis of the civilian accounts, he appears to have been a merely a bystander who, according to Tony Morrison, was recovering from exposure to CS gas. It is difficult to see how Private INQ 1918 could have seen Duncan Clark in Rossville Street, though it is possible that the description of the place given in the arrest report forms was not intended to be exact, but merely a general description of the area. However, even if that is so, in our view there is no acceptable evidence to suggest that Duncan Clark was arrested for any reason other than that he happened to be present when the soldiers arrived.

**30.32** As to the allegations of assault, we consider that, although the accounts differ, the civilian evidence indicates that Duncan Clark was roughly treated when he was arrested. Although, as we have pointed out, Duncan Clark himself did not record that he had been hit on the head at this stage, it seems to us from the evidence of Tony Morrison and Jeffrey Morris that he might have been, though we are not certain about this, since there are doubts (which we consider below<sup>1</sup>) as to whether Jeffrey Morris accurately described

what happened during another arrest made a little later. If this did happen, we have found no evidence to suggest that that Private INQ 1918 would have had or could have believed that he had any justification for hitting this middle-aged man on the head with his rifle.

<sup>1</sup> Paragraphs 33.15–29 and 33.42

**30.33** Later in this report,<sup>1</sup> we return to Duncan Clark’s account of what happened when he was in the APC.

<sup>1</sup> Chapter 43

**30.34** The foregoing evidence, including that of Jeffrey Morris, is to the effect that it was after Duncan Clark had been arrested that Lieutenant N fired into the alleyway leading from the Eden Place waste ground into Chamberlain Street. In our view this was the case.

**30.35** We now turn to consider in more detail the evidence concerning this firing.

## The first shots fired by Lieutenant N

### The evidence of soldiers

**30.36** In his first RMP statement, timed at 0045 hours on 31st January 1972,<sup>1</sup> Lieutenant N gave this account:

“As I got out of the vehicle several people ran past throwing stones and bottles. Some ran towards the flats, others ran into Eden Place and continued in a south westerly direction towards Chamberlain St. I ran after the people, running towards Chamberlain St and was accompanied by [Private 013] and [Private INQ 1918] from my platoon. The object of this was to make an arrest.

On nearing the junction of Eden Place and Chamberlain St the people I was chasing turned and faced me. In all there was a crowd of about 100 people. They began throwing stones and bottles and began to advance towards us.

I fired three rounds 7.62mm to disperse the crowd. One shot I fired high into the east wall of number 14 Chamberlain St. 2 shots I fired high into the north wall of number 13 Chamberlain St. There were no injuries to anyone in the crowd as a result of my firing. The crowd dispersed after the firing and I then moved back into the car park in front of Rossville Flats.”

<sup>1</sup> B373-374

**30.37** According to this statement, Private 013 accompanied Lieutenant N. In our view this was probably an error on the part of Lieutenant N. For reasons given in the preceding chapter,<sup>1</sup> we consider that Private 013 is likely to have moved on disembarking up to Block 1 of the Rossville Flats, where he was responsible for firing a baton round at Patrick “Barman” Duffy. For reasons given below, we are sure that Private 019 was with Lieutenant N at this time. The mistake was that of Lieutenant N, and not a transcription error, since in his original RMP statement he gave the name of Private 013.

<sup>1</sup> [Chapter 29](#)

**30.38** In another RMP account dated 1st February 1972,<sup>1</sup> Lieutenant N described how he had recocked his weapon after firing the first shot into the north wall of 13 Chamberlain Street in the mistaken belief that the gun had not reloaded itself. He stated that he had immediate cause to fire again into the north wall of 13 Chamberlain Street and “*after a short pause*” another shot into the east wall of 14 Chamberlain Street.

<sup>1</sup> [B391](#)

**30.39** In his written statement for the Widgery Inquiry,<sup>1</sup> Lieutenant N stated that before this firing he had tried to grapple with a man he described as throwing lumps of concrete at him, as a result of which his helmet strap broke and his helmet fell over his eyes.

<sup>1</sup> [B398](#)

**30.40** Though neither Private 019 nor Private INQ 1918 had any recollection of the incident,<sup>1</sup> we have no reason to doubt Lieutenant N’s account of seeking, immediately he had disembarked, to arrest a man who was throwing lumps of concrete at him, and breaking his helmet strap as he did so.

<sup>1</sup> [Day 343/110](#); [Day 342/87](#)

**30.41** In his written statement to this Inquiry,<sup>1</sup> William McCloskey told us that he entered the waste ground at Eden Place and saw the Army vehicles arrive and the soldiers disembark. A paratrooper ran towards him and he decided to have a go at him. He thought that the paratrooper was a second lieutenant. William McCloskey hit the paratrooper in the lower body, and then turned and ran back towards Chamberlain Street. When he had just about reached Chamberlain Street, he heard a live round fired from behind him in Eden Place, which hit the house on the south side of the junction with Harvey Street. He stated that he thought the bullet was aimed at him “*since there was no one else around*”. In his oral evidence to this Inquiry,<sup>2</sup> William McCloskey said that he kicked the paratrooper in the crotch once with his left foot.

<sup>1</sup> [AM120.2](#)

<sup>2</sup> [Day 73/144](#); [Day 74/11-12](#)

**30.42** Although the description of the incident differs from that given by Lieutenant N, it is possible that William McCloskey may have been the man he tried to apprehend. However, when shown Lieutenant N's evidence William McCloskey said that this must have been a different incident.<sup>1</sup>

<sup>1</sup> [Day 73/144-145](#)

**30.43** William McCloskey was also referred to but did not accept the evidence of Maurice McColgan, who described seeing a soldier run at William McCloskey only to be felled by a punch, shortly after which Maurice McColgan heard the crack of a self-loading rifle (SLR) round.<sup>1</sup>

<sup>1</sup> [AM124.2; Day 74/161-164](#)

**30.44** We formed the view that William McCloskey's oral evidence to us was unreliable, and that he did not have a true recollection of events. As will be seen from the evidence discussed in this chapter, he was not in our view alone in Chamberlain Street when a shot hit the building there. In these circumstances we remain far from sure that he was the man Lieutenant N described.

**30.45** To return to Lieutenant N's written statement for the Widgery Inquiry,<sup>1</sup> after describing the incident with the man he tried to arrest, Lieutenant N described then taking up position with his radio operator and a soldier with a riot gun. "*The situation here was not comfortable because some of the rioters who had run from the open spaces away via Eden Place into Chamberlain Street had returned and were throwing rocks.*" His statement continued:<sup>2</sup>

"9. The situation appeared dangerous and there were only two of us there (apart from my operator who was just round the corner). I fired two SLR rounds over the heads of the crowd. They go back for a moment and then started to come forward again. I fired one more round and they went away. At one stage during this incident I had a stoppage and cocked my rifle. Since at the end of the operations I was one unaccounted for round short I think that I must have ejected it at this moment.

10. My signaler had arrested a man and I went with him to my pig which was still in the middle of the open space and put the prisoner in it, the corporal there taking charge. I then moved straight to the back of the Chamberlain Street houses again to get cover."

<sup>1</sup> [B398](#)

<sup>2</sup> [B399](#)

**30.46** The reference to "*My signaler*" [sic] is a reference to Private INQ 1918.

**30.47** In his oral evidence to the Widgery Inquiry, Lieutenant N described the crowd advancing towards him as about 75 to 100 strong. He said that he fired two aimed shots into the wall behind them about 2ft above their heads. The crowd moved back around the corner and then came round again and he fired another shot, after which the crowd “*lost interest*” and disappeared. He told the Widgery Inquiry that after this he went to his signaller (Private INQ 1918) and helped him to march the man the signaller had detained back to the APC. He then said that he went back towards the wall (by which it seems he meant the wall of the gardens of the houses in Chamberlain Street backing on to the Eden Place waste ground) and started moving along towards the end of Chamberlain Street.<sup>1</sup>

<sup>1</sup> [WT12.65-67](#)

**30.48** It was suggested to Lieutenant N, who agreed, that there was nothing in the Yellow Card (which set out the circumstances in which soldiers could fire and which we discuss later in this chapter) that justified his shots, but he said that he fired the shots to save life. “*If that crowd had gone through that little gap to my position and started stoning me at point blank range they would undoubtedly have injured myself and my soldiers.*” He agreed in his oral evidence to the Widgery Inquiry that he had fired without warning.<sup>1</sup> He later said that he had fired from the kneeling position.<sup>2</sup>

<sup>1</sup> [WT12.78](#)

<sup>2</sup> [WT12.83](#)

**30.49** In the trajectory photograph prepared for the Widgery Inquiry, which we reproduce below, the wall described as the north wall of 13 Chamberlain Street is the wall marked 1 (which is in fact the front wall of 9 Chamberlain Street) and the wall described as the east wall of 14 Chamberlain Street is the wall marked 2 (which is the side wall of 14 Chamberlain Street). Lieutenant N’s oral evidence to the Widgery Inquiry<sup>1</sup> suggests, consistently with his second RMP statement, that the first two shots were fired at the wall marked 1 on the photograph and the third at the wall marked 2.<sup>2</sup> He agreed with the Widgery Inquiry that the photograph taken by the *Daily Mail* photographer Jeffrey Morris might have been taken at the moment when he fired two shots into the wall.<sup>3</sup>

<sup>1</sup> [WT12.65-67](#)

<sup>3</sup> [WT12.77](#)

<sup>2</sup> The line marked 3 refers to a further shot by Lieutenant N, which we consider later in this report ([paragraphs 51.1–43](#)).



**30.50** Lieutenant N gave written and oral evidence to this Inquiry. His recollections in a number of respects differed from the accounts that he gave at the time, though in his written statement he cast no doubts on the accuracy of those accounts.<sup>1</sup> He did, however, recall that before Bloody Sunday there had been an incident in Ballymurphy when, after calling on them to disperse, he had fired a shot over the heads of a small group of people about 50 yards away whom he suspected of spotting him for a possible ambush. He described this as “*not really accepted conduct*”.<sup>2</sup>

<sup>1</sup> [B438.007-010](#)

<sup>2</sup> [B438.002](#)

**30.51** In his oral evidence to this Inquiry, Lieutenant N told us that he recalled the confrontation with the man he said had thrown concrete at him as having occurred immediately after he had disembarked and that the man had come towards him from the north.<sup>1</sup> He also told this Inquiry that he recalled that when he faced the people he described coming towards him from the Eden Place alleyway he stepped into the middle of the entrance to the Eden Place alleyway and shouted something like “*Fuck off or I will shoot you*”.<sup>2</sup> He also told us that he had no recollection of seeing his signaller Private INQ 1918 arresting anyone in the alleyway.<sup>3</sup> He agreed that he was very probably the soldier shown in the photograph reproduced earlier in this chapter (in our discussion of the arrest of Duncan Clark) holding his helmet and approaching Private INQ 1918.<sup>4</sup> He said he had no recollection of two soldiers apprehending Jeffrey Morris or of Private INQ 1918 hitting Duncan Clark on the head.<sup>5</sup> He agreed that the following two photographs “*very possibly*” showed him and his signaller escorting the man the latter had arrested. In our view these photographs do show this event. Both of these photographs were taken by Colman Doyle, a photographer from the *Irish Press* newspaper.<sup>6</sup>

<sup>1</sup> [Day 322/50](#)

<sup>2</sup> [Day 322/59](#)

<sup>3</sup> [Day 322/77-78](#)

<sup>4</sup> [Day 322/78](#)

<sup>5</sup> [Day 322/81-82](#)

<sup>6</sup> [Day 72/84-85](#); [Day 72/179](#)



- 30.52** As will be seen later in this chapter, a photographer, Gilles Peress, gave evidence of a paratrooper shooting at him from the hip as he attempted to cross the junction of Chamberlain Street and the Eden Place alleyway. Lieutenant N said that he had no recollection of seeing a photographer and that “*I certainly did not fire from the hip*”.<sup>1</sup>
- <sup>1</sup> [Day 322/76-77](#)
- 30.53** Lieutenant N’s account of mistakenly recocking his rifle and ejecting a live round is supported by the evidence of Paul Martin, then 10 years old, who told us in his written statement to this Inquiry that on the evening of Bloody Sunday he found a live round in a position corresponding to that where Lieutenant N said he had ejected it.<sup>1</sup>
- <sup>1</sup> [AM26.4](#)
- 30.54** In his RMP statement dated 4th February 1972,<sup>1</sup> to which we have already made reference, Private 019 (who was armed with a baton gun) stated that he was with Lieutenant N at the corner of Eden Place and Harvey Street. His statement continued: “*As I was trying to hold back the rioters which were 150 in number and were of mixed sex. The crowd started to advance on my position throwing bottles and bricks and at both myself and ‘N’. At this point we were the only two persons at the junction and so ‘N’ fired two 7.62 rds into a brick wall above the rioters heads in an attempt to stop them advancing. This had complete effect and the crowds dispersed up Chamberlain Street in a northerly and southerly direction.*” Private 019 recorded nothing in this statement about firing his baton gun. He did not give evidence to the Widgery Inquiry.
- <sup>1</sup> [B1492](#)
- 30.55** In his written evidence to this Inquiry,<sup>1</sup> Private 019 gave an account of being on the southern corner of the Eden Place alleyway, with Lieutenant N and the radio operator on the northern corner. He told us he could see a crowd of civilians at the junction between Chamberlain Street and Harvey Street, but could not remember what they were doing. He stated that he probably would have fired baton rounds at this stage, but that he could not remember doing so. His statement continued:

“Lieutenant N then fired two or three shots from his SLR. I was not looking at him as he fired and I heard rather than saw, the shots fired. I was looking at the crowd. I saw two strikes where bullets hit walls above the heads of the crowd. I realised more or less straight away what Lieutenant N was doing. I thought he was firing warning shots, rather than at a target, because they hit the wall above the heads of the crowd. If he had been firing at a target he could not have missed from that range, It was not

common for a soldier to fire warning shots and it was not covered by the Yellow Card but I think his idea was to disperse the crowd ... The crowd dispersed when the shots were fired.

Lieutenant N obviously thought that firing warning shots would disperse the crowd. Some people said afterwards that he panicked but I did not really think about it at the time.”

<sup>1</sup> [B1494.003](#)

**30.56** In his oral evidence to this Inquiry, Private 019 said on frequent occasions that he had no recollection of events, including firing his baton gun, though he did not seek to resile from his 1972 account. He agreed that it was clear that he would have used his baton gun if he had to hold back a crowd, but said to us that he could not remember what the crowd had been doing or whether he had needed to fire his baton gun.<sup>1</sup>

<sup>1</sup> [Day 343/115](#)

**30.57** Much of Private 019’s oral evidence was taken up with the question as to whether or not he had given an interview to Neil Davies.

**30.58** Neil Davies was a producer and researcher in the television and film industry. Between 1965 and 1969 he had been a member of the Parachute Regiment, though he did not serve in Northern Ireland. In 1989 and 1990 he interviewed a number of soldiers and former soldiers, while working for the television production company Praxis Films Ltd. At first these interviews were conducted for the purposes of a proposed documentary about the British withdrawal from Aden in the 1960s, but as the research progressed, it became apparent that many of the soldiers had knowledge of the events of Bloody Sunday. John Goddard of Praxis Films Ltd was also interested in producing a documentary about Bloody Sunday, and so Neil Davies began to discuss Bloody Sunday more specifically in the course of these interviews.<sup>1</sup> The project resulted in the making of the documentary *Bloody Sunday*, broadcast as part of Channel 4’s Secret History series on 5th December 1991.

<sup>1</sup> [M19.1-2](#)

**30.59** Praxis Films Ltd provided a great deal of material to this Inquiry in the form of transcripts and notes of interviews, including some of the interviews conducted by Neil Davies. Recordings of the interviews appear not to have survived.

- 30.60** Neil Davies identified one of these documents<sup>1</sup> as a page of his notes of one of his interviews. In his supplementary written statement to this Inquiry, he told us:<sup>2</sup>

“I interviewed this soldier in a pub, but I do not recall if anyone else was present. I am not willing to identify him because of my duty of confidentiality. This is not a transcript, but consists of notes I wrote up after talking to the soldier.”

<sup>1</sup> O27.1

<sup>2</sup> M19.14.15

- 30.61** The notes are written in the first person, in terms that indicate that the speaker was armed with a baton gun on Bloody Sunday and was in the same vehicle as Corporal 162, namely Lieutenant N’s APC.

- 30.62** There are two further sets of notes which seem to us to have been taken from the same tape recording, as Neil Davies himself suggested might have been the case.<sup>1</sup>

<sup>1</sup> Day 397/85; Day 397/136

- 30.63** The first set<sup>1</sup> consists of notes written up by him after talking to the soldier. These notes include the following:

“In 10 minutes the world collapsed around us. Specially for the officers, lots of careers ruined that day.

...

I was by the platoon commander, he fired first empty cases flew past my head.”

<sup>1</sup> O27.1

- 30.64** The second set of notes,<sup>1</sup> which Neil Davies said appeared to have been compiled by one of his colleagues from a tape recording of an interview he (Neil Davies) had conducted with a soldier,<sup>2</sup> includes this passage:<sup>3</sup>

“N officer, me in his pig. cheering as we raced off, through the barricades, lads were shouting, ‘Get the fuckers’, get the adrenalin going, snatch squad.

Waste ground below flats. Jump out, running away, thousands of them, screaming, shouting. Me with officer, loads of fuckers came around the corner at us.

Officer, firing, first, right by him, cartridges whistled past my head, he had lost it, hadn’t he. Ran back to pigs to get our weapons, all did. Cover. See? Shooting started, not see anything, no targets, nothing, not fire a bullet.

Only that officer firing, careers ruined.”

<sup>1</sup> O28.1-3

<sup>3</sup> O28.3

<sup>2</sup> Day 397/81

**30.65** The third set,<sup>1</sup> Neil Davies said, was a note written up by someone else or a transcript, and he could not tell with any certainty whether all three notes related to the same interviewee.<sup>2</sup> The third set of notes includes the following passage:

“N he was nervous in and out of the pig. we were telling him stories of sorting the IRA out. Bigger price on an officers head

The officer started firing first.

Q. Are you sure the Officer started firing first.

I was right by him cases were flying right by my head. Lost it had’nt he.

I ran back to the pig. we all did to get our weapons. get to cover. he must have seen something.

Well you dont hang about when the shooting starts.

I did’nt see anything. no targets.

I only heard the officer firing. did’nt see any targets. did’nt do any firing. Did’nt fire a bullet.

The world collapsed around us. especially for the officers. Lots of careers ruined that day.”

<sup>1</sup> O29.1-2

<sup>2</sup> Day 397/84-85

**30.66** Neil Davies conducted his interviews of former soldiers in 1989 and 1990.<sup>1</sup> Private 019 had been shown the interview notes by 3rd February 2000 when his solicitor wrote to the Inquiry’s solicitor to say, on instructions, that the first of these three notes<sup>2</sup> was the only document that could possibly be a record of Private 019’s conversation with Neil Davies. On 16th September 2002, during the course of the hearing, Private 019’s counsel said that Private 019 believed that this document “*must represent part of the conversation he had, but may I say he has considerable reservations about the way it is recorded and the language which he is supposed to have used*”.<sup>3</sup>

<sup>1</sup> M19.14.1-6

<sup>3</sup> Day 233/119

<sup>2</sup> O27.1



**30.73** In his written evidence to this Inquiry, Private INQ 1918 (the signaller) stated that he recalled looking up what appears to be the Eden Place alleyway and seeing a crowd of civilians throwing stones and bottles and bricks towards him.<sup>1</sup> However, in his oral evidence to us, Private INQ 1918 said that he did not recall Lieutenant N opening fire. Since this soldier was engaged in detaining Duncan Clark when Lieutenant N fired, his evidence goes more to the situation before Lieutenant N fired than to the time when that firing took place.

<sup>1</sup> C1918.2

## The evidence of civilians

**30.74** Eamonn Baker gave written and oral evidence to this Inquiry. In his written statement, he described being one of those behind the corrugated iron shield in William Street facing Barrier 14. He stated that he remembered seeing armoured cars at the junction of William Street and Rossville Street and ran down Chamberlain Street to get away. He recalled seeing a soldier appear at the junction of Chamberlain Street and Eden Place and a man running ahead of him who ran towards the soldier in order to throw a stone at him. *“I recall the soldier lifted his rubber bullet gun to fire at the man. The man threw his stone at the same time as the soldier fired, but they missed each other. I cannot really remember much about this soldier except that he was wearing a perspex visor and a riot helmet.”*<sup>1</sup>

<sup>1</sup> AB2.2-3

**30.75** In his oral evidence to this Inquiry, Eamonn Baker agreed that he had been throwing stones in William Street and that, contrary to his written statement, he had engaged in rioting on other occasions.<sup>1</sup> He agreed that he had run down Chamberlain Street with a whole crowd of people and he said that the soldier whom he saw had been at the south-west corner of the Eden Place alleyway.<sup>2</sup>

<sup>1</sup> Day 96/125-126; Day 096/153

<sup>2</sup> Day 96/129-130

**30.76** We have already considered the evidence of Patrick Clarke, Tony Morrison, Joe Nicholas and Malachy Duddy in relation to the arrest of Duncan Clark by Private INQ 1918.

**30.77** In his oral evidence to this Inquiry, Patrick Clarke said that when the soldier fired there were people running south down Chamberlain Street but there was nobody at all in the part of Eden Place between Chamberlain Street and the waste ground.<sup>1</sup>

<sup>1</sup> Day 74/88-89

30.78 In his oral evidence to this Inquiry, Tony Morrison said that when he arrived in Eden Place there was no-one else there apart from himself, his friend and the civilian who was apprehended.<sup>1</sup> He was asked whether at the time when he turned and ran back into Chamberlain Street after a shot had been fired, there was a crowd around the junction of Chamberlain Street and Eden Place. He replied that there were a few people about, but not many and did not agree with the suggestion that it was “a fairly large crowd”. He said he did not see anyone holding a missile of any kind.<sup>2</sup>

<sup>1</sup> Day 184/96-97

<sup>2</sup> Day 184/146

30.79 As already noted, Joe Nicholas told us that he went with a few others from the crowd to try and rescue “the old man”.

30.80 In his written evidence to this Inquiry, Malachy Duddy told us that on seeing soldiers approaching he started to run back up Eden Place (eastwards) towards Chamberlain Street; that as he ran he was hit by a rubber bullet in his back, which caused him to fall forward onto one knee; and that as he was being helped to his feet by someone, “a live shot was fired over our heads”.<sup>1</sup> In the course of his oral evidence to this Inquiry, Malachy Duddy was asked what was happening as he tried to go to the rescue of the man:<sup>2</sup>

“Q. And while you were doing that, another 15 or 20 people were some yards behind you, but coming in the same direction?”

A. Yes, that is correct, yeah.

Q. Mr Duddy, would it be fair to say, if another soldier had been watching that scene he would have seen you as an individual going to interfere with an arrest, he would have seen 15 or 20 people advancing on the soldier who was trying to make an arrest at the same time?

A. Yes, that is right.

Q. At about that time somebody fired at least one rubber bullet in the direction of you and the advancing 15 or 20?

A. That is correct, yes.

Q. And when that did not succeed, a live round was fired over the heads of the same crowd?

A. That is my recollection.”

<sup>1</sup> AD151.2

<sup>2</sup> Day 81/152-153

**30.81** John Friel gave written and oral evidence to this Inquiry. In his written statement, he described being on the south side of the junction of Chamberlain Street and the Eden Place alleyway.<sup>1</sup> About half a dozen people were standing there with him, but he was the closest to Eden Place. He saw a soldier with a baton gun on the corner of the Eden Place alleyway and the waste ground. The soldier disappeared and John Friel picked up a large stone or half brick, intending to throw it at the soldier if he appeared again. Instead a different soldier appeared on the same corner, carrying a rifle. He immediately swivelled round and fired a single round towards John Friel, holding his rifle at hip height. John Friel dropped the stone and ran away. He did not see the strike of the bullet. In his oral evidence to this Inquiry, John Friel described himself as having been at the front of the crowd (though he also said that he could not see who was behind him or how many) and agreed that the sight that the soldier with a rifle would have seen “*was you with half a brick in your hand ready to throw and a crowd behind you*”.<sup>2</sup>

<sup>1</sup> AF33.1; AF33.12

<sup>2</sup> Day 76/7; Day 76/60

**30.82** According to his evidence to this Inquiry, Patrick Walsh was standing at the junction of Eden Place and Chamberlain Street and heard a shot, which hit the brickwork of a house just above a window. According to his written account,<sup>1</sup> the house struck by the bullet was the house adjacent to 9 Chamberlain Street. He stated that he did not see which soldier opened fire.

<sup>1</sup> AW5.2

**30.83** In his oral evidence,<sup>1</sup> he said that he could not be definite about which house it was, but that it was on the east side of the road. He also said that he assumed that the soldiers had been aiming either at him, or at a photographer, or at one of a group of men lined across Chamberlain Street. According to his evidence, these men formed a stationary line on the south side of the junction with Harvey Street to resist paratroopers advancing down Chamberlain Street from the north.<sup>2</sup> Patrick Walsh said that he did not see civilians at any stage advancing towards the paratroopers in Eden Place.<sup>3</sup>

<sup>1</sup> Day 171/15

<sup>3</sup> Day 171/17

<sup>2</sup> AW5.1; Day 171/11-14

**30.84** In interview notes made by Tony Stark of Praxis Films Ltd,<sup>1</sup> Patrick Walsh is recorded as denying that there was a large crowd threatening Lieutenant N when he fired and as saying that after the shot had been fired, he heard another shot and then saw a soldier on one knee with his rifle in his shoulder and pointing towards the Rossville Flats. He told Tony Stark that he threw a brick at this soldier and ran off. However, in his supplementary written statement to this Inquiry<sup>2</sup> and in his oral evidence,<sup>3</sup> Patrick Walsh said that he

believed that he threw this brick before the first shot was fired, at the soldier furthest away from him in the area of Eden Place, who was down on his knee. That soldier appears to have been a little way back from the entrance to the Eden Place alleyway.<sup>4</sup>

<sup>1</sup> AW5.19

<sup>3</sup> Day 171/15-16

<sup>2</sup> AW5.26

<sup>4</sup> AW5.40; Day 171/7-9

**30.85** Patrick Walsh's evidence continued:<sup>1</sup>

“Q. Can I understand your present recollection as to the sequence of events: you are at the nook, the corner; is what happens – tell me if it is not – that you see a soldier at the corner you have pointed out on the photographs; you throw a brick at him and then you hear a rifle shot or a whoosh and a whack?”

A. I had seen the old lady come out of the house first of all and I moved towards her to tell her to get in out of the road and that is when I heard the bullet hit the, hit the window and take the brick out of the window.

Q. When did you throw a brick?

A. Oh, I was standing at the niche. I moved out of the niche and threw the brick at the furthest soldier from me, down on his knee.

Q. Was that before or after you had seen the old lady?

A. That was before.

Q. Before?

A. Before I seen the old lady, yes.

Q. Was there anybody else who was throwing a brick or a stone at the soldier?

A. I cannot – I could not, I could not recall any at that particular time, no.”

<sup>1</sup> Day 171/15-16

**30.86** In his NICRA statement dated 1st February 1972,<sup>1</sup> Mitchel McLaughlin recorded:

“I took part in the parade up until we reached and were stopped at the barricade. We argued with the soldiers and ended up by throwing stones until they brought in the water tank. After a time the crowd dispersed but we continued stone throwing. After about half an hour there were only a handful of stone throwers left and it was at this time the Saracens, at least 3 of them, and one or two ferret cars came across Little James’ St into the Bogside. We didn’t want to be cut off so we decided to vacate the area and moved straight back along Chamberlain St. towards the multi-storied flats and went towards the Car Park. As we were crossing the Harvey St./Eden Place Junction we were fired upon by a Paratrooper kneeling at the corner at Quinn’s Lane. A foreign photographer was the only person left at the William St. end of Chamberlain St. and we shouted for him to come towards us as we saw the soldiers take up position where Hunter’s Bakery used to be. He stepped out with both hands in the air, facing the soldier who had shot at us and this soldier shot at him also. This bullet lifted a chunk out of the masonry surrounding the window at the end house in Harvey St. (this can be seen and the photographer involved photographed it). This was the first real evidence we had that they were using lead bullets. I have, through experience, become familiar with the sounds of nail bombs and I can state without any question or doubt that none had been thrown.”

<sup>1</sup> AM340.9

**30.87** Mitchel McLaughlin gave written and oral evidence to this Inquiry. In his written evidence,<sup>1</sup> he described the same sequence of events as in his NICRA statement, though he said that he did not see the first shot or in what direction it was fired. He stated that the soldier shouted no warning when he fired at the photographer, “*Nor were any civilians attacking soldiers in this area*”. He stated that he ran away south down Chamberlain Street and as he did so heard “*sustained rifle fire*”.

<sup>1</sup> AM340.3

**30.88** In his oral evidence to this Inquiry, Mitchel McLaughlin said that after the first shot he took cover on the south-west corner of the junction between Chamberlain Street and Harvey Street. He told us that by this time the majority of people going down Chamberlain Street had already gone past this junction and that he saw none of them going into the Eden Place alleyway.<sup>1</sup> He said that he recalled the photographer standing in the middle of the junction, seemingly frozen to the spot.<sup>2</sup> He also agreed that it was “*a distinct possibility*” that the soldier fired above the photographer’s head to scare him and others off: “*it was*

*very close range.*"<sup>3</sup> He also said that although there were people in the vicinity he could not recall anybody between him and the soldier. All he could recall was a soldier, himself and the photographer standing in the middle of the entry.<sup>4</sup>

<sup>1</sup> Day 80/12-13

<sup>3</sup> Day 80/16-17

<sup>2</sup> Day 80/13

<sup>4</sup> Day 80/68-69

**30.89** We have no doubt that the photographer Patrick Walsh and Mitchel McLaughlin saw was Gilles Peress.

## The evidence of Gilles Peress

**30.90** In 1972 Gilles Peress was working as a photographer for the Magnum Photos agency, which was based in Paris. He had visited Northern Ireland on previous occasions, and had returned about two weeks before Bloody Sunday to work on "*a photographic essay on the troubles*".<sup>1</sup>

<sup>1</sup> M65.19

**30.91** Gilles Peress gave a written statement for and oral evidence to the Widgery Inquiry.

**30.92** In his written statement for the Widgery Inquiry,<sup>1</sup> he stated that he had taken the following photograph (which he numbered 72-1-7 No.37) from what he described as the corner of Chamberlain Street and Eden Street "*just as the shooting begins*". It can be seen from this photograph that it was taken from the Chamberlain Street end of the Eden Place alleyway, that missiles were being thrown and that one civilian appears to be retreating from where a baton gun had just been fired. Enlarged parts of this photograph appear to show that one of the objects in the sky was a piece of brick or large stone and the other a baton round, while lower down on the left side of the lane there is something that could also be a missile of some kind.<sup>2</sup>

<sup>1</sup> M65.1.1

<sup>2</sup> E15.028-030



**30.93** Gilles Peress continued:<sup>1</sup>

“After taking the picture of the Saracen (72-1-7 No. 37) shooting was going on in Rossville Street. I went carefully down Chamberlain Street and at the Eden Street corner I held up my cameras saying ‘Press’. There was a soldier at the corner of the buildings on Eden Place. He was kneeling. After saying ‘Press’ I turned and crossed the street very slowly. As I got to the footpath the soldier shot at me from the hip. The bullet smashed the second window of No. 6 missing me by a few inches.”

<sup>1</sup> M65.1.1

**30.94** In his oral evidence to the Widgery Inquiry, there was the following exchange:<sup>1</sup>

“Q. I want you to deal with for a moment simply the photographs which have been enlarged. You may be asked by others about the prints themselves. You remember, after taking a photograph of a Saracen, or an armoured car, you went down Chamberlain Street to the corner of Eden Place?”

A. Yes.

Q. How many cameras had you with you?

A. Three.

Q. Was there a soldier on the corner of the buildings at Eden Place?

A. Yes, there was.

Q. Did you speak to him?

A. Yes. Turning the corner, I turned towards him and said to him ‘Press’, showing the cameras at this level (indicating) approximately. And then I walked slowly across Eden Place. Approximately about two-thirds of the street, as I was going to put my feet on the footpath, I heard a shot – he shot at me.”

<sup>1</sup> WT6.63

**30.95** When asked how he was sure the soldier had shot at him and not at someone else, Gilles Peress said: “*Because I was the only one, and where I was, and where he was, and where the bullet is. I see no other target. I do not say he shot to kill me, but he took a very fair chance to frighten me.*”<sup>1</sup>

<sup>1</sup> WT6.63

**30.96** Later in his oral evidence to the Widgery Inquiry, Gilles Peress said that when he went down Chamberlain Street he was alone. “*In a way I was between the Army and the crowd.*” He denied that when he got to Eden Place a section of the crowd turned into Eden Place, and said that when the soldier fired there were no other people within sight or range.<sup>1</sup>

<sup>1</sup> [WT6.72](#)

**30.97** In his written statement to this Inquiry, Gilles Peress gave a similar description of the soldier firing at him, but made no mention of the circumstances in which he came to take the photograph shown above. He did state that he heard high velocity fire for the first time that day as he went along Chamberlain Street from William Street.<sup>1</sup>

<sup>1</sup> [M65.20](#)

**30.98** In his oral evidence to this Inquiry, Gilles Peress told us that he recalled being at the tail end of the crowd of people fleeing along Chamberlain Street from William Street.<sup>1</sup>

<sup>1</sup> [Day 212/185-186](#); [Day 212/191-192](#)

**30.99** It is clear from the transcript that Gilles Peress, understandably after so many years, was finding some difficulty in recalling the exact sequence of events, but equally was being very careful not to tell us anything of which he was not sure:<sup>1</sup>

“Q. The photograph we see on the screen, was it taken before you saw the paratrooper?”

A. Correct, and actually, to be more specific, the moment – as you were speaking, as you were asking me these questions, I was trying to understand how much time I stayed at that corner because obviously two events happened at that corner: one is I shoot that picture, and the second one is that I see the paratrooper and I show him my cameras and I scream ‘press’, and subsequently he shoots at me.

So I may have spent more than even just the moment of hesitation, I may have spent half a minute, a minute at that corner, somewhere between that, between 30 seconds or a minute at least for that many events to happen at the same time.

The second thing I want to be specific, is that when I see the paratrooper, the point D is not actually in the car park. I remember him crouching at the corner of the last building on the right-hand side.

Q. At about this corner?

A. Right, in a crouched position.

Q. That was something I was going to ask you because that would seem to be the evidence that you gave to the Widgery Tribunal in 1972, that the paratrooper was at the corner.

I do want to ask you more questions about what happened when you saw this paratrooper, but looking – if we can remove the arrow, you are on the corner now in Chamberlain Street. We can see the burnt-out vehicle in the centre of the photograph and beyond one can see some Army vehicles on Rossville Street.

Did you venture down this alleyway towards the burnt-out vehicle at any time?

A. I do not recollect so. I do not remember doing that at all. I remember – I mean, I remember staying a little bit at that corner and trying to understand what the situation was. I tend – and it is something that is in my nature and it is something I have come to realise over the ages – is that things go very fast like this, I tend to slow down, which is I, I always instinctively slow down. So that is most likely what happened, is I lingered at that corner trying to understand what was happening.”

<sup>1</sup> [Day 212/191-193](#)

**30.100** Later in his evidence and when he was being asked again about the photograph shown above, Gilles Peress said that although he had no recollection of lads throwing stones down Eden Place, his photograph, which showed objects in the air, would indicate that this was happening.<sup>1</sup> He also said that he remembered that when he came upon the scene depicted in the photograph, there was a group of about ten people on his left. He said he could not remember whether any of them was carrying a stone or piece of brick.<sup>2</sup>

<sup>1</sup> [Day 213/2-3](#)

<sup>2</sup> [Day 213/4; Day 213/7-8](#)

**30.101** When asked whether he had seen anyone trying to rescue Duncan Clark, Gilles Peress told us that he had not:<sup>1</sup>

“Q. We also have evidence from a number of civilian witnesses that they did witness the arrest of Mr Clark, whom we have the red arrow pointing, and that they moved down to try and intervene in that arrest.

Were you aware at any time of a crowd of people moving down Eden Place when you saw the paratrooper?

A. No, no, I say it is the first time I even hear of this notion, so, no, and I want to say that I did not see anything resembling this arrest, so there must be a time span between this picture and my coming through Eden Place. So it is either before or after, I would not be able to judge.”

<sup>1</sup> [Day 213/6](#)

**30.102** Gilles Peress was asked about his written statement in which he described hearing high velocity fire as he made his way along Chamberlain Street towards the junction with the Eden Place alleyway, and his attention was drawn to the fact that in his written statement for the Widgery Inquiry he had recorded that the photograph had been taken just as the shooting began. He told us that his recollection was of high velocity fire starting up before he took the photograph, though he had already made clear that his current recollection was really based on reconstruction.<sup>1</sup>

<sup>1</sup> [Day 213/49](#); [Day 213/51](#); [Day 213/87](#)

## The evidence concerning the firing by Lieutenant N up the Eden Place alleyway

**30.103** The situation in Chamberlain Street around the time Lieutenant N fired was clearly fluid, with people moving away from William Street and making their way south. However, our consideration of the civilian evidence leads us to conclude that some of those people did advance down the Eden Place alleyway in an attempt to help Duncan Clark. It also appears to us that some of the civilians threw throw stones or similar missiles at the soldiers who were at the waste ground end of the Eden Place alleyway. Eamonn Baker, John Friel and Patrick Walsh told us as much and Gilles Peress’s photograph shows this happening. Those civilians who suggested that there was no aggressive behaviour towards the soldiers were in our view mistaken or missed what others had seen.

**30.104** We are not convinced that there was an aggressive crowd anything like as large as that described by Lieutenant N and Private 019 in 1972. At the same time the Eden Place alleyway was narrow and a substantial crowd of people were going along Chamberlain Street. Thus Lieutenant N may well have seen not just the 15 or 20 people Malachy Duddy recalled advancing towards the soldiers but also others behind who were going along Chamberlain Street.

**30.105** We have no doubt that Lieutenant N fired a shot at the time when Gilles Peress was at the Chamberlain Street entrance to the Eden Place alleyway. The gist of Gilles Peress's evidence<sup>1</sup> is that this shot narrowly missed him and struck the house on the south side of the junction of Chamberlain Street and Harvey Street. In his NICRA statement,<sup>2</sup> Mitchel McLaughlin said that the shot fired at the photographer "*lifted a chunk out of the masonry surrounding the window at the end house in Harvey St*". These descriptions are consistent with Lieutenant N's evidence as to the trajectories of his first two shots, rather than his third shot. Mitchel McLaughlin said in his interview with Kathleen Keville<sup>3</sup> that before the shot was fired at the photographer, the soldier had "*fired at us and hit the gable wall of the house opposite*". In his written statement to this Inquiry,<sup>4</sup> he said that before the shot was fired at the photographer he had heard one shot as he ran past Eden Place, but did not see who fired it or in which direction.

<sup>1</sup> M65.1.1; WT6.63; M65.20; Day 212/196-197

<sup>3</sup> AM340.20

<sup>2</sup> AM340.9

<sup>4</sup> AM340.3

**30.106** On the basis of this evidence it could be that the shot that narrowly missed Gilles Peress was Lieutenant N's second shot. That would require there to have been an interval between the two shots in which Lieutenant N ducked back around the corner and Gilles Peress took the photograph. The interval need not have been more than a few seconds long.

**30.107** Alternatively, it could be that it was Lieutenant N's third shot that narrowly missed Gilles Peress. Gilles Peress's evidence is that he was more or less at the back of the crowd leaving William Street and was going along Chamberlain Street towards the Eden Place alleyway when he heard high velocity shots. He was sure that he did not see people going to the aid of Duncan Clark. Lieutenant N's evidence was that there was a pause between his first two shots and his third shot. On this basis it could be that what Gilles Peress first heard were the first two shots fired by Lieutenant N.

**30.108** In these circumstances we are left in doubt whether the shot Gilles Peress described was the second or third of those fired by Lieutenant N. What to our minds is clear is that Lieutenant N did not intend to hit anyone with any of his shots.

**30.109** The representatives of the majority of represented soldiers submitted that Gilles Peress must have taken his photograph after Lieutenant N had fired all three shots.<sup>1</sup> We do not accept that suggestion. It does not in our view fit with the account given by Gilles Peress, nor with the evidence of Lieutenant N, that after the third shot there was no more trouble from the crowd.

<sup>1</sup> [FR7.381](#)

**30.110** Lieutenant N told us that he had no recollection of seeing a photographer. He is not visible in Gilles Peress's photograph. It seems likely that at this stage he was in cover behind the northern corner of the Eden Place alleyway. It is possible that he came out quickly to respond to the missile throwing, some at least of which is recorded on the photograph, and that he simply did not notice Gilles Peress. It is at least equally possible that he did see Gilles Peress, but nevertheless fired above him and the others there. In view of the evidence of Gilles Peress, we are left in doubt whether Lieutenant N fired from the shoulder or from his hip, though we are sure that he sought to aim his shots at the walls of buildings as he described.

## Whether Lieutenant N's shots were justified

**30.111** We now turn to the question as to whether or not Lieutenant N can be criticised for firing as he did.

**30.112** We consider first the provisions of the Yellow Card, the description given to the Instructions by the Director of Operations for Opening Fire in Northern Ireland,<sup>1</sup> which we have also discussed elsewhere in this report.<sup>2</sup> Rule 3(a) stipulated that the soldier should only fire aimed shots, while Rule 3(b) stipulated that the soldier should not fire more rounds than were absolutely necessary to achieve his aim. Rules 8 to 14 set out the circumstances in which a soldier was permitted to fire. With the exception of Rule 12, these rules relate to firing at individuals or (in the case of Rule 14) at a vehicle carrying individuals. Rule 12 provided that the soldier could fire after due warning, "*If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured*".

<sup>1</sup> [ED71.1-2](#)

<sup>2</sup> [Paragraphs 8.121–122](#)

**30.113** In his oral evidence to this Inquiry, Lieutenant N expressed the view that his firing was outside the scope of the Yellow Card because "*the Yellow Card, as I understand it, deals with firing at people*".<sup>1</sup>

<sup>1</sup> [Day 322/159-160](#)



to him that in those circumstances civilians were most unlikely to be foolhardy enough to try to move into the open area of the Eden Place waste ground, especially since they would have no idea what other soldiers might be out of sight but nearby.

**30.118** Both he and his baton gunner (Private 019) gave in our view estimates (100 and 150 respectively)<sup>1</sup> of the number of people involved, which we consider they must have known were grossly exaggerated. In our view at best only about 16 people were involved and probably not so many when Lieutenant N fired over Gilles Peress. We are sure (from the evidence of Malachy Duddy and the photograph taken by Gilles Peress) that Private 019 fired his baton gun at least twice up the Eden Place alleyway. However, what to our minds is lacking is any persuasive evidence that the firing of baton rounds was thought by Lieutenant N or Private 019 to be unlikely to have, or was failing to have, the desired effect. Although Private 019's Royal Military Police (RMP) statement<sup>2</sup> could be read as indicating that despite his efforts the crowd was still advancing, this is not what he suggested in his written evidence to this Inquiry,<sup>3</sup> where he told us he could not remember what the crowd was doing. Had the situation been as dangerous as Lieutenant N suggested, it seems to us that this was something Private 019 would be likely to have remembered. As it is he merely observed that he realised that Lieutenant N was firing to "*disperse the crowd*".

<sup>1</sup> B373; B149

<sup>3</sup> B1494.003

<sup>2</sup> B149

**30.119** The question remains as to Lieutenant N's state of mind when he fired. Private 019 expressed the view to Neil Davies that Lieutenant N had "*lost it*", while in his written evidence to this Inquiry he told us that "*Some people said afterwards that he panicked but I did not really think about it at the time*".<sup>1</sup>

<sup>1</sup> B1494.003

**30.120** We are not persuaded that Lieutenant N believed that it was necessary for him to fire to avert danger to him or other soldiers. It is possible that he fired in fear or panic, without giving proper thought to whether he was justified in doing so, but in the end we have concluded that the most likely reason Lieutenant N fired was that he decided that this would be an effective way of frightening and moving on the people, regardless of whether or not they posed such a risk to him or the other soldiers that firing his rifle was the only option open to him. In our view such a use of his weapon cannot be justified. In his oral evidence to this Inquiry, General Ford said:<sup>1</sup> "*It is always undesirable to fire over the*

*heads. It occasionally has to be done as a last resort to prevent being overrun or something similar.*" We consider that Lieutenant N was not faced with such a last resort situation.

<sup>1</sup> [Day 258/6-7](#)

## The other effect of Lieutenant N's shots up the Eden Place alleyway

**30.121** There is another aspect to the firing by Lieutenant N. As we have noted earlier in this chapter, the photographer Jeffrey Morris said that Lieutenant N's shots were the first that he heard; Private 019 appeared to say the same; and Lieutenant N told the Widgery Inquiry that apart from the shots that he had fired, he registered no other firing at that stage and "*heard no shots which I was aware of*", before his own firing.<sup>1</sup>

<sup>1</sup> [WT12.67](#); [WT12.79](#)

**30.122** In a minute dated 4th February 1972 of the opening meeting two days earlier of the Army team assembled for the purpose of the Widgery Inquiry, Major General INQ 2144 (Director of Personal Services (Army)) recorded that General Ford had told him that the opening shots had definitely come from the IRA, who had fired twice while 1 PARA was "*crossing the barricade*", but that "*it would probably be established that an officer of 1 Para had subsequently fired a burst of warning shots into a brick wall immediately before the main battle began*".<sup>1</sup> We have no doubt that that officer of 1 PARA was Lieutenant N.<sup>2</sup>

<sup>1</sup> [G114B.743.5](#)

<sup>2</sup> [Day 322/173-174](#)

**30.123** As already noted,<sup>1</sup> General Ford had observed soldiers of C Company crossing Barrier 14. We have no evidence that suggests to us that there was any IRA fire at this time. In an account apparently dictated to his personal assistant Sergeant INQ 1832 on 31st January,<sup>2</sup> General Ford had recorded that "*At about 1610 barrier 14 was lifted and Coy 1 PARA went in after the mob in a 'sweep-up' operation. I followed 1 PARA as far as just behind the junction of Chamberlain St/William St. It was at this stage that I heard shots fired from the direction of Rossville Flats.*"

<sup>1</sup> [Paragraphs 20.230–231](#)

<sup>2</sup> [B1123-1127](#)

**30.124** In his oral evidence to this Inquiry, General Ford seemed to agree that the shots that he ascribed to the IRA might in fact have been the shots fired by Lieutenant N.<sup>1</sup> In our view they were. Furthermore, we consider that these were the first shots fired after soldiers

had come into the Bogside. We return later in this report<sup>2</sup> to a detailed consideration of the movement of C Company through Barrier 14. There it will be seen that Lieutenant N fired his shots shortly before C Company soldiers started going down Chamberlain Street.

<sup>1</sup> Day 258/4-5

<sup>2</sup> Chapter 65

**30.125** In the course of Lieutenant N's oral evidence to the Widgery Inquiry, there was this exchange:<sup>1</sup>

“Q. Did you consider what effect the shots which you fired into Chamberlain Street might have on other paratroopers?

A. No, sir.

Q. Might they have caused other paratroopers to consider that they were being shot at?

A. No, sir.

Q. But any soldiers who did not see you fire would simply have heard high velocity shots?

A. That is correct, sir.

...

Q. So if some people consider that the first shots they heard were three high velocity shots, those shots might have come from you?

A. Yes, sir.”

<sup>1</sup> WT12.79

**30.126** In view of the relatively small area of the Eden Place waste ground, some if not all the soldiers who had disembarked from the two APCs of Mortar Platoon, as well as the other soldiers coming into the Bogside behind them, must have heard one or more of Lieutenant N's shots. We will return to what individual soldiers heard or said that they had heard when considering what later happened in the sectors. Here we should observe that Lieutenant Colonel James Ferguson, the Commanding Officer of 22 Lt AD Regt, told us (which we accept) that in a built-up area it would be very difficult for individual soldiers to know who was shooting and from where. One shot was all that it might take for everyone to believe that they were coming under fire.<sup>1</sup> Lieutenant Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN, gave evidence to the same effect.<sup>2</sup> Furthermore,

as Major Loden seemed to agree,<sup>3</sup> even if soldiers realised that the shots were from an Army rifle, they would be likely to assume that they had been fired at legitimate targets; and that accordingly that there were gunmen or bombers active in the area.

<sup>1</sup> B1122.11

<sup>3</sup> Day 347/6-7

<sup>2</sup> CJ2.2; Day 287/8

- 30.127** We are of the view that Lieutenant N's shots had the effect of causing other soldiers who had come into the Bogside to believe either that there was high velocity gunfire from paramilitaries, or that a soldier or soldiers had fired in justifiable response to paramilitary activity. In either case this would have led them to believe that they had encountered paramilitary activity.
- 30.128** As we have noted, Lieutenant N told the Widgery Inquiry that he had not considered what effect the shots he had fired into Chamberlain Street might have on other paratroopers. If, as we consider was likely to be the case, he decided to fire otherwise than as a last resort to protect himself or other soldiers, he can in our view fairly be criticised for failing to realise the effect his firing would be likely to have on the other soldiers who had come into the Bogside; and for that reason too have refrained from using his rifle as he did.
- 30.129** We now consider other relevant incidents that occurred soon after the soldiers had disembarked from Lieutenant N's APC.

# Chapter 31: Other incidents on the Eden Place waste ground

## Charles McMonagle

**31.1** Charles McMonagle was a volunteer in the Order of Malta Ambulance Corps. He was wearing his uniform on the day. In his Keville interview<sup>1</sup> he described being on the Eden Place waste ground and treating a man who had been hit by a rubber bullet, when someone screamed that armoured cars were coming in:

“... someone screamed that they were coming up Rossville Street in armoured cars and I looked up and I saw three or four coming in the general direction of the flats. We picked up the patient and ran towards the, the car park at the back of the High flats but there was a wire fence across so there was a very narrow gap for the crowd to get through in the panic. I tried to hold the crowd back to save our patient but I was knocked down and trampled under foot I lay up against the wall as paratroopers poured out from the back of the armoured cars. I saw one at least jumping out from the armoured car and standing behind it and firing indiscriminately in the general direction of the high flats and they seemed to spread the rifle from side to side. At this stage I thought he was firing in my general direction but I think now it was [*inaudible*] he hit I lay on the ground with my hands outstretched and at this stage I was wearing a gas mask. One paratrooper come, I think it was the same paratrooper, came dashing over and grabbed me by my, by my uniform and pulled me up and stuck a rifle in my chest I think he was going to fire and I gesticulated wildly at my red cross badge which he looked at and then released me and left me lying on the ground and said that he would kill me if I moved. I lay there for a few seconds and another paratrooper came over who he started shouting something but as he was wearing a gas mask I could not hear him he whipped off the gas mask and told me that there was no gas you silly fucker and I waited for another few seconds until I could recover my composure I then asked him would it be alright if I moved and he said yes you can go so I picked up my effects and headed down towards the Chamberlain Street. When I reach the corner the soldier there told me not to move picked up his rifle as if to shoot at me but I stopped dead and looked back at the other soldier who said I could go.”

<sup>1</sup> [AM367.23-24](#)

**31.2** Charles McMonagle also made a report to the Order of Malta Ambulance Corps.<sup>1</sup> He gave much the same account, but in this report he stated that he had seen the vehicle come over the waste ground through a “*large ‘lake-type’ puddle*” and that the paratrooper had fired from the hip in the direction of the fleeing people. He also stated in this report that the paratrooper who had grabbed him and then released him had afterwards moved off towards the car park of the Rossville Flats and returned with an old man as his prisoner. According to this report the soldier had removed Charles McMonagle’s gas mask, not his own.

<sup>1</sup> [AM367.19-22](#)

**31.3** Charles McMonagle gave written and oral evidence to this Inquiry. In his written account<sup>1</sup> he described the Armoured Personnel Carrier (APC) from which the soldier had come as having stopped immediately to the north of the wire fence running across the southern edge of the Eden Place waste ground. He also stated that a paratrooper, who had fired from his hip in the direction of the Rossville Flats, approached him and pointed his rifle at his chest, while Charles McMonagle pointed frantically at his badge. A second paratrooper then arrived, and the two soldiers roughed him up and threw him to the ground. At one stage they rifled through his kit bag.<sup>2</sup>

<sup>1</sup> [AM367.4](#)

<sup>2</sup> [AM367.3-4](#); [AM367.16](#)

**31.4** In his oral evidence to this Inquiry, Charles McMonagle confirmed that the crowd had initially knocked him down, as he had recorded in the accounts that he gave in 1972.<sup>1</sup> He also told us that his gas mask had been pulled to one side rather than being torn from his face.<sup>2</sup> Shown a photograph of the position of Lieutenant N’s APC, he said that he could not now remember whether the soldier had come from this APC.<sup>3</sup>

<sup>1</sup> [Day 102/112](#)

<sup>3</sup> [Day 102/118](#)

<sup>2</sup> [Day 102/153-154](#)

**31.5** Colman Doyle, the *Irish Press* staff photographer, took a photograph that Charles McMonagle told us shows him lying on the ground, and the two paratroopers who had approached him.<sup>1</sup> According to Colman Doyle, he took this photograph after those he had taken of the arrest of William John Dillon,<sup>2</sup> which we describe later in this report.<sup>3</sup>

<sup>1</sup> [AM367.4](#)

<sup>3</sup> [Chapter 33](#)

<sup>2</sup> [M23.1](#)



- 31.6 An enlargement of this photograph gives a closer view of Charles McMonagle and the two soldiers.



- 31.7 As we have described earlier in this report,<sup>1</sup> Lance Corporal V was in Lieutenant N's APC. In his written account to this Inquiry,<sup>2</sup> Lance Corporal V described how he disembarked from his vehicle and broke the ice on top of a frozen puddle. He noticed a man in a uniform and respirator and ran at him, pinning him against the wall with his rifle.

The man called out something to indicate that he was a first-aider, and this was sufficient for Lance Corporal V to realise that he was not a threat. He stated that the wall seen in the photographs displayed above could be the wall against which Lance Corporal V pushed the first-aider, but Lance Corporal V could not identify the soldiers or the Order of Malta Ambulance Corps volunteer shown in these photographs.

<sup>1</sup> Paragraphs 24.6–9

<sup>2</sup> B821.003

**31.8** We have no doubt that the soldier who initially approached Charles McMonagle was Lance Corporal V. Charles McMonagle recalled that this soldier was left-handed<sup>1</sup> and on behalf of Lance Corporal V we were told that he was left-handed.<sup>2</sup> Furthermore there is no evidence to suggest that there was another incident in which a soldier approached an Order of Malta Ambulance Corps volunteer who was against a wall in the Eden Place waste ground.

<sup>1</sup> AM367.4

<sup>2</sup> Day 103/198

**31.9** In his written account for the Widgery Inquiry,<sup>1</sup> Lance Corporal V stated that his task was to arrest rioters and that he had gone forward after disembarking, “*covering soldier S who was ahead of me*”. As already noted,<sup>2</sup> in his first RMP statement<sup>3</sup> Private S described deploying to a position at the back of one of the houses at the southern end of Chamberlain Street.

<sup>1</sup> B801

<sup>3</sup> B693

<sup>2</sup> Paragraphs 26.36–37

**31.10** Private S told us that he had no recollection of an incident involving a first-aider,<sup>1</sup> but in view of the account Lance Corporal V gave at the time, it seems to us that he was probably the second soldier involved in this incident.

<sup>1</sup> Day 331/52-56

**31.11** Those acting on behalf of the majority of the families submitted that Lance Corporal V and Private S “*clearly assaulted a first-aider who presented no threat ...*”.<sup>1</sup>

<sup>1</sup> FS1.1346

**31.12** Lance Corporal V denied that he had pushed Charles McMonagle to the ground, or rifled through his kitbag, or seen anyone else doing these things.<sup>1</sup> He also told us that his immediate thought when he first saw a person in a uniform was “*that the guys here were extremely well organised. I had never before or since seen civilians with respirators and uniforms. Because of this I ran at the man and pinned him against the wall with my rifle.*”<sup>2</sup>

<sup>1</sup> Day 333/52-53

<sup>2</sup> B821.003

31.13 Private S denied that he had assaulted a first-aider.<sup>1</sup>

<sup>1</sup> Day 332/36

31.14 In our view Charles McMonagle was assaulted. He had identified himself as a first-aider, but this did not prevent Lance Corporal V from pushing a rifle into his chest and threatening to kill him if he moved, and Private S then pulling his gas mask to one side. However, it is right to point out that according to the accounts that Charles McMonagle gave in 1972, the soldier who first approached him let him go as soon as he had identified himself as a first-aider. Furthermore, we are not persuaded that either soldier rifled through his kitbag, or that they threw him to the ground, since had either of these things happened we consider that he would have mentioned them in one or other of the accounts that he made soon after these events.

## Antoinette Coyle

31.15 In her report to the Order of Malta Ambulance Corps,<sup>1</sup> another volunteer, Antoinette Coyle, stated that as she crossed the waste ground she saw two vehicles, one of which was driven straight at the crowd. A soldier jumped out in front of her and a man collided with him. Both fell to the ground. She stopped to see whether they were injured. The man stood up and ran on. The soldier jumped up, raised his rifle by the barrel high above his head and tried to bring it down with full force on a girl's head as she ran by, but as she was almost past him it landed on her shoulders. Antoinette Coyle grabbed the girl and ran with her to the Rossville Flats. The girl was badly shocked but not badly hurt. Antoinette Coyle gave a similar account of the incident in her NICRA statement,<sup>2</sup> and in her written statement to this Inquiry,<sup>3</sup> in which she explained that the soldier had held the barrel of his rifle with his hands and swung it like a club, hitting the girl with the butt in the middle of her back. In her oral evidence<sup>4</sup> she was asked whether she was sure that the soldier had tried to hit the girl on the head, and she replied: "*He was hitting out at her. I would say only as he came down she ducked, he could have hit the head, yes. But she was running as well at the same time.*"

<sup>1</sup> AC85.24

<sup>3</sup> AC85.5

<sup>2</sup> AC85.1

<sup>4</sup> Day 95/34

31.16 We have no reason to doubt that some such incident as that described by Antoinette Coyle took place soon after the APCs arrived, though we are not persuaded that a soldier would use his rifle in this way, as there would not only be a significant risk of shooting himself if the rifle was loaded, but also a risk that the civilian would be able to grab the rifle from the soldier. We have been unable to identify either the girl or the soldier involved

in this incident. It is not even clear from which vehicle the soldier had disembarked or just where the incident took place. However, there is nothing to suggest that there could have been or could have been believed to be any justification for a soldier to hit the girl, whatever means were used.

## Chapter 32: The arrival of Sergeant O's Armoured Personnel Carrier

- 32.1** As we have already described, Sergeant O's Armoured Personnel Carrier (APC) followed that of Lieutenant N along Rossville Street. After Lieutenant N's APC had turned off into the Eden Place waste ground, Sergeant O's APC continued along Rossville Street and stopped briefly near Pilot Row, where probably six soldiers disembarked before the vehicle turned left off Rossville Street into the entrance to the Rossville Flats car park.
- 32.2** We now turn to consider, in this and the following chapters, the evidence of the six soldiers who we consider disembarked in Rossville Street. We deal first with where they said they initially went. After this, we deal likewise with the soldiers who disembarked when the APC stopped in the car park. In the course of doing this we discuss a number of incidents involving some of the soldiers from Sergeant O's APC. We treat as a separate topic the evidence about incoming fire that the soldiers from Sergeant O's APC gave.

### The movements of the soldiers who disembarked in Rossville Street

#### Corporal P and Private 017

- 32.3** Corporal P and the baton gunner Private 017 were two of the soldiers who disembarked from Sergeant O's APC in Rossville Street. These two soldiers then moved to an area on the west side of Rossville Street near Kells Walk. We discuss this movement and what they say they saw and did in the course of considering the events of Sector 3.<sup>1</sup>

<sup>1</sup> [Paragraphs 69.20–58](#) and [71.1–10](#); [Chapters 73–75](#)

#### Private R

- 32.4** In his first RMP statement timed at 0630 hours on 31st January 1972,<sup>1</sup> Private R stated that he had been detailed to cover the vehicle (ie the APC in which he had been carried) but it "*suddenly drove off and located itself outside No 1 Block Rossville Flats. I moved through the crowd to the vehicle. They were throwing stones and bottles at me.*" In his written statement for the Widgery Inquiry,<sup>2</sup> he stated that as his APC passed the junction of William Street and Rossville Street people threw stones and bottles at the vehicles.

He then described disembarking and running after the APC, during which he said he was hit by stones and bottles from the people around him. He gave a similar account in his oral evidence to the Widgery Inquiry and in his written evidence to this Inquiry.<sup>3</sup>

<sup>1</sup> B658-659

<sup>3</sup> WT13.72-73; WT13.79-80; B691.002

<sup>2</sup> B669-670

**32.5** In his oral evidence to this Inquiry, Private R agreed, having been shown the photograph of three soldiers behind Sergeant O's APC and the next photograph in the sequence, that it was possible that he was the soldier shown running towards the Rossville Flats in the latter photograph. Although these photographs appear in an earlier chapter,<sup>1</sup> it is convenient to show the second of them again, with an arrow pointing to the running soldier. Since there is no evidence from any of the other soldiers in either APC that suggests that it was one of them, we consider that this photograph probably does show Private R.

<sup>1</sup> Paragraph 28.5



**32.6** We return to Private R's evidence later in this report.<sup>1</sup>

<sup>1</sup> Paragraphs 46.25–31, 47.29–34, 48.21–24, 49.38–42, 51.164–207, 51.261–264, 51.307–317, 52.8, 53.11–12, 58.12–14, 66.8–11, 66.18–27 and 66.36–37

## Private 006

**32.7** As already noted,<sup>1</sup> in his RMP statement<sup>2</sup> Private 006 recorded that he and others debussed "at the junction of Eden Place and Rossville Street". As we have already observed, in our view he meant Pilot Row, not Eden Place. He then described arresting

William John Dillon with the assistance of Private 037, the driver of Major Loden's command vehicle, and taking him back to an APC. According to his RMP account, Private 006 afterwards went south to Sergeant O's APC.

<sup>1</sup> [Paragraph 24.35](#)

<sup>2</sup> [B1375](#)

## Chapter 33: The arrest of William John Dillon

33.1 In his RMP statement Private 006 recorded that:<sup>1</sup>

“There was a large mixed crowd gathered on waste ground in the forecourt of the Rossville Street flats. The crowd were throwing bottles and stones at us, most of which struck the vehicles. I was armed with an SLR [self-loading rifle], with a magazine of twenty rounds affixed and was a member of a Snatch Squad commanded by [Sergeant] ‘O’ of my unit.

The crowd were running past the vehicles and I ran out and took hold of a youth aged about fifteen. [Private] 037 who was also on the Snatch Squad also grabbed the youth. Between us we took him to an Escort APC [Armoured Personnel Carrier] and handed him over to the APC guard. The youth’s name was Dillon and he was arrested for assault by [Private] 037.”

<sup>1</sup> B1375

33.2 In his written statement to this Inquiry,<sup>1</sup> Private 006 told us that he saw a young man running across the waste ground towards the soldiers. He ran out to grab him “*as he was a threat*”. He caught him and tussled with him. Private 037 came to help and the two soldiers frogmarched the man to the vehicles. He stated that he “*arrested the youth because I believed him to be a rioter*”.<sup>2</sup> We have no doubt that the man was William John Dillon.

<sup>1</sup> B1377.005

<sup>2</sup> B1377.009

33.3 In the course of his oral evidence to this Inquiry,<sup>1</sup> Private 006 was asked in what way William John Dillon was a threat. He replied: “*I think, from actually de-bussing from the initial crowd dispersing, there were actually a bit of a lapse in time there and he were, he were coming across that wasteground rather, you know, on his own, running towards the soldiers. I thought he should have been running the other way really.*” He went on to say that he saw no weapon or missile in the man’s hand and had not seen him throw any kind of missile. Later in his evidence he was again asked what threat William John Dillon presented, and he replied: “*Well, at the time I must have thought he were a threat. Do not*

*forget, we are still in a riot situation here.*"<sup>2</sup> He said that he probably hit the man with his rifle butt, but not on the head.<sup>3</sup> He also said that it was possible that the man kicked him in the tussle, but he did not now remember that happening.<sup>4</sup>

<sup>1</sup> Day 334/17-18

<sup>3</sup> Day 334/22

<sup>2</sup> Day 334/23

<sup>4</sup> Day 334/91

**33.4** Private 037 was the driver of Major Loden's armoured command vehicle, which followed the Armoured Personnel Carriers (APCs) of Lieutenant N and Sergeant O down Rossville Street, and was thus the third vehicle in the Support Company convoy.<sup>1</sup>

<sup>1</sup> B1635

**33.5** The majority of those arrested on Bloody Sunday, including William John Dillon, were taken to Fort George, then the headquarters of 1st Battalion, The Coldstream Guards.<sup>1</sup> This was one of two locations selected as a point where prisoners could be detained and processed by the RMP.<sup>2</sup> We discuss the treatment of the arrestees taken to Fort George later in this report.<sup>3</sup> For now it is only relevant to note that the documents relating to the processing of William John Dillon at Fort George included an arrest statement by Private 037. This records that Private 037 had arrested William John Dillon after seeing him kick a soldier.

<sup>1</sup> C588.1; C179.1; C454.1

<sup>3</sup> Chapters 155–164

<sup>2</sup> G95.571

**33.6** Private 037 made no mention of this arrest in his RMP statement,<sup>1</sup> which was concerned with what he said he saw when looking at the rubble barricade from the north-west corner of Block 1 of the Rossville Flats. In his written statement to this Inquiry<sup>2</sup> he told us: *"I also have a vague memory of being handed a prisoner by another soldier and seeing that soldier being kicked by the prisoner before he handed him over to me. However, it was standard practice for anyone who was arrested to kick out at the arresting soldier so I'm not certain that I can recall this particular incident."*

<sup>1</sup> B1636.007

<sup>2</sup> B1636.003

**33.7** In his oral evidence to this Inquiry he said this:<sup>1</sup>

“Q. You did not actually see him being kicked at all, did you?”

A. I saw him struggling.

Q. You did not see him being kicked; did you?”

A. No.

Q. You told a lie in your arrest statement to that effect; did you not?

A. I saw him struggling and I went to his help, his aid.

Q. When you said in his statement –

A. I thought he kicked him, he looked very much like he was trying to kick him. He was trying to escape.

Q. You now know that you did not see him kick this soldier, because you have just told us that, but 30 years ago you made a solemn statement to the effect –

A. 30 years ago I would remember better, would I not?”

<sup>1</sup> [Day 357/179](#)

**33.8** William John Dillon was 15 at the time of Bloody Sunday.<sup>1</sup> There is a transcript of a Keville interview in which the name of the interviewee has been transcribed as William Dunne. The address given by the interviewee was that of William John Dillon’s parents at the time, and since William John Dillon told us that this was where he was then living, we have no doubt that he was the person interviewed by Kathleen Keville. In that interview he gave this account of his arrest:<sup>2</sup>

“Ah – William J Dunne, [...] I’m aged 15 years old.

Er – on the thirtieth of January nineteen seventy two in the waste ground at Rossville Street I was arrested by several soldiers. I was hit several times on the arms, and the body with –

[Female voice] What were you doing? Why were you arrested?

I was on a protest march. I was hit several times on the body with butts of rifles, kicked, hit with batons, threatened with being shot and several other things. I was er – put against a wall and made to stand for over an hour in the cold. I was harassed, roughed up and ... I was er – put in a – an army vehicle and transported down to the camp at Pennyburn and on the way down I was kicked in the back, thumped in the gut.

[Female voice] Why?

Because I was just a rioter.

[Female voice] Just because you were there?

Just because I was there.”

<sup>1</sup> [AD46.1](#)

<sup>2</sup> [AD46.15](#)

**33.9** Later in this interview William John Dillon described what happened as he was taken to Fort George (*“the camp at Pennyburn”*), a matter we consider elsewhere in this report.<sup>1</sup> However, we should note that he told Kathleen Keville that he had not kicked any soldier: *“the only time I got near enough was when they were hitting me and I never got any kicks at any of them.”*<sup>2</sup>

<sup>1</sup> [Chapters 155–164](#)

<sup>2</sup> [AD46.16](#)

**33.10** In his written statement to this Inquiry,<sup>1</sup> William John Dillon described how, after rioting in William Street, he had eventually gone along Chamberlain Street, which was completely deserted, and then through the Eden Place alleyway. He recalled seeing a soldier at the northern corner of the alleyway on the waste ground side, who pointed his rifle at him. *“I bolted and ran across the waste ground in a southerly direction towards the Rossville Flats. I did not hear any shooting at this time ...”* He then described seeing *“Saracens”* and soldiers at the entrance to the Rossville Flats car park. He stated that the soldiers did not see him because they were looking south. His statement continued:

“At this point, I was still convinced that the soldier I had surprised on entering the waste ground was about to shoot me. However, suddenly, a big soldier came out into the waste ground area from the direction of the wall running alongside the back yards of Chamberlain Street (on the waste ground side). He grabbed me at point K (grid reference N13) on the waste ground. I am convinced that if he had not grabbed me then the other soldier with the rifle would have shot me. I think this big soldier saved my life.

I can remember what he looked like very clearly. He was a giant of a man, He was very tall (much taller than me and I was 6 feet tall then). He was obviously a paratrooper because I remember he had a red beret on his head. He had pips at the shoulders of his uniform and I think he must have been an officer, perhaps a sergeant. His attitude was certainly that of a superior officer. I remember that he looked very tough and had very short, fair hair, which I could see clearly because he was the only soldier not wearing a helmet. I think I saw his face so I do not think he had a gas mask on. I cannot believe that there was anyone shooting at the soldiers in the waste ground area (or that they would have been expecting to be coming under fire), or this soldier would not have been running around without a helmet. This big soldier was clearly not worried about being shot. However, he impressed me as being a macho man. He reminded me of John Wayne.

He grabbed me by the scruff of my jacket collar, nearly lifting me off the ground, and ran me across the waste ground in a north-west direction towards William Street to point L (grid reference M09). My head was down as he dragged me along and I did not see anything or anyone except for the soldier who had hold of me. I could not hear any shooting around me. He was such a strong man that he was able to lift me easily. As he ran with me my feet were hardly touching the ground. It was like floating. He kept yelling at me: 'Run you bastard!' I think he was also hitting me on my back with his baton as he ran me across. He never let go of me once until he threw me at some soldiers who were standing with other people who had been arrested who were all lined up along a wall at the corner of Rossville Street and William Street at point M (grid reference M09). All the soldiers near this wall were paratroopers."

<sup>1</sup> AD46.4-5

- 33.11** The points to which William John Dillon referred in this statement were shown on a map that he had marked. Point K (where he recalled he was grabbed) was close to the backs of the houses in Chamberlain Street, about halfway between Eden Place and Pilot Row. Point L (to which he recalled that he was taken) he marked as being on the west side of Rossville Street, not far from the junction with William Street. Point M was marked as he described in his statement.
- 33.12** In his oral evidence to this Inquiry, William John Dillon told us that as he ran across the waste ground there was no-one else in the area. He saw "*Saracens*", but explained that it was only about a couple of seconds before he was caught.<sup>1</sup> He said that he thought the soldier who arrested him was a sergeant. He also said that he was not sure now whether the arresting soldier had hit him with his baton.<sup>2</sup>
- 33.13** During the course of his oral evidence, William John Dillon was shown three photographs (taken by the *Daily Mail* photographer Jeffrey Morris) in which he had identified himself in his written evidence.<sup>1</sup> He told us that he was now not sure about the first two of these but he did identify himself in the third.<sup>2</sup> However, Jeffrey Morris told the Widgery Inquiry that all three photographs showed the same incident and that they were taken in the order in which they appear below.<sup>3</sup>

<sup>1</sup> AD46.8

<sup>2</sup> Day 103/178-179

<sup>3</sup> M57.3; M57.11





**33.14** We are sure that all three of these photographs show William John Dillon.

**33.15** William John Dillon also thought he recognised himself in photographs of arrestees being held against a wall in Rossville Street and then in William Street.<sup>1</sup>

<sup>1</sup> [Day 103/179-180](#)

**33.16** There are other photographs of the arrest of William John Dillon, to which we refer below.

**33.17** When asked whether he had been hit on the head with a rifle, William John Dillon replied:<sup>1</sup>

“No, the first, I am not even conscious of being hit on the head with a baton. I am conscious of a soldier grabbing me by the back of the neck and running me across the waste ground as hard as he could. As I say, I cannot even remember getting hit across the head with a baton. He grabbed me and run with me, that was it. He was a very strong soldier because he had me feet nearly off the ground.”

<sup>1</sup> [Day 103/183](#)

**33.18** William John Dillon was “*positive*” that he had not kicked a soldier.<sup>1</sup> He also told us that although he did not hear shots, there could have been shooting as he ran across the waste ground.<sup>2</sup>

<sup>1</sup> [Day 103/191](#)

<sup>2</sup> [Day 103/214](#)

**33.19** William John Dillon was recalled to give further evidence the next day. He was shown a document, which took the form of an unsigned statement in the name of “*William Dunne*” and bore the same address as in the transcript of the Keville interview.<sup>1</sup> At that stage the Inquiry had yet to obtain and transcribe the Keville tapes and so did not realise that this statement was in fact a transcript made in 1972 of William John Dillon’s Keville interview, from which we have quoted above. Thus, unlike some other witnesses who had been interviewed by Kathleen Keville, William John Dillon did not have an opportunity to listen to the recording of his interview, nor did he know that the unsigned statement being shown to him was based on a taped interview he had given. His reaction to the unsigned statement was that it looked like “*a rough outline to my story, but it seems to be hyped up a bit*” and embellished. “*They have sort of made it up themselves.*”<sup>2</sup>

<sup>1</sup> AD46.14

<sup>2</sup> Day 104/4-5

**33.20** We note that the unsigned statement records that William John Dillon had been hit with rifles, whereas the tape recording<sup>1</sup> confirms, as shown in the transcript prepared for this Inquiry, that the unsigned statement omits the assertion that William John Dillon had made to Kathleen Keville that he had also been hit with batons.

<sup>1</sup> Aud 33 01.02.10

**33.21** We now turn to consider the evidence of two photographers and a journalist, which may relate to the arrest of William John Dillon.

**33.22** Jeffrey Morris, the *Daily Mail* photographer, recorded in his written statement for the Widgery Inquiry<sup>1</sup> that, before he took the first of the photographs shown above, a paratrooper next to a three-ton lorry on Rossville Street had levelled his pistol at the youth and told him to stop and then another paratrooper had “*slammed the boy across the head with his rifle*”. After Jeffrey Morris had taken the photograph, another paratrooper came up and “*they both went for the boy*” who was crying out “*God, don’t hit me*”. In his oral evidence to the Widgery Inquiry,<sup>2</sup> Jeffrey Morris also said that before the young lad was apprehended, an officer had twice challenged him to stop, and that this photograph “*shows a paratrooper hitting him with the rifle*”. However, it seems to us that an enlargement of this photograph, as shown below, shows the rifle being held in two hands and used to push or shove William John Dillon, rather than being slammed across his head.

<sup>1</sup> M57.3

<sup>2</sup> WT2.49



- 33.23 The BBC Radio news reporter David Capper, having described standing against the back of the Chamberlain Street houses on the Eden Place waste ground, gave this account in his written statement for the Widgery Inquiry:<sup>1</sup>

“5. A youth in an entry near me asked a soldier if he could move across to the opposite side of Rossville Street. I assume he got permission, for he began running. He got about half way across when he was challenged by an officer carrying a pistol. The youth kept on running, the officer shouted that he’d open fire and the youth stopped. A soldier ran up to him and clubbed him with the butt of his rifle. The youth fell to the ground and was dragged to a Saracen. The soldier threw him into it.”

<sup>1</sup> M9.2

- 33.24 During the course of his oral evidence to the Widgery Inquiry, David Capper was asked about this incident:<sup>1</sup>

“Q. Do you remember a youth who was standing near you, Mr. Capper, request permission from a soldier to cross the open ground?”

A. Yes, he was in the corner of Eden Place and there was a soldier there and I can recall him saying something about ‘All right to go?’ and I assumed he got permission because he started running right across from the corner moving this way and when he got about half way across an Officer with a pistol, a drawn pistol, challenged him and said ‘Halt or I fire.’ The youth did not stop and ran on about another 15 feet. The Officer challenged him once more. The youth did stop and put his hands above his head. A paratrooper came up, an ordinary Private, with a rifle and hit him on the side of the head and he fell.”

<sup>1</sup> WT2.70

- 33.25** William John Dillon was shown this evidence when he was giving oral evidence to us.<sup>1</sup> He told us that he had never asked anyone for permission to cross the waste ground, that he was not conscious of hearing anyone telling him to halt and that he would not have halted even if told to do so. *“I do not know if anybody has ever been throwing stones at the army, but you do not stop, you run, and I run.”*
- <sup>1</sup> [Day 103/182](#)
- 33.26** In his oral evidence to this Inquiry,<sup>1</sup> David Capper said that the soldier jumped out of the back of an APC and hit the youth over the head with his rifle butt once or twice. The youth was knocked unconscious, and was picked up and thrown into the APC.
- <sup>1</sup> [Day 73/30](#)
- 33.27** Shown the three photographs reproduced above of William John Dillon being arrested, David Capper said that this was not the same incident because his recollection was that only one soldier was involved in hitting the person with the butt of his rifle.<sup>1</sup> William John Dillon has never suggested that he was knocked unconscious or picked up and thrown into an APC. We are sure from his accounts that this did not happen.
- <sup>1</sup> [Day 73/30-31](#)
- 33.28** Both David Capper and Jeffrey Morris recalled an officer with a pistol challenging a youth as he ran across the waste ground. Their evidence on this point is also substantially consistent with the account given by the *Irish Press* photographer Colman Doyle to John Barry of the *Sunday Times* Insight Team,<sup>1</sup> of a soldier at the side of a vehicle shouting at the youth seen in two photographs that Colman Doyle had taken *“I’ll shoot you if you don’t stop”*. We refer below to these photographs, which in our view are further images of William John Dillon.
- <sup>1</sup> [M23.15](#)
- 33.29** Warrant Officer Class II Lewis (the Company Sergeant Major (CSM) of Support Company) identified himself as the tall figure standing next to the turret of the command vehicle in the third of the photographs shown above. He confirmed that he was armed with a pistol, but said that he did not draw it at any stage.<sup>1</sup>
- <sup>1</sup> [Day 373/47-49](#)
- 33.30** Ciaran Donnelly was a photographer for the *Irish Times* newspaper. It appears from his written statement for the Widgery Inquiry that he was probably somewhere in the area of the pram-ramp at the northern end of Glenfada Park South, ie to the south of the rubble barricade on Rossville Street, when he witnessed *“a youth run out from the back of the*

Rossville flats and make his way towards the soldiers. A parachutist ran after him from an army vehicle and the youth ran back to the Rossville flats but was caught by another paratrooper who came out from behind the Rossville flats. They hit him with batons and took him back to a vehicle. They had to drag him as he was unable to walk.”<sup>1</sup> In his oral evidence to the Widgery Inquiry,<sup>2</sup> Ciaran Donnelly said that he thought that the young man was full of bravado and had been going to throw a stone; but later<sup>3</sup> he said that the young man did not seem to have anything in his hand.

<sup>1</sup> M22.2

<sup>3</sup> WT3.7

<sup>2</sup> WT2.83

**33.31** In his written statement to this Inquiry,<sup>1</sup> Ciaran Donnelly told us that the young man was taunting the soldiers. When he gave oral evidence to this Inquiry<sup>2</sup> he was shown the photographs taken by Jeffrey Morris, reproduced above, and said that they looked very much like the incident that he saw. He was asked how the young man had been taunting the soldiers and replied: “*He was just basically running up with a stone to throw at them, that is what I assumed it was.*”

<sup>1</sup> M22.21

<sup>2</sup> Day 71/25-26

**33.32** William John Dillon was shown the account given by Ciaran Donnelly. He told us that he did not think that this account was of him as he had not got as far south as the person Ciaran Donnelly had described.<sup>1</sup>

<sup>1</sup> Day 103/184-185

**33.33** There are further civilian witnesses to whom we should refer at this stage. Counsel to the Inquiry prepared what we regard as an accurate summary of their evidence.<sup>1</sup> We set this out below with a few changes and additions:

#### Gavan Duffy

He recorded in his written statement to this Inquiry<sup>2</sup> that he was in Rossville Street behind the rubble barricade and saw a youth running on the waste ground. A soldier appeared and hit the youth with his rifle butt. The youth fell to the ground. People at the rubble barricade surged forward to try to help the youth. In his oral evidence to this Inquiry<sup>3</sup> Gavan Duffy was shown one of the photographs that we are sure show William John Dillon<sup>4</sup> and said that it showed a scene very similar to the one that he had witnessed.

### Damien Friel

He said in his Northern Ireland Civil Rights Association statement<sup>5</sup> that when the soldiers were moving down Rossville Street he went into 2 Kells Walk. From there he saw a youth run into the waste ground from Chamberlain Street and head towards the Rossville Flats. A soldier confronted the youth and attempted to thrust his bayonet into his upper body. The youth jumped back but the bayonet injured him below the arm on his right side. The youth tried to run towards William Street, but soldiers in Rossville Street captured him and put him into an army vehicle. As they did so, they kicked him and hit him on his head and shoulders with their batons and rifle butts, and thrust his head three or four times against the edge of the back door of the vehicle. Damien Friel also described the incident in his written statement to this Inquiry.<sup>6</sup> In that statement he expressed himself more cautiously with regard to the bayonet injury, saying that he believed that a bayonet was affixed to the soldier's rifle because of the jabbing movement that he made, and that the soldier "*seemed to slash down from left to right into the young man and seemed to injure the young man on his right arm or shoulder*". Damien Friel also said that the army vehicle into which the youth was placed was approximately at point 9 on the plan attached to his statement<sup>7</sup> (just short of the entrance to the car park of the Rossville Flats). In his oral evidence to this Inquiry Damien Friel told us that he did not actually see a bayonet.<sup>8</sup>

### Paul McGeady

He recorded in his written statement to this Inquiry<sup>9</sup> that he was to the south of the rubble barricade when he saw a young lad trying to run across the waste ground to reach Rossville Street. A soldier appeared from behind the north end of Block 1 of the Rossville Flats, holding his rifle across his chest. He hit the young lad on the left side of his face with the butt of his rifle and knocked him down. Three or four fellows behind the rubble barricade then said that they would go out and try to rescue the young lad. During the course of his oral evidence to this Inquiry,<sup>10</sup> Paul McGeady was shown one of the photographs that we are sure show William John Dillon<sup>11</sup> and said that the young man in the photograph looked similar to the young man whom he had seen.

### Eamon Melaugh

He is recorded as having said in a statement made to the *Sunday Times*<sup>12</sup> that he was about 20 yards north of the rubble barricade in Rossville Street as the APCs came into Rossville Street. In his statement to this Inquiry he marked his position as the “Pigs” came in as being at the northern end of Block 1.<sup>13</sup> According to the *Sunday Times* note,<sup>14</sup> “*The soldiers who jumped out of the pigs caught a young lad and were giving him an unmerciful beating. He was on the gorund [sic] and they were giving him a kicking. And a number of us ran forward to try and effect a rescue and we were throwing stones.*” In oral evidence<sup>15</sup> Eamon Melaugh denied that he had seen such an incident or told anyone of it. He acknowledged that he had spoken to Peter Pringle of the *Sunday Times* newspaper, but said that the *Sunday Times* version was 85% fiction, although “*Obviously there are elements in the statement that I conveyed ...*”.<sup>16</sup> The reference to a rescue attempt is a feature common to the evidence of Gavan Duffy and Paul McGeady as well as to the statement attributed to Eamon Melaugh.

We agree with counsel’s suggestion that this indicates that all three witnesses probably saw the same incident. If they did, we also agree that the circumstances as described by these witnesses appear more consistent with the arrest of William John Dillon than with any other known incident, although we cannot be certain about this.

### Don Mullan

He was only 15 years old at the time of Bloody Sunday. In his written statement to this Inquiry<sup>17</sup> he told us that from the rubble barricade he saw three soldiers swinging their rifle butts high above their shoulders in order to deal vicious blows to a young man who was lying on the waste ground around grid reference L13 (near Rossville Street south of Pilot Row). He said that he could identify the incident in photographs. In his oral evidence to this Inquiry,<sup>18</sup> he said that it was shown in one of Colman Doyle’s photographs of the arrest of William John Dillon,<sup>19</sup> which is shown below. When it was pointed out to him that his account was not in accordance with the evidence of William John Dillon, he insisted that his memory was clear and said that perhaps the young man he had seen was someone else. Despite this, the location of the incident suggests that he did see the arrest of William John Dillon.

Brian Power

He was, like Damien Friel, watching from 2 Kells Walk. In his written statement to this Inquiry<sup>20</sup> he stated that he knew William John Dillon and remembered seeing a soldier grab him and give him a “*battering*”. In his oral evidence to this Inquiry,<sup>21</sup> he said that the soldier did this with his boots and the back of his rifle. He said that William John Dillon tried to protect himself but did not struggle with the soldier.

Maura Power

Maura Power (then Maura Reilly) was in 2 Kells Walk with Brian Power. In her written statement to this Inquiry,<sup>22</sup> she said that she saw William John Dillon “*being given a good hiding by soldiers with batons*”.

1 CS4.46-48

2 AD155.2

3 Day 126/143

4 Paragraph 33.36, second photograph

5 AF30.14

6 AF30.3

7 AF30.7

8 Day 159/137-142

9 AM219.3

10 Day 137/126-127

11 Paragraph 33.36, second photograph

12 AM397.22

13 AM397.3; AM397.18

14 AM397.23

15 Day 143/39-40

16 Day 143/23-24

17 AM448.5

18 Day 148/110-113

19 Paragraph 33.36, fourth photograph

20 AP18.3

21 Day 425/16-17

22 AP19.2

**33.34**

Noel McCartney was a staff reporter for the *Derry Journal* newspaper. In his written account for the Widgery Inquiry he stated that he was near the rubble barricade when the Army vehicles came in, and that he saw soldiers arresting people in the waste ground. “*A youth ran out from behind the flats and threw stones at a vehicle. A soldier came up from behind the flats and arrested him. About 20 people came from behind the barricade and made for the youth to help him.*”<sup>1</sup>

1 M55.8

**33.35**

Colman Doyle (the *Irish Press* photographer) took a number of photographs during Bloody Sunday, including six of the arrest of a man on the Eden Place waste ground. His contact sheet enables us to see the sequence of those photographs.



- 33.36** The first of the photographs on the contact sheet shows a scene very similar to the first of the three photographs taken by Jeffrey Morris, which we have set out above. It was obviously taken not far from where Jeffrey Morris was and, in view of the similarity, probably at more or less the same time. The following photographs are enlargements of frames 7, 8, 10 and 11.







**33.37** We have no doubt that all these photographs show the arrest of William John Dillon. Colman Doyle recorded, in his written statement for the Widgery Inquiry, that the first and last of those shown above were of the same youth.<sup>1</sup> William John Dillon told us that the figure in the first and second looked like him.<sup>2</sup> The shape and clothing of the person being arrested are the same in every case and the same as in the photographs taken by Jeffrey Morris.

<sup>1</sup> M23.1

<sup>2</sup> Day 104/5

**33.38** We should note at this point that the final photograph on the contact sheet, which we have also reproduced below, is not of this arrest, but of Duncan Clark being taken by Lieutenant N and Private INQ 1918 from the area of the Eden Place alleyway to Lieutenant N's APC.



**33.39** In the present context, the importance of this photograph is that it was taken after the photographs of the arrest of William John Dillon. From this fact, and from the account William John Dillon gave us of running down a deserted Chamberlain Street and into the waste ground through the Eden Place alleyway, it seems to us that he did this, and was then arrested, after Duncan Clark had been arrested but before the latter had been taken as far as Lieutenant N's APC.

## Consideration of the evidence relating to William John Dillon

**33.40** Those who witnessed or appear to have witnessed the arrest of William John Dillon give varying and inconsistent accounts. Many suggest that the soldiers gave him a severe beating, including hitting him on the head or face with rifles, knocking him unconscious to the ground and dragging him away. We are not persuaded by these accounts. In his Keville interview William John Dillon did say that he was hit on the body with butts of rifles, kicked, hit with batons and threatened with being shot. Had he been assaulted in the way that some of these witnesses say, we are sure that not only would he have told Kathleen Keville at the time but also that he would have recalled such treatment when he

came to give evidence to us. We take the view, particularly in the light of the evidence of William John Dillon himself, that the soldiers, while they undoubtedly assaulted him, did not do so to anything like the extent that these witnesses described.

**33.41** Major Loden told us that he hit a man with his baton while attempting to arrest him.<sup>1</sup> We discuss this incident later in this report,<sup>2</sup> where we consider whether the man might have been William John Dillon.

<sup>1</sup> B2283.005

<sup>2</sup> Paragraphs 42.15–21

**33.42** It is possible, though we are not sure, that Warrant Officer Class II Lewis, who is shown standing next to the command vehicle in the third of the photographs taken by Jeffrey Morris,<sup>1</sup> shouted at William John Dillon, but we accept his evidence that he did not draw his pistol.

<sup>1</sup> Paragraph 33.13

**33.43** It is also possible, on the basis of the accounts given by Noel McCartney (of the *Derry Journal*) and Ciaran Donnelly (of the *Irish Times*), that William John Dillon had thrown or was about to throw a stone before he was arrested. However, we are far from sure about this. Both these witnesses were south of the rubble barricade, about 100 yards from where William John Dillon was arrested, which was in the area of Pilot Row. Furthermore, as already noted, Private 006 told us that he did not see William John Dillon in possession of or throwing any missile.

**33.44** Private 006 told us that he had arrested the youth because he thought he was a rioter or at least a threat as he was running towards the soldiers. We accept the evidence of this soldier that he believed this to be the case, and in our view he cannot fairly be criticised for making this arrest.

**33.45** The arrest report form does not give rioting as the reason for the arrest, but instead records that William John Dillon had kicked a soldier and had been arrested by Private 037. As we have observed, Private 037 made a statement to the same effect. In view of Private 037's oral evidence to this Inquiry, we do not accept that he had actually seen William John Dillon kick Private 006; and though we have little doubt that this youth had struggled to get away, and Private 037 may have thought that his colleague had been kicked, we find convincing what William John Dillon said to Kathleen Keville about not being able to get a kick in at this stage. A possible reason for Private 037 being recorded as having arrested William John Dillon for kicking Private 006, rather than Private 006

being recorded as having made the arrest on the grounds that the youth was rioting or believed to be a threat to soldiers, is that, as Private 006 told us, he was dyslexic and could not deal with paperwork, “*so I preferred to avoid arresting people*”.<sup>1</sup>

<sup>1</sup> [B1377.001](#)

# Chapter 34: The movement of other soldiers who disembarked from Sergeant O's Armoured Personnel Carrier in Rossville Street

## Private 112

**34.1** Private 112 was one of the two baton gunners we consider were in Sergeant O's APC, the other being Private 017. His RMP statement<sup>1</sup> does not make clear where he went except that he was "*deployed on the waste ground off Rossville St*" and that he later took up a position at the corner of Block 1 of the Rossville Flats.

<sup>1</sup> [B1730](#)

**34.2** Private 112 gave written and oral evidence to this Inquiry. He told us that he was an alcoholic, that much of his memory was blurred and that a lot of the things had become "*intermingled with other things that have happened on previous riots*".<sup>1</sup> In his written evidence to us Private 112 said that he had arrested someone on the Eden Place waste ground.<sup>2</sup> According to an arrest statement<sup>3</sup> he made at Fort George on the evening of Bloody Sunday, Private 112 arrested Eamon McAteer. As we explain more fully later in this report,<sup>4</sup> we are sure that this was not so, as Eamon McAteer was arrested in Glenfada Park North. In his oral evidence Private 112 accepted that he might have made a mistake and identified the wrong prisoner as the one he had arrested.<sup>5</sup>

<sup>1</sup> [Day 320/86](#)

<sup>4</sup> [Chapter 113](#)

<sup>2</sup> [B1732.004](#)

<sup>5</sup> [Day 320/100-101](#)

<sup>3</sup> We explain the processing of arrestees at Fort George later in this report ([paragraphs 156.7–10](#)).

**34.3** Private 112 made no mention of arresting someone on the Eden Place waste ground in his RMP account. However, as will be seen, Private U described a soldier with a baton gun being involved with him in the arrest of a man who we are sure was Charles Canning. Since the other baton gunner, Private 017, was with Corporal P, it seems to us that the arrest with which Private 112 was concerned was that of Charles Canning, and though in his oral evidence he had no recollection of that arrest,<sup>1</sup> this in our view was probably due to his faulty memory. We deal with the arrest of Charles Canning in the next chapter of this report.<sup>2</sup>

<sup>1</sup> [Day 320/164-167](#)

<sup>2</sup> [Chapter 35](#)

## Private U

34.4 In his RMP statement timed at 0040 hours on 31st January 1972,<sup>1</sup> Private U described rioters throwing stones and bottles at the APC as it went into the Bogside. We have already considered his statement that at this time he heard automatic gunfire. He then stated that he cocked his rifle as he jumped out of the vehicle at the junction of Eden Place and Rossville Street. His RMP account continued:<sup>2</sup>

“About 15 yards up this junction was a man throwing stones at the vehicle. I ran towards him, he tried to run away but slipped and I arrested and detained him. I asked him his name and he told me it was Charles Collins. He also told me his address but I cannot remember it. I took Charles Collins back to an arrest vehicle which had moved up to the junction of Rossville Street and Eden Place. I handed him over to the Military Police.”

<sup>1</sup> B748

<sup>2</sup> B749

34.5 Private U then stated that he returned to the “*roadside corner*” of the Rossville Flats.

34.6 In his written statement for the Widgery Inquiry<sup>1</sup> Private U told the Widgery Inquiry that when he jumped out of the APC he was with a soldier with a baton gun and was giving him protection. He described running towards the Rossville Flats, being hit by stones thrown by the crowd retreating in the direction of the forecourt of the flats, and that the baton gunner fired four or five rounds at the crowd. He stated that at this stage he saw a man in the crowd who threw a bottle at him, and that he chased the man. The man slipped and fell and “*myself and the soldier I was with were able to catch him. I took this man back to the corner of William Street and Rossville Street.*”<sup>2</sup> Private U, in contrast to his RMP account, told the Widgery Inquiry in this statement that it was after this and as he went back along Rossville Street that he cocked his rifle. According to his statement to the Widgery Inquiry, when Private U reached Major Loden’s command vehicle at the north end of the Rossville Flats he decided not to go to his APC but instead took up position at the north end of Block 1 of those flats.

<sup>1</sup> B766

<sup>2</sup> B767

34.7 In his oral evidence to the Widgery Inquiry, Private U said that after he had got out of the APC the crowd threw stones and bottles and that two bottles and several stones hit him. He then said that he saw a man who “*had just thrown a bottle, picked a stone up and was about to throw that at me*”. Private U, who said that the baton gunner was with him at this time, described arresting the man and taking him back to the “*arresting point.*” He told the

Widgery Inquiry that he did not cock his rifle at this stage but did so when he returned to Pilot Row. He then gave a similar account to that in his written statement of going back to the command vehicle and then to the corner of the Rossville Flats.<sup>1</sup>

<sup>1</sup> [WT13.95-96](#)

### 34.8

Private U gave written and oral evidence to this Inquiry.<sup>1</sup> We examine elsewhere in this report<sup>2</sup> the accounts that he gave us when we consider in more detail the circumstances of the arrest he made, the incoming shots that he said that he heard, and his account of firing his rifle.

<sup>1</sup> [B787.1; Day 369/2-206](#)

<sup>2</sup> [Chapter 35; paragraphs 49.43–47, 49.87, 53.13–14, 85.29–77 and 89.46–49](#)

## Chapter 35: The arrest of Charles Canning

**35.1** Charles Canning made a NICRA statement<sup>1</sup> in which he described moving along with others towards the barricade at the flats when “*the Para Regiment came driving past in Saracens*”. He continued:

“I first realised something was badly wrong when I heard and saw them shooting from the windows as they came past us. At the front of the flats they drove in straight in front of us and straight at some other people who were making for the rear courtyard of the flats. When I advanced towards the flats I saw the paras leaping from the back of the Saracens and proceed to shoot, baton and kick anyone who tried to get out of their way. The man directly in front of me was beaten to the ground so I decided to try and make a run to get past the barricade. It was then I noticed two paras one of which was armed with an SLR and he was firing shots towards the people at the barricade. When these two saw me they ran towards me shouting.

At this point I was suffering from the effects of the gas and I could not run very well. I thought the para was going to shoot me so I dived onto the ground. The two paras then ran towards me and kicked me until I got up off the ground and went off with them to a Saracen. When I arrived there some more paras were there with a youth they were abusing, but when I arrived they stopped and helped my captors to assault me.

It was at this point when one of the paras, the one who was shooting towards the barricade earlier, hit me in the face with the foresight of the rifle.”

<sup>1</sup> AC25.5

**35.2** In his written evidence to this Inquiry<sup>1</sup> Charles Canning described seeing paratroopers “*pointing their SLRs out of the slots in the sides of the Pigs and shooting indiscriminately*”. Although others gave similar accounts of this, we are sure on our assessment of the whole of the available evidence, that it did not happen.<sup>2</sup> Charles Canning then described the circumstances of his arrest in the following terms:

“14. As I was making my way towards the Rubble Barricade in Rossville Street a para in the vicinity of Glenfada Park North saw me and started to run towards me with an SLR. There was also a soldier running after me from behind with a baton gun. I fell to the floor and the para chasing me from behind caught up with me. Both paras arrested me somewhere in front of Block 1 of Rossville Flats, approximately at point H on the attached map (grid reference K14). The para carrying the SLR kept threatening to shoot me although I cannot recall his precise threats. Other paras were shooting all over the place.

15. Both paras had Liverpoolian accents. The para carrying the SLR was small and of average build.

16. Some pigs were parked in Rossville Street, one at approximately the point marked I (grid reference L11) and one at approximately the point marked J (grid reference M10). There may have been more. I am unsure of their positions. The paras then took me to one of the Pigs parked in Rossville Street, I can't remember if it was the one at point I or point J. I kept wondering to myself how could I get out of the situation.

17. As I approached the Pig approximately six soldiers started kicking into me and I remember seeing a man lying in the back of the Pig who I now think was Jim Doherty. I did not say anything to him at the time. I kept thinking to myself that I had to stay on my feet while the paras were kicking me, otherwise they would kill me.”

<sup>1</sup> AC25.2

<sup>2</sup> Leslie Bedell (AB28.3; WT5.22; WT5.31),  
Philip McGuinness (AM469.2; Day 138/182-184),  
Eamon Melaugh (AM397.3; AM397.22; Day 143/25-29)

**35.3** The positions of the two Armoured Personnel Carriers (APCs), as marked by Charles Canning, were by the entrance to Eden Place and further north on the west side of Rossville Street, respectively.

**35.4** In neither his NICRA statement nor his written evidence to this Inquiry did Charles Canning record that he was put into as opposed to being taken to an APC.

**35.5** Charles Canning was called to give oral evidence to this Inquiry.<sup>1</sup> He told us that he did not wish either to be sworn or to be affirmed, but despite being asked, gave no reason for this. It soon became apparent that he had no intention of trying to help this Inquiry but instead adopted a wholly obstructive attitude. This he maintained despite a request from

counsel acting for the majority of the families of those who died on Bloody Sunday to reconsider his attitude. The Tribunal accordingly told Charles Canning to leave the witness stand.

<sup>1</sup> [Day 417/159-165](#)

**35.6** In the previous chapter<sup>1</sup> we referred to the accounts that Private U gave at the time of the person he arrested. According to his first Royal Military Police (RMP) account<sup>2</sup> the person he arrested was a man who was throwing stones at the vehicle from about 15 yards up the Eden Place roadway, and who tried to run away but slipped and fell over as Private U ran towards him. According to his written statement for the Widgery Inquiry<sup>3</sup> the man, who was in a crowd, threw a bottle at him. According to his oral evidence to the Widgery Inquiry<sup>4</sup> the man had just thrown a bottle, and had then picked up a stone and was about to throw it at him. Private U told the Widgery Inquiry that a baton gunner was with him.

<sup>1</sup> [Paragraphs 34.4–7](#)

<sup>3</sup> [B766](#)

<sup>2</sup> [B749](#)

<sup>4</sup> [WT13.95-97](#)

**35.7** In his written evidence to this Inquiry, Private U stated that he recalled arresting a man who had thrown something at him. He added: “*The man was thrashing and kicking and I had to subdue him with my weapon. I then started to take him back towards the Pigs.*”<sup>1</sup>

<sup>1</sup> [B787.004](#)

**35.8** In his oral evidence to this Inquiry, Private U identified himself as the soldier standing beside Charles Canning in a photograph taken at Fort George.<sup>1</sup>

<sup>1</sup> [Day 369/37](#)

**35.9** Private U explained that what he meant by subduing the man with his weapon was that he would have hit him with the stock of his rifle, though he could not recall where he had hit him or how many times. He said that he might also have used what he called a wristlock. He said that he had no recollection of kicking Charles Canning when he was on the ground, of hitting Charles Canning in the face with the foresight of his rifle, or of threatening to shoot him.<sup>1</sup>

<sup>1</sup> [Day 369/40-41](#)

**35.10** In the arrest report form prepared at Fort George, Private 112 is named as a witness to the arrest of Charles Canning. In his written statement to this Inquiry Private 112 described how, after disembarking from his vehicle on the waste ground, he arrested a youngish man who was part of a crowd of suspected rioters. “*I grabbed him and I hit him with my baton gun to subdue him. I aimed a blow at his shoulder, but I think I actually hit*

*him partly on the head and partly on the shoulder. I then took him to one of the Pigs ...*<sup>1</sup>

In his oral evidence to this Inquiry he said that he hit the man with the barrel of his baton gun but he could not recall what, if anything, he had seen the arrested man doing before his arrest.<sup>2</sup>

<sup>1</sup> B1732.004

<sup>2</sup> Day 320/99-100

**35.11** In our view both Private 112 and Private U took part in the arrest of Charles Canning.

**35.12** Though it is possible, we are not sure whether either Private U or Private 112 actually saw Charles Canning throwing anything at the soldiers. As already noted, the accounts that Private U gave at the time varied from chasing a man throwing stones at a vehicle, seeing a man who had thrown a bottle at him, and seeing a man who had just thrown a bottle and who was about to throw a stone. Charles Canning said nothing in his statements about throwing anything at the vehicles or at soldiers, and for the reasons given above, we were not able to explore this matter with him.

**35.13** In his NICRA statement Charles Canning said that the soldiers kicked him as he lay on the ground. He said nothing in that statement or in his written evidence to this Inquiry about being hit by either a baton gun or a rifle at this stage, though he did say that soldiers assaulted him when he got to the Saracen and, in his NICRA statement, that a soldier hit him in the face with the foresight of his rifle. In contrast, both Private U and Private 112 have described using their weapons to “*subdue*” Charles Canning as they arrested him.

**35.14** James Charles Doherty was also arrested on the waste ground. We consider the circumstances of that arrest later in this report.<sup>1</sup> However, in his written statement to this Inquiry<sup>2</sup> he told us that after he had himself been arrested he was thrown into an Army vehicle on Rossville Street. A number of soldiers inside the vehicle kicked and punched him, and one of them head-butted him with the visor of his helmet. Then Charles Canning was thrown into the vehicle; he was making provocative remarks to the soldiers and received as bad a beating as James Charles Doherty.

<sup>1</sup> Chapter 42

<sup>2</sup> AD69.3

**35.15** In his NICRA account<sup>1</sup> James Charles Doherty stated, seemingly referring to Charles Canning, that “*Another man about my age was dragged in with his face covered with blood. A soldier kept hitting him across the face, butting him with his helmet – and bruising and cutting his mouth and nose.*” In his Keville interview<sup>2</sup> James Charles Doherty said: “*The fella that was sitting beside me, the little fella that got on after me, he was all*

*busted up in the mouth you know. Your man kept hitting him with his helmet ... his head. He's hitting him, he's saying 'you're, you're the bastard who tried to shoot me ... you are a bastard who tried to shoot me. I'll get you'.*" In his written statement to this Inquiry<sup>3</sup> James Charles Doherty told us that Charles Canning's face had been bleeding when he was put into the vehicle, as he had recorded in his NICRA statement.

<sup>1</sup> AD69.15

<sup>3</sup> AD69.7

<sup>2</sup> AD69.19

**35.16** As will have been observed, the evidence about what the soldiers did when they arrested Charles Canning is confused and conflicting. On the basis of Charles Canning's NICRA statement, it could be suggested that he was not hit or hit significantly with a weapon until he reached the vehicle, though he did record<sup>1</sup> that he was "*badly treated*" by the paratroopers while in their custody. At the same time, it is also right to be cautious about the account that Charles Canning gave to NICRA. For example, he recorded in this statement that he had seen soldiers firing from the vehicles as they came in, and that a soldier had fired shots towards the rubble barricade before arresting him. In our view neither of these assertions was correct. Nevertheless, in the light of the account given at the time by James Charles Doherty, it seems to us that by the stage Charles Canning had reached the Army vehicle, he had sustained an injury to his head or face that caused him to bleed.

<sup>1</sup> AC25.5

**35.17** Despite the accounts of James Charles Doherty, we remain in doubt whether Charles Canning was put into the vehicle to which he was first taken, since Charles Canning recorded nothing to that effect in either his NICRA statement or his written statement to this Inquiry.

**35.18** In his first Royal Military Police (RMP) account Private U had stated that he took his arrestee back to an arrest vehicle near Eden Place and handed him over to the military police,<sup>1</sup> in his evidence to the Widgery Inquiry he said that he had taken him back to the corner of Rossville Street and William Street, which was an "*arresting point*", and there handed him over to other soldiers.<sup>2</sup> In his written evidence to this Inquiry<sup>3</sup> Private U stated that his current recollection was that he took the civilian he had arrested to a vehicle and not as far north as the junction of William Street and Rossville Street. "*I think I may have been confused when making reference to that position.*"

<sup>1</sup> B749

<sup>3</sup> B787.010

<sup>2</sup> B767; WT13.96

**35.19** During the course of Private U's oral evidence to this Inquiry,<sup>1</sup> counsel for the majority of the families drew Private U's attention to a clip from the ABC film,<sup>2</sup> which shows a civilian being taken north by a soldier along Rossville Street from the direction of Army vehicles on that street. The civilian might be Charles Canning, though the film is not clear enough to distinguish his features. A photograph taken on the evening of Bloody Sunday at Fort George shows that Private U and Charles Canning were about the same height, whereas on one view the soldier seen in the film could be somewhat shorter than the civilian he was escorting. Private U was unable to say whether he was the soldier in the film.

<sup>1</sup> Day 369/135-136

<sup>2</sup> Vid 48 12.37

**35.20** Private U was shown this film clip in the context of a suggestion, which we do not accept, that he had not arrested Charles Canning on the Eden Place waste ground, but simply picked him out as a rioter later at Fort George.

**35.21** Private U described the vehicle in his RMP statement<sup>1</sup> as an "*arrest vehicle*" at which military police were present, and asserted in the same statement<sup>2</sup> that he was later "*recalled to the arrest vehicle to identify the rioter I had arrested earlier*". These aspects of Private U's evidence suggest that the vehicle is likely to have been one of the Land Rovers under the command of the Regimental Sergeant Major (RSM), Warrant Officer Class I INQ 2037, which had moved forward to the junction of William Street and Rossville Street.<sup>3</sup> The RSM's arrest team included members of the RMP.<sup>4</sup> In his statement for the Widgery Inquiry,<sup>5</sup> Private U recorded that after handing over the man he had arrested he made his way back down Rossville Street and reached the north end of the Rossville Flats.

<sup>1</sup> B749

<sup>4</sup> ED49.6

<sup>2</sup> B750

<sup>5</sup> B767

<sup>3</sup> C2037.3

**35.22** Although the matter is not entirely clear, it seems to us that what probably happened is that Charles Canning was initially taken to an APC on Rossville Street. It is possible, but far from certain, that he was put in this APC for a short while, after which he was escorted by Private U along Rossville Street to an RMP vehicle parked further north. Private U returned and went to the north end of Block 1 of the Rossville Flats. Thus we consider that the BBC film clip probably does show Private U escorting Charles Canning.

**35.23** In our view Private U and Private 112 did, as they told us, use their weapons to hit Charles Canning. According to Private 112, his blow, though aimed at the shoulder, may have hit Charles Canning on the head. James Charles Doherty's account is to the effect that Charles Canning had received a head or face wound before he reached the APC.

This may have been the blow with Private 112's baton gun or it may have been, as Charles Canning described in his NICRA statement, a rifle blow from Private U. Since Charles Canning chose not to avail himself of the opportunity to assist the Tribunal when he came to give oral evidence, we remain unsure whether Charles Canning was assaulted when he got to the APC or whether he was put in that vehicle and then further assaulted. If either of these assaults did occur, there is nothing to suggest that there was any justification for them.

## Chapter 36: Summary of the movements of the soldiers who disembarked from Sergeant O's Armoured Personnel Carrier in Rossville Street

**36.1** On the basis of the evidence discussed above, it appears that Corporal P and Private 017 moved across Rossville Street towards Kells Walk. What they said they then saw and did is considered below in the context of the events of Sector 3.<sup>1</sup> Private R ran towards where Sergeant O's Armoured Personnel Carrier (APC) had stopped in the car park of the Rossville Flats. Private 006 arrested William John Dillon, probably on the Eden Place waste ground just south of Pilot Row, and after taking his prisoner to a vehicle on Rossville Street, went towards Sergeant O's APC. Private U appears to have chased and arrested Charles Canning somewhere in the area of Eden Place and Pilot Row, taken this man back to an APC on Rossville Street and then escorted him to a Royal Military Police vehicle at the corner of William Street and Rossville Street; after which he made his way to the north end of Block 1 of the Rossville Flats. In making this arrest it seems to us that Private U was accompanied by Private 112, a baton gunner, and though it is not entirely clear it seems to us likely that these two were close to each other as they went forward to the north corner of Block 1 of the Rossville Flats.

<sup>1</sup> [Paragraphs 69.20–58](#) and [71.1–10](#); [Chapters 73–75](#)

# Chapter 37: The remaining soldiers in Sergeant O's Armoured Personnel Carrier

## Contents

	Paragraph
Sergeant O	37.8
Private T	37.17
Private INQ 1579	37.21

**37.1** After six soldiers had disembarked from Sergeant O's Armoured Personnel Carrier (APC) in Rossville Street, this vehicle turned left into the entrance to the car park and there stopped. For the reasons given earlier in our consideration of the events in Sector 2,<sup>1</sup> it seems probable that there were only three soldiers still in the vehicle at this stage, namely Sergeant O, Private T and Private INQ 1579.

<sup>1</sup> [Paragraphs 24.5–18](#)

**37.2** One of the photographs taken by Derrik Tucker Senior from Block 2 of the Rossville Flats shows the line of vehicles that followed the two APCs into the Bogside. Just visible is the front of Sergeant O's APC as it was about to enter the car park.



37.3 Colman Doyle, the *Irish Press* photographer, took four photographs from the Eden Place waste ground, before he took the photographs of William John Dillon, Duncan Clark and Charles McMonagle, to which we have already referred. In his written statement for the Widgery Inquiry,<sup>1</sup> he explained that these were taken in the order in which they appear below. He told the Widgery Inquiry that the first photograph “*was taken from the waste ground between Pilot Row and Eden Place towards the corner between the western and southern blocks of Rossville flats. Almost immediately before the picture was taken army vehicles had come into Rossville Street and soldiers emerged and fired rubber bullets at people walking down Rossville Street and the waste ground adjoining. The volley of rubber bullets was heavy and I distinctly heard the sharp crack of rifle shots intermingled with the rubber bullet firing. As can be seen soldiers were running after people to make arrests.*” He told the Widgery Inquiry that he took the next three photographs in quick succession. In his evidence to us he explained that he was using a motorised camera and that there would have been an interval of less than a second between the photographs.<sup>2</sup>

<sup>1</sup> M23.1

<sup>2</sup> Day 72/78







Sergeant O's  
APC

**37.4** The photographs show Sergeant O's APC, and also give a view of what was happening after it had come into the car park. We should note at this point that we have been unable to identify any of the civilians or soldiers shown in these photographs. We should also note that although it was submitted that the photographs show unjustified violent assaults by soldiers, particularly the soldier shown on the left,<sup>1</sup> we are not persuaded that they do so. Although in his evidence to the Widgery Inquiry Colman Doyle stated that "*The soldier on the left appears to be attacking a man who is wearing a handkerchief on his face and photographs 3 and 4 seem to show that he knocked him out*",<sup>2</sup> in his oral evidence to this Inquiry he recalled that the soldier "*just jumped over that man, he did not fire or anything ... and I think the man may just have tripped*" and that the soldier seen on the right of the photographs was "*just making arrest*".<sup>3</sup>

<sup>1</sup> FS1.1324

<sup>3</sup> Day 72/77

<sup>2</sup> M23.1

**37.5** Fulvio Grimaldi, an Italian photojournalist who was present on Bloody Sunday, mistakenly believed that he had taken these photographs and gave evidence as to what he said they showed. Since we are sure that he was not the photographer, we do not find this evidence helpful.<sup>1</sup>

<sup>1</sup> M34.57; Day 131/21-25; Day 131/151-152; Day 131/157-160

**37.6** As will have been noted, Colman Doyle told the Widgery Inquiry that at the time he took these photographs he heard the crack of rifle fire as well as a lot of rubber bullets. He said the same to the Widgery Inquiry in his oral evidence.<sup>1</sup> In his oral evidence to the

present Inquiry, he said that this was wrong and he had not heard live fire at this time: “if I felt that – at that stage that there were live rounds being fired, I would have been a lot more cautious than I was.”<sup>2</sup> However, in view of the written and oral evidence that he gave at the time, we consider that Colman Doyle may have heard some live rifle fire at this stage. If he did, then it was probably the shots fired up the Eden Place alleyway by Lieutenant N, which we have described in an earlier chapter<sup>3</sup> and which were discharged soon after the APCs had arrived. It is also possible, but in our view less likely, that he heard the first shots fired by Corporal P, which we discuss later in this report.<sup>4</sup>

<sup>1</sup> WT7.53

<sup>3</sup> Paragraphs 30.36–129

<sup>2</sup> Day 72/136-137; Day 72/156-158

<sup>4</sup> Chapter 73

**37.7** The position of Sergeant O's APC in the car park is also shown in the following photograph, taken by amateur photographer Sam Gillespie,<sup>1</sup> which gives a view looking north from the car park, though this photograph was taken some time after those shown above.

<sup>1</sup> AG36.2



## Sergeant O

**37.8** In his first RMP statement timed at 2130 hours on 30th January 1972,<sup>1</sup> Sergeant O did not record where his APC had stopped, but simply stated: “We managed to separate a section of about 200 strong in the flat's car park in the Rossville Flats area. This was achieved by two Humbers [APCs] of which mine was one. We all debussed to make

*arrests. 6 arrests were made.*” Sergeant O then described hearing firing and seeing bullets strike, evidence which we consider later in this report.<sup>2</sup> We also consider later<sup>3</sup> two further statements that he made to the Royal Military Police (RMP).<sup>4</sup>

<sup>1</sup> B439-440

<sup>3</sup> Paragraphs 51.209 and 51.214

<sup>2</sup> Paragraphs 49.57–74 and 53.15–20

<sup>4</sup> B461; B464

**37.9** In his written statement for the Widgery Inquiry,<sup>1</sup> Sergeant O described how his APC had gone beyond that of Lieutenant N and into the car park of the Rossville Flats, stopping between 36 Chamberlain Street (the southernmost house on the side of Chamberlain Street that backed onto the Eden Place waste ground) and the “*gable end*” (the north end) of Block 1 of the Rossville Flats. “*In this way we cut off between us a group of about 200 people. These were intended as the people the snatch squads would go into.*”

<sup>1</sup> B466

**37.10** Sergeant O then stated that at first he and his men faced away from the Rossville Flats into the area in which they were to make their snatches. He told the Widgery Inquiry that he did not know at this time that his Platoon Commander had been hit on the head and was out of action for a time. This seems to be a reference to Lieutenant N’s altercation with a man who then ran away. Having stated that his soldiers did not need orders as they were acting “*in accordance with the drill*”, he continued:<sup>1</sup>

“My original intention when I got out of the pig was to stay by it, keep an eye on the snatch squad and keep a look out in the direction of the buildings being prepared to cover the squads in the event of any shooting. However a man threw an empty bottle at me. I arrested him and passed him to one of the lance-corporals to put in the pig.”

<sup>1</sup> B466-467

**37.11** Sergeant O then stated that as he was following the Lance Corporal and the arrestee back to the APC facing the flats there was a burst of firing.<sup>1</sup> We consider this part of Sergeant O’s evidence later in this report,<sup>2</sup> when considering his own firing.

<sup>1</sup> B467

<sup>2</sup> Paragraphs 51.208–265

**37.12** In his oral evidence to the Widgery Inquiry, Sergeant O said he had been in the front seat next to the driver and that when they reached the car park he got out but his driver remained in the APC.<sup>1</sup> He was asked about the state of the crowd at the time he made this arrest:<sup>2</sup>

“Q. How would you estimate the crowd at that time?

A. Initially when we moved in the Platoon Commander and vehicle force followed in and we cordoned off, the two vehicles, a group of about 200. Some of them went back towards Eden Place and out round that way. The remainder split and came into the car park of the Rossville Flats going on either side of my vehicle. The vehicle was actually sitting in the middle of the crowd when we de-bussed.

Q. Originally, you cordoned off about 200 who spread out in the two directions?

A. Yes.

Q. How long was the crowd still visible from there?

A. The actual 200 itself cleared within a matter of seconds, ten or fifteen or twenty seconds, that sort of thing. They had gone from where we had trapped them. They were still moving across the car park into the Rossville Flats area.

Q. Did you see any part of the crowd trying to scramble through the alleyways in the corner of the buildings, in the courtyard?

A. They were cutting across the car park and splitting up into these alleyways. This is where they were going to.”

<sup>1</sup> B473-474

<sup>2</sup> B475

**37.13** Sergeant O was then asked about the firing that he said he had observed and his own firing.

**37.14** Sergeant O gave written and oral evidence to this Inquiry. In his written statement<sup>1</sup> he gave much the same account of driving into the car park and of arresting a civilian as he had in his earlier accounts. He told us that:<sup>2</sup>

“As I got out of the Pig I realised that we were right underneath the three Blocks of the Rossville Flats and I thought to myself that this was not where I wanted to be. I would have much preferred to have been about 50 yards north of this location and closer to Lieutenant N's Pig which had stopped on the waste ground. I thought that my men would be more vulnerable to being shot at from this forward position right next to the Rossville Flats, but it did not make a huge difference to our arrest operation: we just got out of the Pigs and got on with it.”

<sup>1</sup> B575.107

<sup>2</sup> B575.112

**37.15** In his oral evidence to this Inquiry, he was asked about an interview (probably conducted by Neil Davies in 1989)<sup>1</sup> in which he had said that when he was escorting the person he had arrested back to his APC, he was armed only with a baton. Sergeant O said that this was wrong, but denied that he was trying to give a false impression to the journalist.<sup>2</sup>

<sup>1</sup> [Day 397/45-60](#)

<sup>2</sup> [Day 336/15-16](#)

**37.16** We deal in more detail a little later in this report<sup>1</sup> with the arrest made by Sergeant O.

<sup>1</sup> [Chapters 40 and 43](#)

## Private T

**37.17** In his RMP statement timed at 0200 hours on 31st January 1972,<sup>1</sup> Private T gave the following account:

“My APC halted to the east of the northernmost block of Rossville Flats. We had outflanked a large proportion of the rioters and I assisted in making two arrests. I then moved back to my APC in the forecourt of Rossville Flats.

When I rejoined the troops there they were under a heavy stoning attack from all the three blocks of flats. As I was in cover I became aware of people on the balconies of the flats dropping bottles and other missiles from the verandahs into our position.

I noticed that the bottles contained a liquid and I thought they were petrol bombs. However, none of the bottles was alight and none went on fire when they smashed. After a couple had broken as they fell I smelt a strong acid smell and realised that the bottles contained acid.”

<sup>1</sup> [B725](#)

**37.18** Private T then gave an account of being ordered to fire at whoever was dropping the acid bombs. We deal with this aspect of his evidence later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 51.266–282](#)

**37.19** In his written statement for and oral evidence to the Widgery Inquiry, Private T gave a similar account,<sup>1</sup> though he added that at or about the time he was helping with arrests he heard a burst of low velocity fire, another matter we return to later in this report.<sup>2</sup>

<sup>1</sup> [B734-736; WT13.86-94](#)

<sup>2</sup> [Paragraphs 49.75–78](#)

**37.20** Private T is dead and gave no evidence to this Inquiry.

## Private INQ 1579

**37.21** Private INQ 1579 was the driver of Sergeant O's APC. He gave written and oral evidence to this Inquiry. He appears to have given no evidence in 1972 and told us that he had not done so. In his written statement to this Inquiry, he also told us that he now had very little recall of what happened on Bloody Sunday.<sup>1</sup> However, he did say to us that the people he and Sergeant O drove through were picking up bricks and throwing them at the APC: *"the missiles started to rain down upon us."*<sup>2</sup>

<sup>1</sup> C1579.1

<sup>2</sup> Day 336/154

**37.22** Private INQ 1579 told this Inquiry that soon after he had brought the vehicle to a halt in the car park he disembarked and cocked his rifle, after which he went to the back of the vehicle.<sup>1</sup> He said missiles were being thrown from the flats though he could not recall actually seeing people throwing them. He also said that he saw no petrol bombs being thrown.<sup>2</sup>

<sup>1</sup> C1581.4; Day 336/165

<sup>2</sup> Day 336/167-168

**37.23** Private INQ 1579 gave some evidence about firing, which we consider later in this report.<sup>1</sup>

<sup>1</sup> Paragraphs 49.80–81 and 49.92

**37.24** Two civilian witnesses have given evidence that they were struck by Sergeant O's APC as it came into the car park. They are Alana Burke and Thomas Harkin.

## Chapter 38: The incident concerning Alana Burke

**38.1** Alana Burke, who was 18 at the time, was interviewed by BBC Radio in Altnagelvin Hospital on 2nd February 1972. The following is a transcript of what she said:<sup>1</sup>

“A. The first thing I knew, the, the dye came up and hit me. I was soaked to the skin and began to run. And then I was overcome by gas. I run towards Rossville Street behind the big flats. I looked round and the saracen tanks came from everywhere. I couldn’t run fast enough so I grabbed a, I don’t know who it was, some fella, I held onto his tie and he dragged me off Rossville Street. Then I looked behind me and I saw Saracen tanks were coming from both ways and one of them came up and the soldiers got out and batoned old man to the ground. And I ran up against a wall and the Saracen pinned me to the wall and that’s all I remember and I had my back to the tank and I seen it coming and I couldn’t run fast enough. And it just got me right in the back.”

<sup>1</sup> [X2.3.10](#)

**38.2** Alana Burke later made a NICRA statement dated 16th February 1972. In it she described approaching Barrier 14 with the marchers and being soaked with purple dye and overcome with CS gas. She decided to go home and as she was going along Rossville Street she heard someone shout that the soldiers were coming. Her statement continued:<sup>1</sup>

“I glanced backwards and saw an armoured car coming into the car park. It was going fast and stopped a few yards away from me. Some soldiers got out and I saw one of them strike an elderly man on the face with the butt of his rifle.

The soldier got back into the saracen again and it moved forward towards me. It struck me on the right side of my back and my right leg. What exactly happened next I can’t remember, but I do recall being pinned against the wall by the crowd who were all trying to escape through the alleyway leading underneath the flats. I crawled on all fours through the alleyway and eventually a man called Frank Campbell, a youth club leader took me to one of the maisonettes in Joseph Place.

About an hour later I was taken to Altnagelvin hospital by ambulance. After a few days, during which I was under the care of Mr Fenton, I was discharged.”

<sup>1</sup> [AB101.8](#)

**38.3** Alana Burke gave a similar account in a written statement for the Widgery Inquiry, but she did not give oral evidence to that Inquiry.<sup>1</sup>

<sup>1</sup> [AB101.6](#)

**38.4** In the *Evening News* newspaper on 1st February 1972 and in the *Irish News* on 2nd February 1972, it was reported that Alana Burke had said that she could not say whether she had been deliberately run down.<sup>1</sup>

<sup>1</sup> [L94](#); [L139](#)

**38.5** Jimmy McGovern interviewed Alana Burke in or around 1999 or 2000, in the course of research for a drama documentary about Bloody Sunday. During this interview she recalled seeing the Armoured Personnel Carrier (APC) coming and feeling a bang but said that otherwise she could not remember.<sup>1</sup>

<sup>1</sup> [AB101.13](#)

**38.6** Alana Burke gave written and oral evidence to this Inquiry. She told us that Lorney McMonagle tried to pull her out of the way as “*the Saracens had started to come in to the waste ground and to the car park and when he let me go that was it, I was on me own more or less*”.<sup>1</sup> She agreed that her basic recollection was that he pulled her along but let go and then a Saracen hit her. The Inquiry did not obtain any evidence from Lorney McMonagle.

<sup>1</sup> [Day 76/83](#)

**38.7** In the course of her oral evidence, Alana Burke marked with a red arrow where she recalled that she was when she was hit on her right side by an APC.<sup>1</sup>

<sup>1</sup> [Day 76/83-84](#); [AB101.9](#)



**38.8** Alana Burke described the man she saw hit with a rifle as being on Pilot Row and as being shortish and about sixtyish in age. She was shown a photograph of William John Doherty (one of those arrested on the Eden Place waste ground) but when she was told (correctly) that this person was nearly six feet tall, agreed that it was unlikely to have been him.<sup>1</sup>

<sup>1</sup> [AB101.4](#); [Day 76/79-81](#); [Day 76/98](#)

**38.9** When her attention was drawn to one of the newspapers to which we have referred above, which had reported her as saying that she could not say whether the APC had deliberately run her down, her answer was “*I was there, how did he not see me?*”<sup>1</sup> When she was shown the transcript of her BBC interview she told us that she did not mean that the Saracen had pinned her to the wall, but that this was the garage wall where she ended up.<sup>2</sup>

<sup>1</sup> [Day 76/102](#)

<sup>2</sup> [Day 76/104-105](#)

**38.10** Alana Burke gave us a description of how she was helped through the alleyway between Blocks 1 and 2 of the Rossville Flats to a house in Joseph Place (which was to the south of the flats) and then taken by ambulance to Altnagelvin Hospital.<sup>1</sup> She was discharged

from hospital on 2nd February 1972.<sup>2</sup> Alana Burke told us that she had sustained injuries to her pelvis, right leg and back, from which she took six months to recover and which have had continuing serious medical consequences for her.<sup>3</sup>

<sup>1</sup> AB101.2

<sup>3</sup> AB101.2

<sup>2</sup> AB101.7

**38.11** It was suggested that there was further civilian evidence that was relevant to the circumstances in which Alana Burke was hit, as we are sure that she was, by an APC.<sup>1</sup>

<sup>1</sup> FS1.1111; FS7.124

**38.12** We have considered the account given by Frank Campbell to this Inquiry of seeing her deliberately run down,<sup>1</sup> but we are not persuaded that he was a witness to this, as in his interview with Kathleen Keville he had merely said that he had met a young girl who had told him “*she had been squashed by the saracen*”.<sup>2</sup> Alana Burke’s own evidence was that it was while she was on the Eden Place waste ground that Frank Campbell shouted to her that the Army were coming in and that she should run. As she ran a Saracen hit her. After she had been hit, a girl helped her to the alleyway between Blocks 1 and 2. Frank Campbell then carried her from the alleyway to a maisonette in Joseph Place.<sup>3</sup> Furthermore, Frank Campbell’s evidence of seeing numbers of Saracens driving round in circles and apparently trying to hit people<sup>4</sup> is, from the evidence discussed in this report, something that simply did not happen.

<sup>1</sup> AC137.3; Day 121/9-22; Day 121/27-28; Day 121/36-39

<sup>3</sup> AB101.1

<sup>2</sup> AC137.11; AC137.13

<sup>4</sup> Day 121/7-8

**38.13** Anthony Harkin described seeing a girl wearing a bright red coat hit at a point midway between Eden Place and Pilot Row.<sup>1</sup> However, we are sure that Alana Burke was hit at about the entrance to the car park and that she was wearing a brown coat.<sup>2</sup> We do not find his evidence helpful.

<sup>1</sup> AH11.3

<sup>2</sup> Day 76/97

**38.14** We are sure that Alana Burke was hit by the APC that was driven into the car park.

**38.15** We have referred in the previous chapter<sup>1</sup> to some of the evidence of the driver of that APC, Private INQ 1579. His evidence to this Inquiry was that he had no recollection of knocking down a young woman and was certain that if he had hit someone he would have felt the impact, though he did tell us that his vehicle hit a man just as the vehicle was stopping and that he had heard no impact from that.<sup>2</sup> That man was Thomas Harkin and we examine in the next chapter<sup>3</sup> the circumstances in which he was hit.<sup>4</sup> Private INQ 1579 said that there was no deliberate policy of running people down, and that while

rioters might escape, “*you would rather lose the target than injure people unnecessarily*”.<sup>5</sup> Sergeant O, who was in the APC until it stopped in the car park, also said that he had no recollection of his APC knocking anyone down.<sup>6</sup>

<sup>1</sup> Paragraphs 37.21–23

<sup>4</sup> C1579.3; Day 336/159; AH106.2

<sup>2</sup> Day 336/177

<sup>5</sup> Day 336/163-164

<sup>3</sup> Chapter 39

<sup>6</sup> B575.111

**38.16** It appears from the photograph showing Sergeant O’s APC in Rossville Street<sup>1</sup> that there may have been some protective plating on the driver’s door. If so, this would have restricted the driver’s view on that side.<sup>2</sup>

<sup>1</sup> Paragraph 24.24

<sup>2</sup> Day 336/157

**38.17** From Alana Burke’s account we have no doubt that she was hit by the APC after Sergeant O’s APC had briefly stopped on Rossville Street. Her NICRA statement suggests that this was the case.<sup>1</sup> Thus the vehicle is unlikely to have been travelling particularly fast as it came into the car park, since we accept Private INQ 1579’s evidence that such a heavy vehicle took some time to speed up.<sup>2</sup> William Harley, whose evidence we consider a little later in this report,<sup>3</sup> told us that it was about right to describe the speed of this vehicle when it came into the car park as faster than a man could run, but not much faster.<sup>4</sup>

<sup>1</sup> AB101.8

<sup>3</sup> Paragraphs 39.12–16

<sup>2</sup> Day 336/153-154

<sup>4</sup> Day 77/46-47

**38.18** There is, however, an odd feature of Alana Burke’s evidence. She has consistently maintained in the accounts she has given that she witnessed an elderly man being hit in the face with a rifle butt by a soldier before she was herself hit by the APC. We have no evidence apart from hers of such an incident, though there is a body of evidence from others, which we consider later in this report,<sup>1</sup> that William John Doherty, a man of 55, was arrested and hit with a rifle after the APC had come to a stop in the car park and Sergeant O had got out.

<sup>1</sup> Chapter 40

**38.19** Although Alana Burke thought that the person she saw being hit was not William John Doherty because of his height, we bear in mind that while she has always described the man she saw as elderly it was not until she gave evidence to this Inquiry that she expressed a recollection that he was “*shortish*”.

**38.20** We do not find it surprising, in view of the speed of events, that some witnesses have muddled the sequence in which they occurred. In the case of Alana Burke, there was not only the factor of fast-moving events, but also the fact that she had been affected by purple dye and CS gas, was running clearly terrified from the soldiers coming in and was then knocked over and injured by one of their vehicles. Given these considerations, and the fact that although there were many civilians in the area at the time, no-one else appears to have seen an elderly man being hit by a soldier before Sergeant O's APC stopped in the car park; and given also the fact that, except as to timing, her account is similar to that of other witnesses to the arrest of William John Doherty, we consider that it is more likely than not that it was he whom Alana Burke saw; and that in her various accounts she got the sequence of events wrong.

## **Consideration of the evidence relating to Alana Burke**

**38.21** There remains the question as to whether Private INQ 1579 can be criticised for what happened. On our assessment of his evidence he probably neither saw Alana Burke nor realised that he had hit someone. We also accept his denial that he deliberately drove into people. In all the circumstances we are of the view that Private INQ 1579 cannot fairly be criticised for failing to exercise due care when driving his APC into the car park.

## Chapter 39: The incident concerning Thomas Harkin

- 39.1** Thomas Harkin was 32 at the time of Bloody Sunday. He gave no evidence in 1972, but did give written and oral evidence to this Inquiry.
- 39.2** In his written statement to this Inquiry,<sup>1</sup> Thomas Harkin told us that he had come into the car park through the gap between Block 1 and Block 2 of the Rossville Flats with his friend James Quinn and was there when two “*Saracens*” entered the car park area, one of which came up behind him and hit him, knocking him to the ground. According to Thomas Harkin, the vehicle was then going to reverse over him but James Quinn pulled him out of the way. Thomas Harkin said that the vehicle must have had spikes on it because he had spike holes in the back of his legs. He also sustained cuts and bruises to his face when he fell to the ground, such that he had trouble opening his eyes. According to this account the vehicle stopped with its front end pointing north towards William Street. Two soldiers disembarked from the back of the vehicle. One approached James Quinn and Thomas Harkin and attempted to strike James Quinn with the butt of his rifle, but James Quinn darted out of the way and the blow hit Thomas Harkin in the stomach.
- <sup>1</sup> [AH106.2](#)
- 39.3** In this statement Thomas Harkin told us that he then ran through the passage between Blocks 1 and 2 of the Rossville Flats, heading towards Free Derry Corner, dropped to the ground in Rossville Street when he heard shooting, lay there for about ten minutes, and then carried on via Lecky Road and Westland Street to his home in Dove Park.<sup>1</sup>
- <sup>1</sup> [AH106.2](#)
- 39.4** In his oral evidence to this Inquiry, Thomas Harkin maintained that two vehicles had come into the car park. Thomas Harkin said that he and James Quinn decided to throw stones at the Army vehicles when they came into the car park but that he had not thrown or picked up any stones before he was hit. He said that the spikes made two or three holes below his knee. He told us that he did not require medical treatment for his injuries.<sup>1</sup>
- <sup>1</sup> [Day 113/141-143](#)

- 39.5** Thomas Harkin also told us, on being shown the statement of James Quinn (to which we refer below) that it was possible that, contrary to his written statement, he had come into the car park with James Quinn from the Eden Place waste ground.<sup>1</sup> He also agreed that they had been standing right by the entrance to the stairwell at the car park side of the north end of Block 1 of the Rossville Flats before the Army vehicles came in.<sup>2</sup>
- <sup>1</sup> [Day 113/144-145](#) <sup>2</sup> [Day 113/146](#)
- 39.6** Although in his written evidence Thomas Harkin had put the position where he was hit as close to the alleyway between Blocks 1 and 2 of the Rossville Flats,<sup>1</sup> in his oral evidence he accepted that it was possible that the vehicle had not come so far in and that he had been hit somewhere in the mouth of the car park after having run out from a position close to Block 1:<sup>2</sup> *“It is possible, I just do not remember exactly. The information I gave was what I could remember at the time I made it, which was a couple of months ago.”*
- <sup>1</sup> [AH106.2](#) <sup>2</sup> [Day 113/149-150](#)
- 39.7** Thomas Harkin told us that he could not remember whether the soldiers he said had run towards him and James Quinn had come from the vehicle that had hit him or from the other vehicle.<sup>1</sup> He also said that he did not agree that the soldier had hit him in the face, as James Quinn had recorded in his statement.<sup>2</sup>
- <sup>1</sup> [Day 113/150](#) <sup>2</sup> [Day 113/152](#)
- 39.8** James Quinn also gave no evidence in 1972, but did give written and oral evidence to this Inquiry.
- 39.9** In his written statement to this Inquiry,<sup>1</sup> James Quinn told us that he had been throwing stones at Barrier 12. He later met Thomas Harkin. They were standing tight up against the north-east corner of Block 1 of the Rossville Flats, intending to throw stones at the Army vehicles when they arrived. One vehicle entered the car park and swung round in a clockwise direction. To James Quinn’s surprise, the vehicle stopped and soldiers began to disembark from it. Thomas Harkin then panicked and ran out towards the centre of the car park. A second vehicle then entered the car park and swung round, and its bumper hit Thomas Harkin and threw him into the air. Thomas Harkin ended up lying in an icy puddle. James Quinn ran out to help him. As he attempted to lift him, a soldier arrived and tried to hit James Quinn on the head with his rifle butt, but James Quinn slipped on the ice and the blow hit Thomas Harkin full in the face. James Quinn then stated that he told Thomas Harkin *“you’re on your own now”*<sup>2</sup> and made a run for it.
- <sup>1</sup> [AQ10.3](#) <sup>2</sup> [AQ10.4](#)

39.10 In his oral evidence<sup>1</sup> James Quinn said that the running down appeared to him deliberate, but accepted that he could not say what was in the mind of the driver of the vehicle. Indeed he accepted that it was possible that he had not actually seen the collision and that his attention had been distracted at the relevant moment.<sup>2</sup> He also acknowledged that he was not sure that the rifle butt had hit Thomas Harkin in the face as opposed to the stomach:<sup>3</sup> *"I could not say where he was hit."*

<sup>1</sup> Day 179/47-48

<sup>3</sup> Day 179/52-53

<sup>2</sup> Day 179/84-85

39.11 Two other witnesses gave accounts in 1972 that relate to a man knocked down by an Army vehicle in the area of the car park.

39.12 William Harley, who was 36 at the time, made a NICRA statement dated 2nd February 1972.<sup>1</sup> He stated that he was watching from his home at 37 Donagh Place. This flat was on the centre of the top floor of Block 2 of the Rossville Flats, giving him from his bedroom window, as he said, *"a clear view of Chamberlain St., the William St. end of Rossville St. and the wasteground between"*. He described when he first saw the soldiers:

"The soldiers I saw came up William St. from the direction of the barricade. One armoured personnel carrier turned into Chamberlain St. and came to a halt at the bottom of Harvey St. Three more armoured personnell carriers and two canvas covered lorries turned into Rossville St. The lorries were parked on the footpath, one on each side of the street about twenty five yards from the William St. corner. The three armoured cars came across Rossville St. and two of them came to a halt at the gable end of the Rossville St. flats (William St. end). The third car drove past these two and entered the car park driving straight towards the people who were running in every direction trying to escape. One man was knocked down by this car (At this time there was a crowd of several hundred people running in panic). As the man was attempting to rise, a soldier ran from the back of the car which was now stationary and raised his rifle in an attempt to strike the man with the rifle butt. A youth dashed forward and grabbed the soldier around the neck and held him until the injured man escaped. The youth ran off into the crowd. The soldier raised the rifle, took deliberate aim and fired. That was the first shot I heard. The soldier, I thought, aimed towards the entry between the Rossville St. block and Joseph Place. The crowd fell back and I saw a man lying on the ground about four or five yards from the spot where the soldier was standing after having fired the shot. I had not seen anyone fire at the soldier nor had I heard any shooting. There were no explosions."

<sup>1</sup> AH36.12



39.17 The second witness, who gave an account in 1972 of seeing a man hit by an Army vehicle in the car park, was Martin Tucker, who was 17 years old at the time.

39.18 In his NICRA statement dated 1st February 1972,<sup>1</sup> Martin Tucker recorded that he was watching from a bedroom window in the Rossville Flats and saw that “*Two Saracens came roaring up Rossville St. and Chamberlain Street after the crowd. When Saracens entered the car park at the back of the flats I saw a man being hit by Saracen, but he seemed to be uninjured.*”

<sup>1</sup> AT17.15

39.19 In his written statement to this Inquiry,<sup>1</sup> Martin Tucker said that this happened near the north-east corner of Block 1 of the Rossville Flats. He said that the man looked as if he was in his twenties. He added: “*I was not aware of the Saracen deliberately hitting him or moving away to try and avoid him. The man was just in the wrong place and was hit by it. I did not see the man get up but maybe he did. I did not pay much attention to him after that as other things were happening.*”

<sup>1</sup> AT17.3; AT17.16

39.20 In his written statement to this Inquiry,<sup>1</sup> Private INQ 1579 (the driver of Sergeant O’s APC) stated:

“I remember driving onto the tarmac of the car park of the Rossville Flats and seeing a man standing spread eagled in front of us; baiting us to hit him. He was probably one of those who had run with the groups that had scattered as we went in. As soon as I saw him I banged on my brakes but the momentum carried me forward and the front of the pig tapped him causing him to fall down. We hit him at a very low speed. He simply rolled over, got up and ran off. There were no visible wounds or signs of a limp.”

<sup>1</sup> C1579.3

39.21 It appears that he saw no incident in which a soldier raised his rifle butt in order to deliver a blow to the man on the ground or to anyone who had come to his aid.

39.22 In his oral evidence to this Inquiry, Private INQ 1579 said that when he saw the man he applied his brakes and stopped and “*it was just the momentum of the springs sending the vehicle forward an inch or so and nudging him*”. He denied that he had deliberately run the man down.<sup>1</sup>

<sup>1</sup> Day 336/161-163

## Consideration of the evidence relating to Thomas Harkin

- 39.23** In our view all the witnesses whose evidence we have discussed above were referring to the same incident, in which Sergeant O's APC came into the car park and hit Thomas Harkin.
- 39.24** Although we believe that Thomas Harkin was doing his best to help the Inquiry, it seemed to us that his recollections of the details of the event after so long were such that we could place little reliance on his account of what happened. He was unsure how he had got into the car park, or of where in the car park he had been hit. He was, on the basis of the evidence we have considered above, wrong in believing that two vehicles had come into the car park, that the one that had hit him had then reversed and that this vehicle had ended up facing north, ie away from the Rossville Flats.
- 39.25** We formed much the same view of the evidence of James Quinn, since in the end neither he nor we are sure that he actually saw the collision, and since he was wrong in his recollection that two Army vehicles had come into the car park.
- 39.26** As to the statement made at the time by William Harley, it seems to us, from the other evidence that we have considered about the movement of the Army vehicles, that we can place some reliance on his evidence. The same applies to Martin Tucker.
- 39.27** While we have no doubt that Thomas Harkin was struck by Sergeant O's APC, we are of the view that Private INQ 1579 did not deliberately run him down. Martin Tucker did not get that impression, and though William Harley in his evidence to us said that he did, he also accepted, in effect, that this impression might be wrong. We accept Private INQ 1579's denial that he intended to hit this man.
- 39.28** It seems to us that Thomas Harkin could not have been hit by the APC when it was travelling at more than a very slow speed. Had it been otherwise we have little doubt that a vehicle of this weight, hitting a person with its front, would have caused serious if not fatal injuries. As it is, the evidence is consistently to the effect that Thomas Harkin very soon got up and ran away. Thomas Harkin told us that his injuries did not require medical treatment. We are not sure whether the vehicle was travelling quite as slowly as Private INQ 1579 told us it was, but we are satisfied that it cannot have been going much faster.

- 39.29** Whether, as Private INQ 1579 said to us, Thomas Harkin was standing in front of the vehicle, “*baiting us to hit him*”, or whether he was hit as he was trying to run away, is not clear from the evidence we have considered. Thomas Harkin appears to have been prepared to throw stones at the vehicles, but may have had second thoughts and tried to run away. He may have “baited” the soldiers but turned at the last moment, to be hit on the back, though there is no evidence dating from 1972 to show that this is where he was hit.
- 39.30** In the circumstances we are of the view that no criticism can be fairly made of Private INQ 1579 with regard to this incident.
- 39.31** Private INQ 1579 told us that the man got up and ran away. According to William Harley, before this happened a soldier ran from the back of the APC and attempted to hit the man with his rifle. We prefer the evidence given in 1972 by William Harley, that the man escaped uninjured, to the inconsistent evidence of Thomas Harkin and James Quinn about an injury to the former caused by a blow struck by the soldier. However, since all three give an account of some altercation with a soldier it seems to us more likely than not that there was some such incident. If William Harley was correct in recording that the soldier came from the back of the APC, this would point to Private T, as he would probably have been the only soldier left in the back of Sergeant O’s APC by this stage. There is nothing in the evidence given by Private T that seems to refer to this incident. Whether the soldier concerned was Private T or another soldier, it is difficult to see what justification there could be for attempting to strike the civilian concerned.

## Chapter 40: The arrest of William John Doherty

**40.1** In the context of describing above what Sergeant O said that he did after his Armoured Personnel Carrier (APC) had stopped in the car park,<sup>1</sup> we referred to his written account for the Widgery Inquiry of arresting a man who he said had thrown a bottle at him.<sup>2</sup> In that account he stated that he and a Lance Corporal had taken this person back to Sergeant O's APC.<sup>3</sup> In his oral evidence to the Widgery Inquiry, Sergeant O said that he had made this arrest near the back wall of 36 Chamberlain Street, ie near the southern end of that street.<sup>4</sup>

<sup>1</sup> Paragraph 37.10

<sup>3</sup> B467

<sup>2</sup> B466

<sup>4</sup> B487

**40.2** In his first Royal Military Police (RMP) statement,<sup>1</sup> Corporal 162 recorded that, after the incident in which a man had thrown a metal stake at him and then had run up the alley to Chamberlain Street (to which we have referred above<sup>2</sup>), he had run:

“along the waste ground beside the wall of the back yards in Chamberlain St. I got as far as No 30 Chamberlain St where I met [Sergeant] O who had an arrested person with him. He was being bottled and stoned so I took the prisoner from him so that he could return to his platoon. I took the prisoner to my vehicle which was still on the waste ground by Pilot Row. I put the prisoner inside the APC and stayed there about 10 minutes. I then left to return to my platoon but was recalled to move the vehicle forward to the south [sic] end of Block 1 Rossville Flats. After moving the vehicle I left the prisoner in care of [...] and [...].”

<sup>1</sup> B1960-1961

<sup>2</sup> Paragraph 26.10

**40.3** 30 Chamberlain Street was some 20 yards north of the southern end of that street.

**40.4** As will have been seen, Sergeant O told the Widgery Inquiry that his prisoner had been taken back to his APC, while Corporal 162's account to the RMP was to the effect that he had taken the prisoner back to Lieutenant N's APC. In his oral evidence to this Inquiry, Sergeant O at first maintained that he had taken the prisoner back to his APC, but later, having been shown Corporal 162's RMP account, agreed that he might have been mistaken.<sup>1</sup>

<sup>1</sup> Day 335/41

40.5 According to the arrest report form prepared at Fort George, the man Sergeant O arrested was William John Doherty, and the reason given for the arrest was that he had assaulted Sergeant O with a bottle. The arrest papers include a statement from Private T in which he said that he had seen William John Doherty throw a bottle at Sergeant O.

40.6 We have no doubt that Sergeant O arrested William John Doherty. Sergeant O said that he had only arrested one person that day,<sup>1</sup> and he can be seen in the photographs in the arrest papers with this civilian.

<sup>1</sup> [WT13.39](#)

40.7 William John Doherty was 55 years old at the time and worked for the Londonderry Development Commission. According to his NICRA statement<sup>1</sup> he was in Rossville Street, where he was affected by CS gas, “*and went around the corner into the waste ground area off Rossville Street*”. He went on:

“I had been standing there for 7 to 8 minutes when I saw a section of the crowd running through the waste ground. I knew there must be something wrong and so I began to run also.

I was chased and caught by a soldier wearing riot equipment from the Paratroops. He took me back to a Saracen about 20 yards away. I can’t remember if he said anything.”

<sup>1</sup> [AD113.1](#)

40.8 William John Doherty then gave an account of being hit in the face with a rifle butt by a soldier while he was in the vehicle, and of the soldier then firing a rubber bullet at his left arm. We return to this part of his account later in this report.<sup>1</sup>

<sup>1</sup> [Chapter 43](#)

40.9 Philip Jacobson of the *Sunday Times* Insight Team interviewed William John Doherty, who gave him a similar account of his arrest, adding the detail that “*the para kicked me all the way back to a Saracen that was standing about 20 yards away where eden street used to be*”.<sup>1</sup>

<sup>1</sup> [AD113.3-5](#)

40.10 From this account it appears that William John Doherty was taken to Lieutenant N’s APC, which accords with Corporal 162’s RMP statement, but not with Sergeant O’s account for the Widgery Inquiry. It also accords with the NICRA statement of Duncan Clark<sup>1</sup> to which

we have referred above, in which he recorded that he was ordered to get into the armoured car at “*Eden Terrace*”. Duncan Clark added that “*The only person in the armoured car was an elderly civilian (badly cut and bleeding)*”.

<sup>1</sup> AC61.1

**40.11** In our view there is, despite the evidence Sergeant O gave at the time, no doubt that William John Doherty was taken by Corporal 162 to Lieutenant N’s APC. However, it appears from the account that Neil McLaughlin gave to John Barry of the *Sunday Times* Insight Team<sup>1</sup> that William John Doherty might first have been brought towards Sergeant O’s APC before being taken by Corporal 162 to that of Lieutenant N. It seems to us that two of the photographs taken by Colman Doyle show Corporal 162 taking William John Doherty to Lieutenant N’s APC.

<sup>1</sup> AM347.12; Day 193/158



40.12 William John Doherty, who is dead and who gave no evidence to this Inquiry, recorded nothing in his NICRA statement about how he was treated as he was arrested; though, as noted above, he told Philip Jacobson that he had been kicked all the way back to the APC. However, there is convincing evidence that Sergeant O did hit him on the head with his rifle as he made the arrest.

40.13 Sergeant O himself told the Widgery Inquiry in his written statement that “*During the struggle while I was grappling with him I held him in my left hand and hit him on the left side of his face with the stock of my rifle held in my right hand. It was the only way of subduing him.*”<sup>1</sup> In his written statement to this Inquiry,<sup>2</sup> he told us that “*I hit him with my rifle and knocked him to the ground by using the rifle as if it were a baton. I actually smashed the plastic stock of my rifle on his head to subdue my prisoner, and the plastic stock shattered.*” He had told the Widgery Inquiry that the plastic stock on his rifle had broken but not that the damage had been caused when he hit the person he arrested.<sup>3</sup>

<sup>1</sup> B467

<sup>3</sup> B468

<sup>2</sup> B575.112

40.14 In his oral evidence to this Inquiry, Sergeant O denied that he had been using his rifle like a club, hitting William John Doherty with the butt.<sup>1</sup> He also said to us<sup>2</sup> that William John Doherty was struggling extremely hard and that he acted as he did in order to subdue him. He described hitting him with the stock, holding the rifle where the butt joined onto the rest of the weapon. He also said that during the arrest he was hit by fleeing rioters, receiving one blow in the ribs and another thump round his neck.<sup>3</sup> When asked whether he had hit William John Doherty several times on the top of the head, he replied: “*Not to my knowledge. I struck him and that was it.*”<sup>4</sup>

<sup>1</sup> Day 335/34; Day 336/20-21

<sup>3</sup> Day 335/34-36

<sup>2</sup> Day 335/36

<sup>4</sup> Day 335/37

40.15 There is a body of civilian evidence that in our view probably relates to the arrest of William John Doherty.

40.16 We have already referred to the evidence of Alana Burke,<sup>1</sup> when considering the circumstances in which she was hit by Sergeant O’s APC. She said that the incident that she witnessed occurred before she was hit by the vehicle, but in our view she probably got the order of events wrong and was referring to the arrest of William John Doherty, since there is no other evidence of an elderly man being hit in this area before Sergeant O’s APC stopped in the car park.

<sup>1</sup> Chapter 38

**40.17** Charles Glenn, a volunteer in the Order of Malta Ambulance Corps, gave a NICRA statement<sup>1</sup> in which he described moving on to the Eden Place waste ground where he treated a man who had been stunned by a rubber bullet. He continued:

“Then the crowd started to run, so I ran too in the direction of the high flats. As I entered the courtyard with the rest of the fleeing crowd, a Humber AC [armoured car] entered and knocked down a youth. I could see other Humber ACs in Rosseville; firing was coming from the cars. This could not have been baton rounds for when the paras came out of the cars, none had rubber bullet guns; all had GLRs [self-loading rifles] or sterlings.

I then saw a paratrooper grab an old man who had been left behind by the crowd and flail him about the head with an ELR [self-loading rifle]. I shouted to him and ordered him to stop. He threw the old man to one side, took up a firing position and prepared to fire. I stood stock still and then was hit by a rifle butt in the chest and knocked to one side, and as I fell, I heard a shot close by my left ear.”

<sup>1</sup> AG43.10

**40.18** Charles Glenn also gave an interview to the *Sunday Times* Insight Team.<sup>1</sup> In the course of this interview he gave a similar account of seeing a soldier grab an old man and “flay” (this is probably a mistranscription for “flail”) him about the head with his rifle. Charles Glenn said that after he had sought to intervene another soldier had run up and hit him in the chest with his rifle butt.

<sup>1</sup> AG43.23

**40.19** Charles Glenn gave written and oral evidence to this Inquiry.<sup>1</sup> Much of his evidence was concerned with his account of attending to the casualty Jackie Duddy, which we consider later in this report. With regard to the incident under discussion, we formed the view that while Charles Glenn was doing his best to help this Inquiry, he now had no clear recollection of this event. As he put it himself:<sup>2</sup>

“Over the period since – immediately after the events I found that the events re-played themselves in my head to an extent. But over the years they have separated out and they are no longer quite as clear. But it would certainly be true to say that, um, I would not have been in a position to take cool, calm and collected views of what was going on around me, that would be fair enough, yeah.”

<sup>1</sup> AG43.14; Day 80/173-212; Day 81/1-63

<sup>2</sup> Day 81/20-21

40.20 Counsel to the Inquiry prepared what we regard as an accurate summary of the evidence of a number of other civilians that seems to us to relate to the arrest of William John Doherty.<sup>1</sup> We set out below an adapted version of this summary which includes some comment of our own.

Celine Brolly

In her NICRA statement<sup>2</sup> she said: “*Then as we were watching out of the back window into the Market we saw three soldiers grab hold of a middleaged man. They kicked punched and battered him and took him away over the ‘Fish’ lane. There was a First Aid boy running to the aid of this man but he was also punched and kicked and thrown on the ground and they shot a rubber bullet at him. He was still lying on the ground and Father Daly called him.*” In her oral evidence to this Inquiry,<sup>3</sup> Celine Brolly was shown a photograph of Duncan Clark and claimed to recognise him as the middle-aged man who was assaulted. We agree with our counsel that the description in her NICRA statement seems much more likely to relate to William John Doherty and Charles Glenn.

Leo Deehan

In his written statement to this Inquiry,<sup>4</sup> he told us: “*... I then saw one soldier beating and [sic] elderly man with the butt of his rifle, The old man fought gamely, he went down and the soldier tried to bash him with the rifle again.*” In a document<sup>5</sup> which his daughter Maria Nelson explained<sup>6</sup> was a draft for a book on which her father was working before he died, he said that the elderly man was facing up to the soldier with his fists up.

Isabella Duffy

In her NICRA statement<sup>7</sup> she said that after she had seen a boy fall in the car park of the Rossville Flats, she saw an old man being beaten. She said: “*The old man was up against the wall running along the back of the houses in Chamberlain St & joining into the wire at the waste ground. There were 3 soldiers at him. He had a black coat which he tried to pull up over his head to protect it. But they stopped him. They were pulling his legs apart and beating him everywhere. It was terrible – like greyhounds at a hare. I saw two fellows running out to help him.*” She also gave accounts of this incident in her evidence to the Widgery Inquiry<sup>8</sup> and her written statement to this Inquiry.<sup>9</sup> Since making her statement to this Inquiry, Isabella Duffy has died. She did not give oral evidence.

Elizabeth Dunleavy

In her NICRA statement<sup>10</sup> she said: “*I saw a young Knight of Malta boy fall in the car park. I think he was hit by a rubber bullet because he got up again.*” In her statement to this Inquiry,<sup>11</sup> she said that she saw three soldiers beating a “boy” about the head and

upper body area with their batons at the position marked B on the plan attached to her statement<sup>12</sup> (at the back of the houses on the west side of Chamberlain Street, opposite the access route from Rossville Street to the car park of the Rossville Flats). Then she saw a “boy” wearing Order of Malta Ambulance Corps uniform hit by a baton round.<sup>13</sup>

#### Margaret Fetherston

In her written statement to this Inquiry,<sup>14</sup> she recalled seeing a man in the mouth of the car park of the Rossville Flats standing his ground defiantly and shouting at the soldiers. One or two soldiers beat him up. *“It is hard for me to be precise about how exactly he was being hit. I know he was being hit with a rifle; I think with the front of the rifle rather than its butt and I remember seeing a piece of the rifle fall off. He was also kicked.”*

Margaret Fetherston also gave an account of this incident to Jane Winter of British Irish Rights Watch,<sup>15</sup> in which she said: *“He was then set upon by two soldiers who beat him to a pulp and hit him about his head with their rifle butts.”* Margaret Fetherston was only 15 years old at the time. She was not called to give oral evidence to this Inquiry.

#### Patrick Joseph Harkin

In his NICRA statement<sup>16</sup> he said that he saw two soldiers catch hold of a “bin man with the Corporation” and beat him about the head with their rifles. The man was about 50 years old. They took him “around by what was Eden Place”. Patrick Joseph Harkin described the incident in similar terms in his written statement to this Inquiry.<sup>17</sup>

#### Christy Lavery

In his written statement to this Inquiry,<sup>18</sup> he told us that he saw a soldier beating a tall, thin, silver-haired, elderly man with the butt of his rifle in a location to the north of Eden Place. Christy Lavery ran over to the soldier and attempted without success to pull off his gas mask. If the elderly man was William John Doherty, Christy Lavery was mistaken about where the incident occurred. In his interview with Kathleen Keville,<sup>19</sup> he said that soldiers were beating two men with batons, apparently somewhere close to the car park of the Rossville Flats, but he made no reference to an elderly man or to the use of a rifle butt.

#### John McCrudden

In his NICRA statement<sup>20</sup> he recorded that *“One soldier jumped out from the front seat. He ran over to the wall at the back of Chamberlain St ... He caught a man and holding him with one hand beat him with a rifle butt.”* He also gave accounts of this incident in his written and oral evidence to this Inquiry.<sup>21</sup>

Patrick McCrudden

In his NICRA statement<sup>22</sup> he recorded that “*While one soldier was attacking a middle-aged man, a member of the Order of Malta attempted to intervene. The soldier turned and struck the first aid man (dressed in the usual grey uniform) first with the butt of the rifle on both body and face and kicked him. The Order of Malta man collapsed and disappeared from view behind a wall. The middle aged man was arrested.*”

Manus McDaid

In his written statement to this Inquiry<sup>23</sup> he told us that he saw a soldier striking an old man with the butt of his rifle at approximately point E on the plan attached to his statement<sup>24</sup> (ie at the back of 36 Chamberlain Street, where Sergeant O said that the arrest of William John Doherty took place). Manus McDaid described the man as pale, thin, in his mid-sixties, and wearing a flat cap and brown overcoat. The soldier seemed to be holding the man with one arm, while trying to strike him with the rifle butt held in his other hand.

William McDonagh

In his NICRA statement<sup>25</sup> he said that he saw a soldier throw an elderly man against a wall at the back of Chamberlain Street and begin hitting him with his rifle butt. Two youths attempted to free the man without any success. When he made his written statement to this Inquiry<sup>26</sup> his recollection was that two soldiers had held the man while another had his rifle raised as though about to hit him, but that he had not actually seen the soldier hit the man.

Michael McKinney

In his written statement to this Inquiry,<sup>27</sup> he recorded that he saw a group of soldiers at the west gable end of Chamberlain Street beating a man in a dark suit who had at one time been employed as a bin man. They were beating him with their fists and one soldier seemed to be trying to hit him with the butt of his rifle. He was “*trying desperately to protect himself from the soldiers but was beaten bloody*”. Michael McKinney died without having signed his statement.

Susanna Miller

In her written statement to this Inquiry,<sup>28</sup> she described seeing a balding man, probably in his early fifties, wearing a three-quarter-length dark coat, at approximately point B on the plan attached to her statement<sup>29</sup> (ie at the back of 36 Chamberlain Street). Two soldiers hit the man three or four times in the face with their rifle butts. He tried to resist by sheltering his face with his forearm. He seemed angry and it looked as though he was cursing the soldiers. Susanna Miller did not give oral evidence.

Joseph Ernest Moore

In his NICRA statement,<sup>30</sup> his statement to the Widgery Inquiry<sup>31</sup> and his written evidence to this Inquiry,<sup>32</sup> he gave accounts of seeing two soldiers severely beating an elderly grey-haired man with the butts of their rifles.

Hugh O'Donnell

In his NICRA statement<sup>33</sup> he described seeing “a big soldier clubbing an old man over the head with a rifle and then he moved on to a first aid man who was administering to someone on the ground and he clubbed him also”. In his written statement to this Inquiry<sup>34</sup> he recalled that he recognised the old man as “one of our bin men” but did not know his name. He said that the man had been trying to get out of the way and the soldier knocked him hard over the head with the barrel of his rifle. In oral evidence<sup>35</sup> he said, by way of correction to his written statement, that the incident took place at the back of the Chamberlain Street houses, about two or three houses from the south-west end. When he was shown<sup>36</sup> one of the photographs of William John Doherty, he said that he was not the bin man whom he had seen being attacked. However, since this account otherwise tallies closely with others that are clearly referable to the arrest of William John Doherty, we consider it likely that Hugh O'Donnell was mistaken about this.

1 CS4.55-59

2 AB88.9

3 Day 94/55

4 AD178.5

5 AD178.16

6 AN14.4

7 AD158.15

8 AD158.8; WT5.54

9 AD158.3

10 AD169.5

11 AD169.1

12 AD169.4

13 In Londonderry the expression “boy” is often used to describe a male person of any age. See, for example, the evidence of Denis Patrick McLaughlin (Day 159/68).

14 AF5.2

15 AF5.14

16 AH27.4

17 AH27.2

18 AL5.2

19 AL5.8

20 AM152.10

21 AM152.2; Day 95/93-95; Day 95/137-142

22 AM153.15

23 AM169.2

24 AM169.5

25 AM192.7

26 AM192.2

27 AM308.4

28 AM402.1

29 AM402.5

30 AM413.13

31 AM413.10

32 AM413.3

33 AO31.8

34 AO31.3

35 Day 79/133-134

36 Day 79/175-176

40.21 We should also refer to the account given in John Barry's interview of Willy Barber:<sup>1</sup>

"I was running up towards the wire. And beyond the fencing, with his back to the wall at an angle, there was a Para grasping an old man – he must have been fifty–sixty – with his left hand, grasping him by his coat, and trying to beat hell out of him with the barrel of the rifle he was holding in his right hand. It was a very awkward movement, that was what I noticed. I ran past them. There didnt seem to be many people behind me, though there were people trying to get through at the same time as me. But I felt a bit guilty, and at the Chamberlain St gable I turned and there was a person standing there, thumping the soldier in the face with his fist. And he got the old man free. But then he ran off and the soldier got the old man again. I know the man and I'll introduce you to him."

<sup>1</sup> [AB9.2](#)

40.22 It will be noted that many of these witnesses refer to the civilian being beaten with the butt of a rifle. However, some give an account that is consistent with Sergeant O's description of hitting the man with the stock, not the butt, of his rifle. Some have referred to more than one soldier attacking William John Doherty, but their evidence does not persuade us that anyone apart from Sergeant O was involved at this stage.

40.23 There is no doubt that significant physical force was used in the arrest of William John Doherty. Duncan Clark recorded that when he was put in the APC, there was already in there a man who was badly cut and bleeding. We have no doubt that this was William John Doherty, though, as we discuss below, it is possible that this injury was sustained, or partly sustained, after William John Doherty had been put in this vehicle. It seems to us that he may also have been kicked while being taken to the APC, though we are far from certain about this. We consider later in this report<sup>1</sup> what happened to William John Doherty when he was put into the APC.

<sup>1</sup> [Chapter 43](#)

40.24 William John Doherty denied in his NICRA statement and in his interview with Philip Jacobson that he had thrown a bottle, and said nothing about struggling to free himself from Sergeant O or being hit on the head with a rifle at this stage. On the other hand Sergeant O has consistently said that these things happened. In our view they did. The fact that William John Doherty said nothing about being hit or injured at this stage is to our minds a possible indication that he did not want to say anything about why he was arrested or his attempts to escape. It may also indicate that some of the accounts of the witnesses summarised above exaggerated the degree of violence used on him.

**40.25** Sergeant O said to us that he could not have simply seized William John Doherty without hitting him because “*he was struggling extremely hard, trying to get away. I was determined he was not, so I subdued him.*” Sergeant O denied that he had hit William John Doherty more than once, or kicked him back to the APC, or struck an Order of Malta Ambulance Corps volunteer.<sup>1</sup> However, the fact remains that Sergeant O hit William John Doherty on his head. This, to our minds, was a self-evidently dangerous thing to do. We are not persuaded that it was necessary for Sergeant O to hit this 55-year-old man on the head, though we do not criticise him for using the plastic stock part of his rifle as a sort of baton. A man of 55, apparently in a job requiring a degree of physical strength (a Londonderry Development Commission municipal waste collector), was not in our view necessarily incapable, by reason of his age, of either throwing a missile at the soldiers or trying hard to get away when arrested.

<sup>1</sup> [Day 335/36-44](#)

**40.26** We should add at this point that we accept that Charles Glenn was hit in the chest with a rifle butt and knocked to the ground by a soldier. We can see no justification for this assault. We do not know who this soldier was.

**40.27** We now consider the incident in which Pat Cashman was hit by a baton round.

# Chapter 41: The incident concerning Pat Cashman

41.1 As already noted, Pat Cashman was a photographer working for the *Irish Press*. He was assigned with his colleague Colman Doyle to cover the civil rights march on 30th January 1972. He made no statement in 1972, but in his written account to this Inquiry<sup>1</sup> he stated that his camera had been sprayed by the Army water cannon in William Street. His statement continued:

“I had to take time out to clean both my cameras (most of the visual media were doing the same). Having cleaned a camera (as well as possible) I heard shooting near the Rossville Flats and rushed from the barrier to the open area around the flats. On entering the open area I was confronted by a British soldier who after taking deliberate aim at me, shot me in the right arm with a rubber bullet from a range of maybe 30 feet. I had my hands in the air with the one working camera in my right hand and the bullet hit my right elbow.

Feeling the shock of the bullet striking my elbow I dropped the camera and fell to the ground on one knee. My colleague Colman Doyle having seen what happened came to my rescue and took me from the open space back to William Street. I went back to the Melville Hotel on my own where I tried to take down the swelling with cold water. I did not know at that stage whether the elbow was broken or how badly injured it was. It was very sore and unable to hold any of my photographic equipment.”

<sup>1</sup> M103.1

41.2 In his oral evidence to this Inquiry, Pat Cashman told us that the shooting he heard that caused him to go to the Eden Place waste ground was that of baton rounds. He also said that he was running across the open ground towards the Rossville Flats to catch up with the action and towards the soldier with the baton gun, but that apart from Colman Doyle who he thought was near him, he was not conscious of other civilians around him at the time. He described the baton gunner as holding his baton gun at his waist when he fired:<sup>1</sup>

“A. At the moment I was shouting ‘press’; I had the camera in the air shouting ‘press’ and he did not pause, he just straight – it was – to me it was a deliberate act.

Q. At the time the soldier fired, did you have a sense of others being around you, of other civilians?

A. No.”

<sup>1</sup> [Day 182/101-106](#); [Day 182/123-125](#)

**41.3** In his written account for the Widgery Inquiry,<sup>1</sup> Colman Doyle stated that it was after he had taken the photographs of the arrest of William John Dillon and then a further photograph of the Order of Malta Ambulance Corps volunteer Charles McMonagle lying on the ground at the back of the Chamberlain Street houses, that “*I then noticed a colleague from my paper, Pat Cashman, who had been badly hurt by a rubber bullet*”.

<sup>1</sup> [M23.1-2](#)

**41.4** In his written evidence to this Inquiry, Colman Doyle recalled that he had heard Pat Cashman call out before he had photographed the arrest of William John Dillon, and said that he saw his colleague at a point that he marked as being on the waste ground just north of Eden Place.<sup>1</sup> According to this statement, it was only after he had helped Pat Cashman away to William Street that he returned and took the photographs of the arrest of William John Dillon.

<sup>1</sup> [M23.1-2](#); [M23.37](#)

**41.5** In our view Colman Doyle’s evidence to us shows that Pat Cashman was injured close to Eden Place, though Colman Doyle did not see it happen. However, there is an inconsistency between his evidence to us and his account to the Widgery Inquiry as to when he noticed that Pat Cashman had been hurt. When this inconsistency was drawn to his attention, he was unsure whether he had photographed the arrest of William John Dillon before or after he had helped Pat Cashman back to William Street.<sup>1</sup>

<sup>1</sup> [Day 72/124-134](#)

**41.6** In our view, Colman Doyle was mistaken in his recollection of the sequence in which things happened, in the account he gave us so many years later. Events were moving very fast on the Eden Place waste ground and it seems to us that there would not have been time for Colman Doyle to take his colleague back to William Street and then return to photograph the arrest of William John Dillon. We have no reason to doubt the sequence as he related it to the Widgery Inquiry. On this basis it was probably shortly after he had taken the photographs of the arrest of William John Dillon and the

photograph of Charles McMonagle at the back of the Chamberlain Street houses that he became aware that his colleague had been injured. This in our view was probably very soon after the injury had happened, as Colman Doyle recalled Pat Cashman calling out.

- 41.7 We have no means of identifying the baton gunner who was involved, save that it was probably not Private 017, who is likely to have been on the other side of Rossville Street.
- 41.8 From Pat Cashman's evidence it appears that there were, apart from Colman Doyle, no other civilians around him when he was hit. We also accept that he had his camera in the air and that he was shouting "*press*". Whichever baton gunner it was, we can find nothing that suggests that he had, or could have believed that he had, any good reason to fire at or towards Pat Cashman.

## Chapter 42: The arrest of James Charles Doherty

42.1 James Charles Doherty was 23 at the time of Bloody Sunday. In his Keville interview he said this:<sup>1</sup>

“We were stand – we were standing – we took part in the demonstration and we got as far as William Street and the demonstration stopped and tear smoke and rubber bullets started to fly. We were standing there watching everything to see what would happen and er – three saracens, three or four saracens I didn’t count. I just started running. Three or four saracens come up that street. Everybody run and the saracen cut in and I shot in past them and I thought I was away out of the road you know. And all of a sudden two more pulling in the – in towards the, the flats ... fell – I was running. Two come – two, two soldiers come running at me and I fell and as I fell he was coming down on me with batons and boots, and kicking me and battering me you know. He grabbed, grabbed hold of me by the hair and dragging me along the ground you know. And I was sort of well dazed like, I didn’t know where I was. And er – I went to get up on my feet and your man just clout me on the head with a baton and he dragged me over to a wall and he made me stand up against the wall with me arms out and he’s kicked my legs open and he said “stand there now” ... something like that. We are the parachutists or something like we’re the parachuters or something like that.

[Female voice] Paratroopers?

Yeah, something like that ... I was standing there and they dragged this other fella over and they pulled us into a – a saracen ... pulled us into the saracen, threw us in there.”

<sup>1</sup> [AD69.18-19](#)

42.2 James Charles Doherty also made a NICRA statement, in which he gave the following account of his arrest:<sup>1</sup>

“I was now standing round the corner of a burnt-out dry cleaners. I saw a Saracen armoured car coming across Rossville St. I thought it was only coming to scatter the crowd and then to do a U turn. But it turned to face towards High St. and soldiers jumped out screaming with batons and rifles flying. I tried to run but two more armoured cars pulled in front of me. I was caught in a group hemmed in by these armoured cars. The crowd tried to escape, some towards High St., some tried to climb back walls. I ran towards the car park of the High Flats, but fell. As I tried to rise, one soldier struck me on the back of the head with a baton, whilst another kicked me on the back, arms and head. I lost consciousness for a second, and when I came to, I was being dragged by the hair, and by the coat by these two soldiers. Each time I tried to get to my feet, I was kicked as they shouted, ‘Come on, you pig, it’s the Paratroopers you’re dealing with now’. I was dragged into a Saracen, there were five soldiers there as well as the two who brought me in. They kept shouting, ‘Just you wait, you pig, we’re going to kick you to death.’ They kept striking me with batons and mouthing obscene remarks. Another man about my age was dragged in with his face covered with blood. A soldier kept hitting him across the face, butting him with his helmet – and bruising and cutting his mouth and nose. I saw through the open door a line of teenagers and men – all prisoners of soldiers – go past with their hands on their heads. I heard a command and we were pulled from the armoured car. We were dragged across Rossville St. and made to stand against a wall with hands and legs spread wide and our whole weight resting at a painful angle. Then we were dragged around a corner into William St. and had to stand the same way while seated soldiers swore at us and jabbed at our ankles with their guns.”

<sup>1</sup> AD69.15

42.3 James Charles Doherty gave written and oral evidence to this Inquiry. In his written account<sup>1</sup> he stated that he had been at the north-west corner of the junction of Rossville Street and William Street when the Army vehicles came in. He ran along Rossville Street, and was running across the waste ground towards the car park of the Rossville Flats when he slipped on some ice at a point about halfway along Pilot Row, fell to the ground, and was arrested as he tried to raise himself.<sup>2</sup>

<sup>1</sup> AD69.2

<sup>2</sup> AD69.8

**42.4** According to the Fort George arrest papers, James Charles Doherty was arrested by Lance Corporal INQ 627 for throwing stones at the security forces.

**42.5** Lance Corporal INQ 627 was a signaller who had travelled in Major Loden's command vehicle. Lance Corporal INQ 627 stated in his written account to this Inquiry<sup>1</sup> that he made no arrests on Bloody Sunday. However, in the course of his oral evidence he was shown the arrest papers relating to James Charles Doherty and acknowledged that he had in fact made an arrest, but said that he had no independent recollection of it.<sup>2</sup>

<sup>1</sup> C627.4

<sup>2</sup> Day 338/65-68

**42.6** In his NICRA account James Charles Doherty, describing what happened while he was being held at Fort George, stated:<sup>1</sup>

"The paratroopers came back. The one that had arrested me grabbed me again, took me to a door and into a room where there were soldiers, police and a photographer. We were made to stand against a board one at a time. On the board was written my name and the name of the soldier who arrested me; the soldier stood beside me, under our names, and two photographs of us were taken."

<sup>1</sup> AD69.16

**42.7** James Charles Doherty stated much the same in his written evidence to this Inquiry.<sup>1</sup> However, his oral evidence to this Inquiry was to the effect that the soldier photographed with him was not the soldier who arrested him, though the reason he said this was that when he saw the photograph he thought that it showed a soldier who was much taller than the soldier whom he remembered.<sup>2</sup>

<sup>1</sup> AD69.6

<sup>2</sup> Day 104/102-103; Day 104/128-129

**42.8** The representatives of the majority of the families suggested that Lance Corporal INQ 627 might have falsely claimed at Fort George that he was the soldier who arrested James Charles Doherty.<sup>1</sup> We do not accept this suggestion. In our view James Charles Doherty's recollection that the arresting soldier was shorter than the one shown in the arrest photograph is a false memory, and we prefer the account that he gave at the time.

<sup>1</sup> FS1.1335

**42.9** It is not clear whether James Charles Doherty was arrested because he had been throwing stones. In his Keville interview,<sup>1</sup> and in his written statements,<sup>2</sup> he stated that when allegations including riotous behaviour and stone throwing were put to him at Fort George he denied them. He did not in his interview or in his written statements say expressly whether he had thrown any stones or not. In oral evidence to this Inquiry,<sup>3</sup> he said that he did not remember or believe that he had been throwing stones, although he accepted that it was possible that he had thrown a stone. Later in his oral evidence<sup>4</sup> he admitted that he may well have been throwing stones “*up near Rossville Street*”, but the context leaves some ambiguity as to whether this admission was intended to relate to the moments immediately before he was arrested or to the earlier stage of events when stoning was taking place at Barrier 12. Since Lance Corporal INQ 627 told us he had no memory of the incident and since there was no other evidence of the circumstances of the arrest, we remain in doubt whether James Charles Doherty was arrested because he was seen throwing stones, or whether he was arrested simply because he had fallen over and could thus be captured.

<sup>1</sup> AD69.20

<sup>3</sup> Day 104/103

<sup>2</sup> AD69.16; AD69.6

<sup>4</sup> Day 104/115-116

**42.10** In his Keville interview<sup>1</sup> James Charles Doherty said that one of the soldiers kicked him and hit him with a baton, and then grabbed him by the hair and dragged him along the ground. He tried to stand up and the soldier hit him on the head with a baton. He was made to stand against a wall and the soldier kicked his legs apart. Then he was thrown into a vehicle where he witnessed a paratrooper assaulting another civilian.

<sup>1</sup> AD69.18-19

**42.11** In his NICRA account<sup>1</sup> he stated that after he had fallen down and as he tried to raise himself, one soldier struck him on the back of the head with a baton, while another kicked him on the back, arms and head. He lost consciousness for a second. When he came round, the two soldiers were dragging him by the hair and coat. Each time he tried to get to his feet, he was kicked. He was dragged into a vehicle where there were five more soldiers in addition to the two who had apprehended him. They kept striking him with batons and mouthing obscene remarks. He again referred to the assaults on another civilian in the vehicle.

<sup>1</sup> AD69.15

**42.12** In his evidence to this Inquiry, James Charles Doherty told us that as he was taken to the vehicle he fell and a soldier thrust his rifle butt as hard as possible onto his right hand, causing it to bleed. He also told us that he was kicked, punched and head-butted with a visor when he was in the vehicle.<sup>1</sup> He did not mention these assaults in the accounts that he gave in 1972. When asked about this, he said: *“I may be just getting confused. At that stage I did not know what I was getting hit with, I was just trying to keep me head down.”*<sup>2</sup>

<sup>1</sup> AD69.3; Day 104/83

<sup>2</sup> Day 104/134

**42.13** The arrest photograph shows no visible signs of injury on James Charles Doherty. There are two photographs in which he identified himself and in which his right hand is visible, but which do not seem to show any signs of injury to that hand.<sup>1</sup>

<sup>1</sup> AD69.4; Day 104/91



James Charles Doherty



James Charles Doherty

**42.14** James Charles Doherty denied that he had exaggerated the violence inflicted on him.<sup>1</sup> In our view, from the accounts that he gave at the time and particularly from what he said in his Keville interview, he probably was subjected to excessive force when he was arrested and as he was taken to the vehicle. It is possible that he was assaulted when in the vehicle, as he described in his NICRA statement,<sup>2</sup> but here we are less sure, since he said nothing to Kathleen Keville about this.

<sup>1</sup> [Day 104/115](#)

<sup>2</sup> [AD69.15](#)

**42.15** As we noted when considering the arrest of William John Dillon,<sup>1</sup> Major Loden told us that he hit a man with his baton while attempting to arrest him.<sup>2</sup> It is possible that this was William John Dillon, because Major Loden's driver, Private 037, was concerned in his arrest; but since James Charles Doherty was arrested by one of Major Loden's signallers, Lance Corporal INQ 627, who had travelled in Major Loden's command vehicle, on the same basis it could have been him.

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

<sup>2</sup> [B2283.005](#)

**42.16** Major Loden gave this account in his written evidence to this Inquiry:<sup>1</sup>

“34. I am not certain of the precise order of events when I got out of my vehicle. I recall grappling with a man, at least one man being arrested and incoming automatic gunfire. These events all happened relatively quickly and my best recollection now is that they were in the following order. When my vehicle came to a stop on Rossville Street, I got out along with my signallers and possibly driver. I was immediately confronted by a group of young men. I cannot remember how many: it was not more than 10, but at least 4. It seemed to me that they were deciding whether to attack. As they were sizing us up, I decided to take the initiative and to attempt to effect an arrest. In doing so I hit one of them with my baton, which broke. Two other soldiers joined me to help with arrests.”

<sup>1</sup> [B2283.005](#)

**42.17** Major Loden denied an allegation, made by Private 027 in an account written in about 1975,<sup>1</sup> that he had leaned out of the back of his vehicle and hit an arrested man over the head with a baton.<sup>2</sup>

<sup>1</sup> [B1565.008](#)

<sup>2</sup> [Day 344/23](#)

**42.18** In the course of Major Loden’s oral evidence to this Inquiry, there was this exchange:<sup>1</sup>

“Q. It looks, does it not, from your contemporaneous account as if your recollection was of engaging with two rioters whom your crew arrested rather than somewhere between four and ten with whom you engaged, breaking a baton. Do you think over the passage of the years your recollection may have become at fault?

A. (Pause) Well, it certainly – it is a long time, but there were a lot of rioters in the area; some were nearer to us than others, but I, I am really – I cannot really differentiate now. I mean, I think my recollection may be slightly different now than it was at the time.

Q. I want to show you how you put it in your own words to Lord Widgery. Could we have a look at B2252 from letter A to C. The way in which you put it, was this – you were asked:

‘Question: When you got your vehicles into that position, what happened?’

Answer: Well, the soldiers de-bussed from the vehicles and started to make arrests.

Question: Did you see any arrests made?

Answer: Yes.

Question: How many?

Answer: Well, there were two in the case of my own vehicle.

Question: Who arrested them?

Answer: My driver arrested one chap and the other person, I do not know. It was another soldier from behind me. I do not know who it was.

Question: Very close to your vehicle?

Answer: Yes, very close to my vehicle.

Question: Did anything happen then?

Answer: Well, as we got out of our vehicle and as these arrests were taking place a burst of about 15 rounds of low velocity fire was directed at us.<sup>1</sup>

It does look rather as if arrests were carried out of two people by your crew but not by you, does it not?

A. Absolutely, but I did not arrest anybody in the end, um, I attempted to but I did not succeed.”

<sup>1</sup> [Day 342/54-56](#)

**42.19** In view of the evidence given by Major Loden in 1972, it seems to us that his recollection of being confronted by a group of young men sizing up whether to attack him and his soldiers is erroneous, as indeed he appeared to acknowledge to us might be the case.

**42.20** Neither Lance Corporal INQ 627 nor Private 013 suggested at any time that Major Loden had assisted either of them. Although in his written statement dated 17th February 1972<sup>1</sup> Major Loden recorded that “*The crew of my vehicle debussed and we arrested the two young men*”, as can be seen from the exchange during his oral evidence to this Inquiry, his recollection was that it was his soldiers and not he who had carried out the two arrests, while he had attempted but failed to arrest anybody.

<sup>1</sup> [B2221](#)

**42.21** In these circumstances it seems to us unlikely that Major Loden used his baton either on William John Dillon or on James Charles Doherty, but rather in an unsuccessful attempt to arrest someone else. We do not know who this might have been and have insufficient evidence to form a view as to whether Major Loden was justified in using his baton as he told us he did. As to Private 027's allegation that Major Loden had leaned out of the back of his vehicle and hit an arrested man over the head, it should be noted that in his oral evidence to this Inquiry Private 027 said that he no longer had a recollection of this incident.<sup>1</sup> For reasons given elsewhere in this report,<sup>2</sup> there are doubts about the reliability of the accounts that Private 027 has given over the years. There is nothing else to support this allegation, and we are not persuaded by it.

<sup>1</sup> [Day 246/108](#)

<sup>2</sup> [Chapter 179](#)

**42.22** We have discussed the arrest of Charles Canning earlier in this report.<sup>1</sup> It seems to us that he was probably arrested shortly after James Charles Doherty, as they have both given evidence that the former was put in the vehicle after the latter.

<sup>1</sup> [Chapter 35](#)

**42.23** We have also discussed above<sup>1</sup> the arrest of Duncan Clark and William John Doherty. As we have described, they were both taken to Lieutenant N's Armoured Personnel Carrier. We now turn to consider what then happened to them.

<sup>1</sup> [Chapters 30 and 40](#)

## Chapter 43: The treatment of Duncan Clark and William John Doherty after arrest

43.1 We have set out part of Duncan Clark's NICRA statement above<sup>1</sup> when dealing with his arrest. That statement continued:<sup>2</sup>

"The only person in the armoured car was an elderly civilian (badly cut and bleeding). About 10 minutes later gas started to come into the car. I opened the door to get air and was promptly hit on the head with a rifle butt. The cut received required 2 stitches later.

The armoured car was then driven to William St. We sat there and after about 5 minutes a paratrooper opened the door and said, 'What do you think this is, you Irish Cunt' and then fired a rubber bullet into my face (from about 5 feet). I was badly stunned, and bled profusely.

Sometime after this the elderly man and myself were taken from the armoured car and put into a military police land rover where we remained for about ½ hour. The paratrooper who arrested me took me from the land rover to the back of an army lorry and told me to jump inside."

<sup>1</sup> Paragraph 30.17

<sup>2</sup> AC61.1

43.2 We have also set out above part of William John Doherty's NICRA statement when dealing with his arrest. That statement continued:<sup>1</sup>

"I was put inside the Saracen. As I was sitting there, he said 'You Irish bastard'. He then lifted his rifle and hit me in the face with the butt. The injury was in the area of my left eye. Then a soldier, who I believe to be the same one, fired a rubber bullet at my left arm, hitting me just above the elbow. The pain [sic] was very bad. I said nothing, because if I had I would have been murdered.

About 15 to 20 minutes later we were taken out of the Saracen. I was accompanied all this time by another man who had also been arrested. He witnessed all these incidents. His name is Mr Stuart Duncan Clarke of [...], Londonderry. He is an Englishman from London. I also witnessed him being assaulted, and he had to have 4 stitches put in his nose.

We were taken to the Military Police van as I stated earlier. Our particulars were taken. We were in the lorry for 20 to 25 minutes. We were no handled roughly then. The lorry then moved further up the waste ground towards Rossville Street flats. We were then driven to William Street and transferred to a large Army truck.”

<sup>1</sup> AD113.1

**43.3** It is clear from the earlier part of William John Doherty’s NICRA statement that it was the soldier who had brought him to the APC who hit him in the face. On William John Doherty’s evidence, the same soldier had been responsible for his arrest.

**43.4** William John Doherty gave much the same account to Philip Jacobson of the *Sunday Times* Insight Team, describing the soldier who arrested him, and then took him to the APC and hit him in the face, as “*certainly scottish*”, although in contrast to what he had said in his NICRA statement, he told Philip Jacobson that he was not sure whether it was the same soldier who then fired the rubber bullet that hit him in the arm.<sup>1</sup> In his note of this interview, Philip Jacobson recorded that he had seen the scars that the rifle blow had caused.

<sup>1</sup> AD113.3-5

**43.5** We have shown above the two photographs taken by Colman Doyle of Duncan Clark being taken by Lieutenant N and Private INQ 1918 towards Lieutenant N’s APC. Next on the contact sheets that contain these photographs is a photograph Colman Doyle took of the scene at the back of that APC. For ease of reference we show below the two photographs of Duncan Clark being taken to the APC, together with the photograph of the scene at the APC.





43.6 From our discussion of the circumstances of Duncan Clark's arrest, we are sure that the soldier on the right of this photograph is Private INQ 1918, the radio operator. We are also sure that the soldier on the left is Lieutenant N, who in his oral evidence to this Inquiry agreed that this was probably the case.<sup>1</sup> The civilian partially hidden by the back door of the APC is in our view Duncan Clark, as from the contact sheets it can be seen that this photograph was taken after those showing him being brought to the APC.

<sup>1</sup> [Day 322/87](#)

43.7 Colman Doyle was using three cameras on the day.<sup>1</sup> His photographs of William John Doherty being escorted to Lieutenant N's APC, which are reproduced earlier in this report,<sup>2</sup> were taken with a different camera from the one he used to photograph Duncan Clark. It seems to us that since William John Doherty was put into the APC before Duncan Clark and since the photographs of Duncan Clark being escorted to the APC show him in a position that must be very close to the APC, Colman Doyle must have taken the photographs of William John Doherty before the photographs of Duncan Clark being escorted to the APC and of the scene at the APC. As we have already noted, in his NICRA statement Duncan Clark recorded that when he was ordered to get into the APC there was already in the vehicle "*an elderly civilian (badly cut and bleeding)*".<sup>3</sup>

<sup>1</sup> [Day 72/133](#)

<sup>3</sup> [AC61.1](#)

<sup>2</sup> [Paragraph 40.11](#)

43.8 According to his first RMP statement,<sup>1</sup> after bringing William John Doherty to the APC, Corporal 162 stayed there “*about 10 minutes*”. On the basis of this account, he is in our view one of the other two soldiers seen at the back of the APC in the last of the photographs reproduced above. The remaining soldier seems to us to have been Lance Corporal INQ 768, whose evidence of staying at the back of the APC we have already considered.<sup>2</sup>

<sup>1</sup> B1960

<sup>2</sup> Paragraphs 24.8–9

43.9 In our view it is possible, as he claimed, that William John Doherty was struck on the face by a rifle butt when he was in the APC, though to our minds the possibility also exists that he did not wish to describe the circumstances of his arrest by Sergeant O, and so said that he had been hit with a rifle butt in the APC in order to account for facial injuries that had in fact been caused by Sergeant O in the course of arresting him.

43.10 According to Philip Jacobson’s note,<sup>1</sup> William John Doherty was hurled into the vehicle and “*as he got up the scottish para said ‘you irish bastard’ and crashed the butt of his rifle into doherty’s face*”. This is not consistent with William John Doherty’s NICRA statement, in which he described being struck as he was sitting in the vehicle.

<sup>1</sup> AD113.3

43.11 If William John Doherty was struck in the APC this must in our view have been before Lieutenant N and Private INQ 1918 arrived with Duncan Clark, as the latter does not refer in his NICRA statement to an assault on William John Doherty, but only to seeing him in the APC with the injuries he described. Lieutenant N told the Widgery Inquiry that he moved straight to the back of the Chamberlain Street houses after putting his prisoner in his APC, leaving a corporal to take charge.<sup>1</sup> The photograph shown above seems to show Lieutenant N leaving the vehicle to go back. Lance Corporal INQ 768 told us in his written statement<sup>2</sup> that he did not see anyone beaten up, and it is possible he was right about this, since if the incident took place it was inside the APC and he might not have been in a position to see it, though it is also possible that he might have heard it. Private INQ 1918 told us that he had no memory of going back to the APC either with Duncan Clark or at any other stage,<sup>3</sup> though in our view the photographs show that he did go with Duncan Clark to that vehicle.

<sup>1</sup> B399

<sup>3</sup> Day 342/109; Day 342/117; Day 342/133

<sup>2</sup> C768.5

**43.12** In his NICRA account and in his interview with Philip Jacobson, William John Doherty stated that it was the soldier who arrested him, whom he described as Scottish, who took him back to the APC and there assaulted him. As we have already described,<sup>1</sup> it was Sergeant O, who is Scottish and who told us that he was the only Scottish soldier in his platoon,<sup>2</sup> who arrested William John Doherty. The evidence that we have considered, including Corporal 162's own account, shows that it was the latter who took him back to the APC, and that Sergeant O went back towards his own APC. Accordingly, William John Doherty was wrong in saying that it was the soldier who arrested him who took him to the APC and there assaulted him.

<sup>1</sup> Chapter 40

<sup>2</sup> Day 335/139-140

**43.13** Corporal 162 was asked in his oral evidence whether anyone had assaulted the man in the APC.<sup>1</sup> His answer was "*Not as far as I am aware*".

<sup>1</sup> Day 323/194

**43.14** We are left in considerable doubt as to whether or not William John Doherty was hit with a rifle butt when he was in the APC. It is clear that he was hit on the head by Sergeant O in the course of his arrest and to our minds this could account for the injuries observed by Duncan Clark. It is possible that he was hit twice on the head, once by Sergeant O and once again in the APC, but in the end we have concluded that the likely explanation for his injury is that it was caused by Sergeant O alone in the course of arresting William John Doherty; and that William John Doherty made up an account of being struck by a rifle in the APC in order to divert attention from the circumstances of his arrest. His wrong identification of the Scottish soldier who arrested him as the soldier who had assaulted him in the APC and his inconsistent accounts of what he was doing when, according to him, he was struck in the APC, in our view lend support to this conclusion.

**43.15** According to Duncan Clark, he too was hit on the head with a rifle butt, but from his NICRA statement it appears that this was some ten minutes after he had been put into the APC. We have no reason to doubt that he was hit, but we are unable to determine which soldier was responsible for what in our view was an unjustified assault.

**43.16** In the statements that they made at the time, both Duncan Clark and William John Doherty described a soldier firing his baton gun into the APC. Duncan Clark stated that this happened after the vehicle had been driven to William Street, that the soldier fired from a range of about 5ft and that the round hit him in the face. William John Doherty stated that he too was hit by a baton round that hit him just above the elbow of his left arm.

43.17 Captain 200 was the Commander of Composite Platoon (Guinness Force). He had come into the Bogside in one of the soft-sided lorries of that platoon. In his RMP statement,<sup>1</sup> he described moving to the northern end of the Rossville Flats to check in with his Company Commander. “*On arriving, I noticed one APC of the Mortar Platoon arrive with at least two civilian bodies in the back. Also at this time I saw one of our soldiers fire one rubber bullet from a RUC gun into the back of another APC at point blank range.*” Captain 200 told us in his written statement to this Inquiry that he did not recognise the soldier who had done this but that it was not one of his men.<sup>2</sup>

<sup>1</sup> B1980

<sup>2</sup> B2022.007

43.18 Lieutenant N's APC was moved after the shooting had ended in Sector 2 to the north end of Block 1 of the Rossville Flats. Major Loden then ordered Lieutenant N to use his APC to collect bodies from the rubble barricade in Rossville Street, and this was then done.<sup>1</sup> We consider this event in more detail later in this report,<sup>2</sup> but William John Doherty and Duncan Clark must have been removed from the APC before this happened. Thus, in our view Duncan Clark was mistaken in recalling that the baton gun was fired when the APC was in William Street and Captain 200 was mistaken in recalling that the baton gun was fired into a different APC from the one that collected bodies.

<sup>1</sup> B399-400

<sup>2</sup> Chapter 122

43.19 What we regard as certain is that a baton round was fired into the APC containing Duncan Clark and William John Doherty, and that this occurred after Lieutenant N's APC had been moved to the north end of Block 1 of the Rossville Flats and before that APC was used to collect bodies from the rubble barricade.

43.20 It was submitted by the representatives of the majority of the families that the soldier who fired this baton round was Private 019, one of the two baton gunners who had travelled into the Bogside in Lieutenant N's APC.<sup>1</sup>

<sup>1</sup> FS1.1337-1338

43.21 Though it is possible that Private 019 was responsible, we are not persuaded that he was. The submission does not seem to take account of the fact that the baton round was fired after the APC had moved to the north end of Block 1 of the Rossville Flats. In his RMP statement,<sup>1</sup> Corporal 162 recorded that after he had taken his prisoner (William John Doherty) to the APC he had stayed there about ten minutes, and had then left to return to his platoon “*but was recalled to move the vehicle forward to the south [sic] end of Block 1 Rossville Flats. After moving the vehicle I left the prisoner in care of [...] and [...]*”. In his oral evidence to this Inquiry, Corporal 162 told us that he would not have

known at the time which was the south end and which the north, and that he could no longer remember to where the vehicle was moved.<sup>2</sup> In our view the reference to the south end of Block 1 is a mistake for the north end.

<sup>1</sup> B1960-1961

<sup>2</sup> Day 323/192

- 43.22** On the basis of Corporal 162's account, Private 013 could be the soldier responsible, but so could any of the other baton gunners of Mortar Platoon. None admitted to firing his baton gun in this manner. It is also possible that a baton gunner from one of the other platoons of Support Company was responsible, though we accept Captain 200's evidence that it was no-one from Composite Platoon (Guinness Force).
- 43.23** In our view there neither was nor could have been believed to be any justification for this firing, which amounted in our view not just to a vicious and unprovoked assault, but one likely to cause significant injury.
- 43.24** In his NICRA statement,<sup>1</sup> William John Doherty recorded that he had been photographed "3 or 4 times in the Saracen before being assaulted, and later on again in the barracks". In our view the following photograph of him is likely to be one taken before he was taken to Fort George. He stated that he had been photographed before being assaulted, but it seems to us more likely that the photograph was taken after he was taken from the APC and put into an RMP vehicle.<sup>2</sup> We have found no evidence that suggests to us that he was assaulted after he had come into the custody of the RMP.
- <sup>1</sup> AD113.2
- <sup>2</sup> AD113.1
- 43.25** The photograph shows blood on his shirt. This photograph has been cropped and so does not show the whole of his left arm, but since he was clothed, it is not possible to see even from the uncropped photograph whether he had any injury to his left arm.



**43.26** Corporal 126 (a member of the Royal Military Police) recorded in his RMP statement<sup>1</sup> that he was present when an RMP team, which included himself and Lance Corporal 121, documented Duncan Clark and William John Doherty, apparently while they were still in the area of the Rossville Flats. In his statement to this Inquiry,<sup>2</sup> he told us that this process would have involved taking a Polaroid photograph of the arresting soldier and the arrested civilian together. The complete version of the cropped photograph shown above does include Sergeant O. In his statement for the Widgery Inquiry,<sup>3</sup> Sergeant O said that the RMP team was in two Land Rovers. In our view the photograph shown above was taken in an RMP Land Rover and not in Lieutenant N's APC. In his oral evidence to this Inquiry,<sup>4</sup> Corporal 126 said that he now had no recollection of Duncan Clark or William John Doherty, or of seeing civilians with the injuries described by either of them, and said that if he had seen such injuries he would have remembered them. It seems to us that while he might well now have no recollection, he could not have failed to notice at the time that these two civilians had sustained injuries.

<sup>1</sup> B1778

<sup>3</sup> B1781

<sup>2</sup> B1782.005

<sup>4</sup> Day 359/119-125

**43.27** Lance Corporal 121 recorded in his RMP statement,<sup>1</sup> and in his statement for the Widgery Inquiry,<sup>2</sup> that he was also present when Duncan Clark and William John Doherty were documented. In his written statement to this Inquiry,<sup>3</sup> he told us that he no longer remembered them, which may well be the case.

<sup>1</sup> B1758

<sup>3</sup> B1764.001

<sup>2</sup> B1761

**43.28** In a written statement made shortly after Bloody Sunday,<sup>1</sup> Colonel Wilford, who had (as we discuss elsewhere in this report<sup>2</sup>) followed the vehicles of Support Company into the Bogside, recorded that just before seeing Major Loden for the first time at the north end of Block 1 of the Rossville Flats, he had a quick word with an RMP arrest team which had arrived to pick up some arrested civilians. He saw two civilians being placed into the back of a Land Rover. They were both bloodied about the head, but otherwise all right. He told the RMP to ensure that the doctor saw them before they were taken off. However, in his oral evidence to the Widgery Inquiry,<sup>3</sup> Colonel Wilford described this conversation as having taken place at a later stage, when he returned to the area after visiting C Company, by which time he said that the RMP had brought up two Land Rovers.

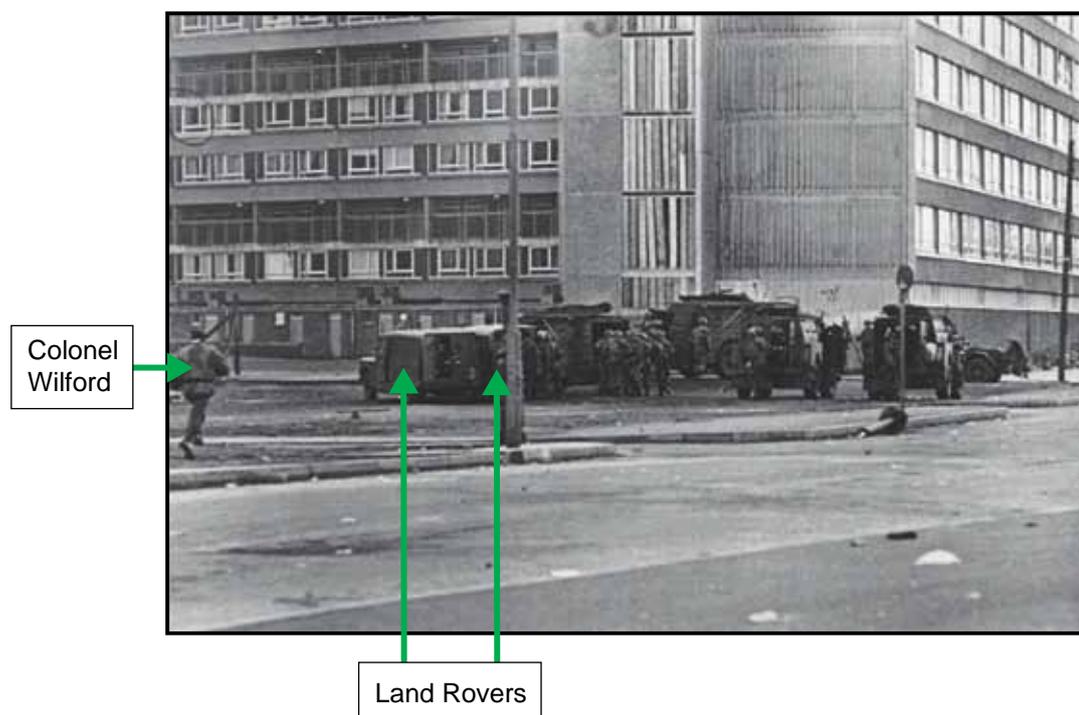
<sup>1</sup> B951

<sup>3</sup> WT11.46

<sup>2</sup> Chapter 171

**43.29** In his oral evidence to this Inquiry,<sup>1</sup> Corporal 126 agreed that the Land Rovers shown in the following photograph were similar to his team's vehicles. In our view they were the RMP vehicles.

<sup>1</sup> Day 359/141



**43.30** In his oral evidence to this Inquiry,<sup>1</sup> Colonel Wilford agreed that the figure on the left of this photograph is probably him. This photograph therefore probably shows Colonel Wilford running towards the RMP Land Rovers shortly before his conversation with Corporal 126 and Lance Corporal 121. In his RMP statement,<sup>2</sup> Corporal 126 recorded that they had been

in the area of the Rossville Flats for about 15 minutes before a Colonel from 1 PARA spoke to them. In these circumstances we consider that Colonel Wilford's oral evidence to the Widgery Inquiry is to be preferred to his written account of meeting the RMP team earlier.

<sup>1</sup> Day 321/77

<sup>2</sup> B1778

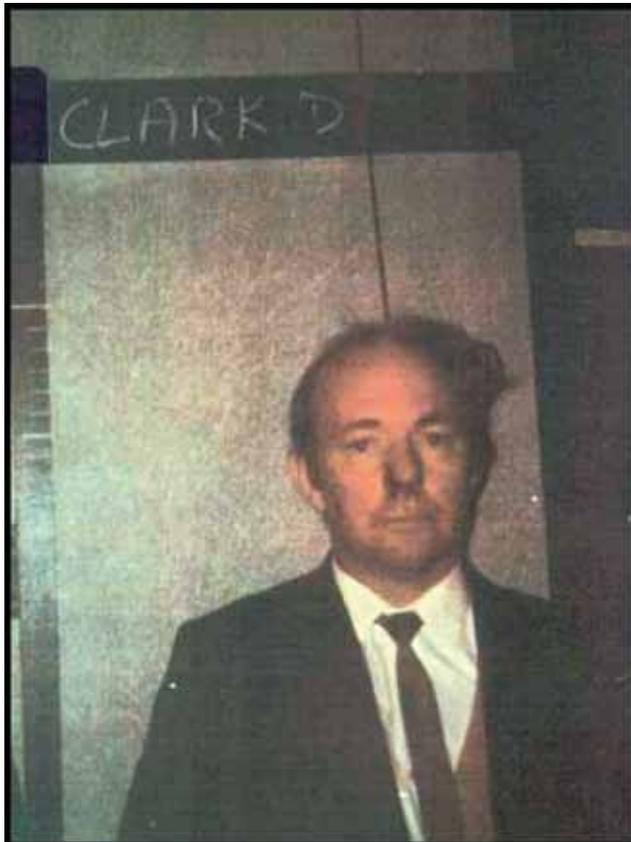
**43.31** Corporal 126 and Lance Corporal 121 both recorded in their RMP statements,<sup>1</sup> and in their statements for the Widgery Inquiry,<sup>2</sup> that the Colonel from 1 PARA asked whether they or anyone had been hit by a burst of fire from the flats. However, in his oral evidence to this Inquiry,<sup>3</sup> Corporal 126 said that he had no recollection of the conversation about the two civilians described by Colonel Wilford, although he would have called a doctor if he had been told to do so. Neither Duncan Clark nor William John Doherty said anything about receiving medical attention until after reaching Fort George. If Colonel Wilford did give instructions for these civilians to be seen by a doctor before being taken off (which in our view he probably did), for some reason it appears that this was not done.

<sup>1</sup> B1778; B1758

<sup>3</sup> Day 359/125-126

<sup>2</sup> B1781; B1761

**43.32** We set out below Duncan Clark's and William John Doherty's arrest photographs which were taken at Fort George.





**43.33** In his oral evidence to this Inquiry, Sergeant O was disposed to accept that the head wound visible in the photograph of William John Doherty taken at Fort George was the result of the blow that he inflicted.<sup>1</sup> For the reasons that we have given above, we are of the view that this was probably the case.

<sup>1</sup> [Day 335/34](#)

**43.34** The same photograph shows a substantial area of discolouration around William John Doherty's left eye. The photograph also shows what looks like a sticking plaster across the bridge of his nose. Sergeant O told us that William John Doherty was bleeding from the left forehead and face when he saw him at Fort George.<sup>1</sup> The other and earlier photograph of William John Doherty, which in our view was taken in an RMP Land Rover, does not show the same degree of discolouration around his left eye, but we consider that this was due to the fact that the bruising had not then fully developed.

<sup>1</sup> [Day 336/142](#)

43.35 According to his NICRA statement,<sup>1</sup> William John Doherty's wounds were stitched by an Army doctor at Fort George. Later in this statement he described his injuries, a description which we have no reason to regard as otherwise than reasonably accurate:

"I have been examined by Dr Hegarty of Pump St, Londonderry. My injuries have also been witnessed by John Hume MP. They are severe bruising of the left arm, severe facial bruising down the left side of my face, and lacerations of the bridge of my nose, bruising on my left leg, and cuts to my left upper leg and knee."

<sup>1</sup> AD113.2

43.36 It was submitted by the representatives of the majority of the represented soldiers that while the arrest photograph of Duncan Clark reveals "*possibly some bleeding to the right of the nose*" it shows no other facial injuries "*demonstrably consistent*" with him being hit on the head with a rifle butt or having a baton round discharged in his face from close range.<sup>1</sup>

<sup>1</sup> FR7.518

43.37 We do not accept this submission. In our view the photograph does not demonstrate that Duncan Clark was exaggerating or wrong when he recorded in his NICRA statement that his injuries required two stitches in his head and five in his nose from the Army doctor at Fort George. We have no reason to doubt the accuracy of this part of his account.<sup>1</sup>

<sup>1</sup> AC61.1

## Chapter 44: Conclusions on the treatment of those arrested in Sector 2

44.1 On the basis of the evidence we have considered, there were instances where soldiers used excessive force when arresting people in the Eden Place waste ground, as well as seriously assaulting them for no good reason while in their custody. We consider such conduct to be unjustifiable. It suggests to us, rather than that a few individuals overstepped the mark in isolated cases, that such behaviour was closer to the norm than the exception among soldiers of 1 PARA. To our minds this view is reinforced not only by what we regard as the unjustified use of baton guns, but also by other instances of the treatment by 1 PARA soldiers of civilians, which we consider elsewhere in this report.<sup>1</sup>

<sup>1</sup> [Chapters 66, 160 and 161](#)

## Chapter 45: The situation in the Eden Place waste ground and the car park of the Rossville Flats

**45.1** We have considered earlier in this report<sup>1</sup> the evidence of the soldiers who disembarked from Lieutenant N's APC that they came under fire as they did so. We consider later in this report<sup>2</sup> other evidence given by the soldiers of Mortar Platoon relating to incoming fire, but before doing so, we describe in this chapter the overall situation in the Eden Place waste ground and what was going on in the car park of the Rossville Flats. We examine the evidence that these soldiers gave about the explosion of nail and blast bombs; their evidence concerning petrol and acid bombs and relating to the wearing of respirators (gas masks); and when and why they cocked their self-loading rifles (SLRs).

<sup>1</sup> [Chapter 26](#)

<sup>2</sup> [Chapter 49](#)

**45.2** From the evidence that we have considered above, it is clear that as the two APCs of Mortar Platoon came into the Bogside, some civilians threw stones and bottles and similar missiles at the vehicles. However, as can be seen from the photographs shown and film footage described above, the general reaction of the crowd was to run away. This was also the evidence of the Commander of Composite Platoon, Captain 200.<sup>1</sup> This general movement continued as the soldiers disembarked from Lieutenant N's APC. There then followed the incidents in or near the waste ground, including the arrests of the five civilians discussed above.

<sup>1</sup> [Day 367/170-171](#)

**45.3** Those arrests all occurred within a very short time of the soldiers disembarking from the two APCs. Duncan Clark was arrested at the Eden Place alleyway, but by the time he had been taken back to Lieutenant N's APC, William John Doherty (who had been arrested by Sergeant O at the south end of the back of the houses in Chamberlain Street) had been taken back and put into the same APC by Corporal 162. James Charles Doherty was arrested by Lance Corporal INQ 627, who had come from Major Loden's armoured command vehicle, the third vehicle to come into the Bogside. It is not clear to which vehicle on Rossville Street he was taken, but he was in the vehicle when Charles Canning, who was arrested by Private U soon after the latter had disembarked from Sergeant O's APC, was put into the same vehicle. It seems that William John Dillon was the last civilian to be arrested on the Eden Place waste ground, as Private 006 recalled

him being on his own after the initial crowd had dispersed; and as will have been seen from the photographs of his arrest, the area of the waste ground around Pilot Row appears to have been deserted by this time.

**45.4** In his oral evidence to the Widgery Inquiry, Sergeant O said that the crowd of about 200 people that had been between the two Mortar Platoon APCs when they stopped dispersed very quickly, “... *within a matter of seconds, ten or fifteen or twenty seconds, that sort of thing. They had gone from where we had trapped them. They were still moving across the car park into the Rossville Flats area.*”<sup>1</sup> His evidence on this point accords with the recollection of David Capper, the BBC reporter, who was standing against the wall at the back of the yards of the Chamberlain Street houses on the Eden Place waste ground when the APCs came in.<sup>2</sup>

<sup>1</sup> [WT13.27](#)

<sup>2</sup> [M9.18](#)

**45.5** We are satisfied that only five people were arrested in or around the Eden Place waste ground (including William John Doherty, whose arrest occurred in the entrance to the car park of the Rossville Flats near the back of 36 Chamberlain Street). In his first Royal Military Police statement,<sup>1</sup> Sergeant O recorded that six arrests were made, but we consider that he was mistaken about this, and he acknowledged in his evidence to us that this could be so.<sup>2</sup> In our view, the reason why no more were arrested in this area at this time was that there were no more left to arrest.

<sup>1</sup> [B440](#)

<sup>2</sup> [Day 336/19](#). A sixth person (Joseph Lynn) was arrested by soldiers of Composite Platoon in a derelict building on the western side of Rossville Street. We consider the circumstances of this arrest in [Chapter 79](#).

**45.6** As can be seen from Colman Doyle’s photographs, the situation soon after the soldiers disembarked was of a substantial number of people in the car park, many making their way through the gap between Blocks 1 and 2 of the Rossville Flats or running round the north end of Block 1 of the Rossville Flats towards Rossville Street. Those photographs are reproduced above, but for convenience we show the last of that sequence again.

Rossville  
Flats  
Block 2

Sergeant O's  
APC



# Chapter 46: Rioting in the Rossville Flats car park

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- 46.1 Although many people sought to flee from the soldiers through the gaps between Blocks 1 and 2, and 2 and 3, of the Rossville Flats, there is evidence from both soldiers and civilians that at this stage a number stopped or paused to throw stones and bottles at the soldiers. In addition we are satisfied that soon after the soldiers' arrival in the car park, people on the walkways of the flats threw objects down on the soldiers.

## Evidence from the soldiers

### Corporal 162

- 46.2 In his RMP statement,<sup>1</sup> Corporal 162 recorded that after disembarking from his (ie Lieutenant N's) vehicle, he tried to arrest some of the people who were "*throwing stones and bottles in Rossville Flats Forecourt*". However, in his oral evidence to this Inquiry,<sup>2</sup> he said that he had been referring to "*the open ground which eventually would lead to the forecourt*" (ie to the waste ground as opposed to the car park). He also said that he had not seen people throwing stones and bottles, and that this information must have been given to him by the Royal Military Police (RMP).

<sup>1</sup> B1960

<sup>2</sup> Day 323/185-187

- 46.3 In the same statement, Corporal 162 recorded that he took an arrested civilian (William John Doherty) from Sergeant O at the rear wall of 30 Chamberlain Street; and that he did this because Sergeant O was being bottled and stoned.

- 46.4 In his written statement to this Inquiry,<sup>1</sup> Corporal 162 said that he could not remember the circumstances in which Sergeant O had handed the civilian over to him.

<sup>1</sup> B1962.004

- 46.5 In his oral evidence to this Inquiry,<sup>1</sup> Corporal 162 said that he could not remember any bottling or stoning taking place when he took charge of the civilian.

<sup>1</sup> Day 323/190

- 46.6 We take the view that it is unlikely that the information about people throwing stones and bottles had been supplied to Corporal 162 by the RMP.

## Lance Corporal V

**46.7** In his written statement for the Widgery Inquiry,<sup>1</sup> Lance Corporal V recorded that by the time he reached the entrance to the car park, there was a large crowd in front of him on his left, around the end of Chamberlain Street, throwing stones and bottles. He also told the Widgery Inquiry that bottles containing liquid were being thrown from Block 1. He stated<sup>2</sup> that after he had fired at a man who had thrown a petrol bomb, he moved behind Private S, who was standing at the corner of the buildings at the end of Chamberlain Street, returning fire towards the passage between Blocks 1 and 2. At this stage, bottles were still coming down from the flats.

<sup>1</sup> B801

<sup>2</sup> B802

**46.8** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lance Corporal V said that there were about 100 people in the group at the end of Chamberlain Street. They were throwing stones and bricks. Some were stationary, some were coming forward to throw missiles, and some were generally milling about. He said that when he moved behind Private S, there was “*still bottling going on from Block 1*”.<sup>2</sup> The bottling was heavy. The bottles were landing by Sergeant O’s APC and by Lance Corporal V and Private S.

<sup>1</sup> WT13.12

<sup>2</sup> WT13.13

**46.9** In his written statement to this Inquiry,<sup>1</sup> Lance Corporal V told us that he had only a recollection of “*lots of debris and missiles*” being thrown down from Block 1 at the APC.

<sup>1</sup> B821.004

**46.10** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal V said that he now had no recollection of a crowd throwing missiles from around the end of Chamberlain Street. He said<sup>2</sup> that he no longer recalled bottles coming down from the flats after he had fired at a petrol bomber, as described in his statement for the Widgery Inquiry. He resisted the suggestion<sup>3</sup> that the photograph reproduced below, which was taken by Jeffrey Morris of the *Daily Mail*, and which has been discussed above<sup>4</sup> in connection with the arrest of Duncan Clark, showed that his evidence to the Widgery Inquiry about a crowd throwing missiles from the end of Chamberlain Street was false.

<sup>1</sup> Day 333/60-61

<sup>3</sup> Day 333/122-127

<sup>2</sup> Day 333/80

<sup>4</sup> Paragraphs 30.8–13



46.11 A similar suggestion was put to Lance Corporal V<sup>1</sup> in relation to the following photograph, which was taken from Block 2 of the Rossville Flats by Derrick Tucker Senior. He said that he had no current recollection of the crowd throwing missiles, but would rely on his oral evidence to the Widgery Inquiry.

<sup>1</sup> [Day 333/179-182](#)



## Lance Corporal INQ 768

**46.12** In his written statement to this Inquiry,<sup>1</sup> Lance Corporal INQ 768 told us that he did not remember seeing any objects thrown from the flats.

<sup>1</sup> C768.5

## Private Q

**46.13** In his RMP statement,<sup>1</sup> Private Q recorded that when he disembarked from his (ie Lieutenant N's) vehicle, stones and bottles were being thrown towards his position "*from where Chamberlain St runs into the forecourt of the Flats*". (In his oral evidence to this Inquiry,<sup>2</sup> he accepted that this would not have been possible, and suggested that he had "*got the positions on the ground confused*".) Another vehicle moved nearer to the Rossville Flats, and Private Q saw that people "*on various verandahs*" were dropping bottles onto the soldiers below them. When he moved to the north-east corner of Block 1, these people were still dropping bottles. Private Q saw that the majority of the bottles contained a liquid, and noticed "*an acid smell*" from the bottles when they broke. He then saw that youths had gathered in the area between Blocks 2 and 3, and were throwing stones and bottles.

<sup>1</sup> B624; B625

<sup>2</sup> Day 339/67-69

**46.14** In his statement for the Widgery Inquiry,<sup>1</sup> and in his oral evidence to the Widgery Inquiry,<sup>2</sup> Private Q said that after disembarking he followed a soldier armed with a baton gun towards the Rossville Flats. In our view, for reasons already given,<sup>3</sup> this was Private 013. According to Private Q, that soldier fired his baton gun several times in the direction of the crowd, which included a number of people who were turning and throwing stones in the direction of the soldiers as the civilians retreated into the car park. The stoning was heavy, and so the two soldiers took cover at the north end of Block 1. Private Q moved to the north-west corner of the block and then back to the north-east corner, from where he could see a few youths throwing stones in the direction of Sergeant O's APC, and at Sergeant O and the troops and vehicles behind him. He saw bottles landing by the APC. When they broke, he saw liquid coming from them and recognised the smell of acid. The stoning from the car park had continued during this time.

<sup>1</sup> B636

<sup>3</sup> Paragraph 26.30

<sup>2</sup> WT12.86-WT12.88

46.15 In his written statement to this Inquiry,<sup>1</sup> Private Q told us that when he disembarked he saw people running away from him. Some of them were stopping, picking up stones and throwing them. He stated<sup>2</sup> that when he first went to the north-east corner of Block 1, he and his companion were not being stoned because the stone-throwers were “*further left (east) of the flats I was standing near*”.

<sup>1</sup> B657.3

<sup>2</sup> B657.3

46.16 In the same statement,<sup>1</sup> Private Q told us that the names of streets in his RMP statement must have been suggested to him, because he did not think that he would have known such details at the time. He told us that he could not now remember from where the stones and bottles described in that statement had been thrown; nor could he remember seeing bottles falling from the Rossville Flats, but believed his RMP statement nor could be accurate. He also told us that he did not now remember seeing the acid bombs being dropped, but recalled the smell of acid.

<sup>1</sup> B657.7

46.17 In his oral evidence to this Inquiry,<sup>1</sup> Private Q said that he did not remember why he had moved to the north end of Block 1, but that his evidence to the Widgery Inquiry that he had done so in order to take cover from stoning was likely to have been correct. He said<sup>2</sup> that he did not believe that he personally was being stoned by the time he reached the north end of Block 1, but when it was then put to him that he was not being stoned at all, he said “*We were being stoned*”, and said that stones were being thrown from the car park and “*All over*”. However, he confirmed<sup>3</sup> that his present recollection was that he was not being stoned when he was at the north end of Block 1, although in his evidence to the Widgery Inquiry he had said that he was.

<sup>1</sup> Day 339/25-26

<sup>3</sup> Day 339/96-98

<sup>2</sup> Day 339/69-70

## Private S

46.18 In his first RMP statement,<sup>1</sup> Private S recorded that when he took up his position at the back of Chamberlain Street, the crowd was throwing bottles and stones at the soldiers.

<sup>1</sup> B692

**46.19** In his written statement for the Widgery Inquiry,<sup>1</sup> Private S recorded that he saw various missiles being thrown at the soldiers, including acid bombs and a hail of bottles from the upper part of the Rossville Flats. He stated specifically that bottles and other missiles were being thrown from Block 1 during the incident in which he opened fire.<sup>2</sup> We discuss his evidence about that incident below.

<sup>1</sup> B707

<sup>2</sup> B708

**46.20** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private S said that “a *hail of bottles with acid in them, Windolene bottles, more or less every kind of bottles*” descended towards Sergeant O’s APC. He estimated<sup>2</sup> that he saw 40 to 50 bottles coming down, including empty and full milk bottles and acid bombs. He said<sup>3</sup> that he was aware that there were bottles coming from Block 1 “*because they were falling short of me*”. He was not suggesting that people were on the roof of Block 1.

<sup>1</sup> WT12.103

<sup>3</sup> WT13.7

<sup>2</sup> WT13.4

**46.21** In his statement to this Inquiry,<sup>1</sup> Private S said that he did not now remember any objects being thrown from the Rossville Flats into the car park, but might simply have forgotten about them.

<sup>1</sup> B724.005

**46.22** In his oral evidence to this Inquiry,<sup>1</sup> Private S said that although he no longer recalled the experience, he believed from reading the evidence that he had given to the Widgery Inquiry that “*we were being bottled all along, basically*”. He said that he had seen objects being thrown, although he conceded that he had not seen any acid bombs.<sup>2</sup>

<sup>1</sup> Day 331/64-65

<sup>2</sup> Day 332/37

## Private 013

**46.23** In his RMP statement,<sup>1</sup> Private 013 recorded that when he arrived in the car park a crowd was throwing various missiles at the soldiers. He fired his baton gun to move them back. He saw people throwing bottles and acid bombs from a balcony in Block 1.

<sup>1</sup> B1406

**46.24** In his written statement to this Inquiry,<sup>1</sup> Private 013 told us that rioters were screaming and shouting in the car park. He fired his baton gun to keep them away. He did not describe any objects thrown by these rioters. The riot died down about seven minutes

after the soldiers arrived. He stated<sup>2</sup> that missiles were thrown from the Rossville Flats. He did not specify the type of missile but expressed the view that the liquid with which Private T was splashed (as we describe below) was probably urine rather than acid.

<sup>1</sup> B1408.003

<sup>2</sup> B1408.006

## Private R

**46.25** In his first RMP statement,<sup>1</sup> Private R recorded that as he moved to catch up with his (ie Sergeant O's) APC after disembarking from it, people were throwing stones and bottles at him. After he reached the vehicle, the rioters ran past it, throwing stones at him and "*the rest of the section who were located at the vehicle*".

<sup>1</sup> B658-B659

**46.26** In his written statement for the Widgery Inquiry,<sup>1</sup> Private R recorded that he was hit on the thigh and again on the calf by missiles thrown as he ran to catch up with the APC. When he reached the vehicle, there were a lot of people running in the car park. Some were running away, but "*some of the lads were stopping and turning to throw stones before running off*".

<sup>1</sup> B670

**46.27** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that he was hit three times as he was running to catch up with his APC, once on the calf, once on the thigh, and once just above the hip, which caused a bruise.

<sup>1</sup> WT13.73

**46.28** In his written statement to this Inquiry,<sup>1</sup> Private R recorded again that he was struck three times as he ran after the APC, once on the thigh, once on the head and once on the back of the calf.

<sup>1</sup> B691.002

**46.29** In his oral evidence to this Inquiry,<sup>1</sup> Private R said that he did not think that he had been hit on the head, and believed that his oral evidence to the Widgery Inquiry about where he was hit was probably accurate. He was asked why he had said in his statement to this Inquiry that he had been hit on the head, and said that he had been "*misinterpreted*".<sup>2</sup> He was then asked why he had not mentioned the bruise above the hip in his statement for the Widgery Inquiry, and said that making that statement had been "*rather daunting*".

<sup>1</sup> Day 337/22-24

<sup>2</sup> Day 337/91-93

**46.30** In his written statement to this Inquiry,<sup>1</sup> Private R told us that many objects, including bottles and bricks, were thrown from the Rossville Flats into the car park.

<sup>1</sup> [B691.003](#)

**46.31** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that there was a further incident, after he had been splashed by acid (a matter which we discuss separately below), in which a woman threw a full bottle of Windolene which hit Sergeant O's APC. In his oral evidence to this Inquiry,<sup>2</sup> he was asked whether he remembered this incident, and replied that he had "*a recollection maybe of the Windolene bottle*".

<sup>1</sup> [WT13.84-85](#)

<sup>2</sup> [Day 337/43](#)

## Private U

**46.32** In his written statement to this Inquiry,<sup>1</sup> Private U told us that he saw bottles and stones being thrown from a high level in Block 1. In his oral evidence to this Inquiry,<sup>2</sup> he said that he did not recall seeing anyone on the roof of Block 1.

<sup>1</sup> [B787.005](#)

<sup>2</sup> [Day 369/46-47](#)

## Private 006

**46.33** In his written statement to this Inquiry,<sup>1</sup> Private 006 told us that after he had seen soldiers firing towards the rubble barricade, he entered a stairwell in the Rossville Flats, went up one flight of stairs and looked along a balcony. In his oral evidence to this Inquiry,<sup>2</sup> he said that he could not remember whether he had seen any missiles lying on the balcony.

<sup>1</sup> [B1377.006](#)

<sup>2</sup> [Day 334/92](#)

## Private 112

**46.34** In his RMP statement,<sup>1</sup> Private 112 recorded that he fired a number of baton rounds from a corner of Block 1 in order to disperse rioters. He did not describe any objects thrown by these rioters.

<sup>1</sup> [B1730](#)

**46.35** In his written statement to this Inquiry,<sup>1</sup> Private 112 told us that from the north-east corner of Block 1 he had seen a group of civilians in the passage between Blocks 1 and 2. Some of them ran towards him throwing stones, and then began to retreat. He fired an estimated six baton rounds in the direction of the stone-throwers, and in the direction of

the passage as they retreated. He could not recall whether he had hit anyone. At about the same time, he saw bottles and also, he thought, bricks being thrown from a window in Block 1 into the car park.

<sup>1</sup> [B1732.004](#)

**46.36** In his oral evidence to this Inquiry,<sup>1</sup> Private 112 said that he was not aware of anything else that was happening in the car park when he fired baton rounds at this group of stone-throwers.

<sup>1</sup> [Day 320/106-107](#)

## Sergeant O

**46.37** In his written statement for the Widgery Inquiry<sup>1</sup> and in his oral evidence to the Widgery Inquiry,<sup>2</sup> Sergeant O described his arrest of a man (William John Doherty) who had thrown an empty bottle at him. In his written statement to this Inquiry,<sup>3</sup> Sergeant O said that the bottle hit his APC.

<sup>1</sup> [B467](#)

<sup>3</sup> [B575.112](#)

<sup>2</sup> [WT13.27](#)

**46.38** In his first RMP statement,<sup>1</sup> Sergeant O recorded that while in the area of the car park, he and his section had stones and bottles thrown at them, and also several acid bombs and petrol bombs. These came “*in particular*” from Block 1 of the Rossville Flats. In his oral evidence to the Widgery Inquiry,<sup>2</sup> he was asked what assault was made upon the soldiers before shooting broke out, and replied: “*Only bottles and stones, the normal sort of thing.*” In his written statement to this Inquiry,<sup>3</sup> he told us that at this point all sorts of objects were being thrown from the balconies of the Rossville Flats, including bottles, pieces of rubble and cans of beans. In his oral evidence to this Inquiry,<sup>4</sup> he said that these objects were being thrown not only from Block 1 but also from Block 2 and from the car park.

<sup>1</sup> [B441-B442](#)

<sup>3</sup> [B575.113](#)

<sup>2</sup> [WT13.27](#)

<sup>4</sup> [Day 335/46](#)

**46.39** In his written statement for the Widgery Inquiry,<sup>1</sup> Sergeant O recorded that at the stage when shooting broke out, he did not notice any petrol bombs, but the soldiers were subjected to heavy stoning and bottling. In that statement<sup>2</sup> and in his oral evidence to the Widgery Inquiry,<sup>3</sup> he said that after he had engaged his second gunman (a matter which we discuss separately below<sup>4</sup>) there was a lot of stone- and bottle-throwing, especially from the balconies of Block 1 and the end of Chamberlain Street. In his oral evidence to the Widgery Inquiry,<sup>5</sup> he said that the bottling continued for quite a while after the

shooting was over. Most of the bottles came from Block 1, but some were being thrown from the south end of Chamberlain Street over the houses. However, in his written statement to this Inquiry,<sup>6</sup> Sergeant O told us that he thought that Private T's firing at an acid bomber (a further matter which we discuss separately below<sup>7</sup>) "*probably put an end to all the things being thrown off the balconies*". He stated that he neither saw nor heard any petrol bombs at any stage.<sup>8</sup> In his oral evidence to this Inquiry,<sup>9</sup> he said that the reference to petrol bombs in his first RMP statement was based on information given to him by members of his platoon.

<sup>1</sup> B467

<sup>2</sup> B468

<sup>3</sup> WT13.32

<sup>4</sup> Chapter 51

<sup>5</sup> WT13.33

<sup>6</sup> B575.118

<sup>7</sup> Chapter 51

<sup>8</sup> B575.117

<sup>9</sup> Day 335/89; Day 336/56

## Private T

**46.40** In his RMP statement,<sup>1</sup> Private T recorded that after assisting in making arrests, he moved back to Sergeant O's APC. The soldiers there were under a heavy stoning attack from all three blocks of the Rossville Flats. He became aware of people on the balconies of the flats dropping bottles and other missiles onto the soldiers' position. He noticed that the bottles contained a liquid. At first he thought that they were petrol bombs, but after a couple of them had broken, he realised from the strong smell that they contained acid. There followed the incident, which we consider later in this report,<sup>2</sup> in which (according to Private T) he fired at an acid bomber in Block 1. He stated that after that incident, no more bottles or stones were dropped or thrown from the balconies. He recorded nothing in this statement about hearing incoming fire.

<sup>1</sup> B725-B726

<sup>2</sup> Chapter 51

**46.41** In his written statement for the Widgery Inquiry,<sup>1</sup> Private T recorded that after he disembarked from the APC, those civilians who had succeeded in running past the vehicles into the car park started to throw stones and other missiles at the vehicles. At about this time, he heard a burst of low velocity fire, and covered Sergeant O while he escorted an arrested civilian. After he had heard the gunfire, he took cover behind the APC. He was watching the windows of the flats on his right to keep a lookout for anyone intending to fire at the soldiers. Bottles started to be thrown from this part of the flats. He noticed that one in particular contained liquid. He thought that it was a petrol bomb but it

did not explode. After a few more bottles had been thrown in his direction, he recognised the smell of acid. Until this point he had not seen any of those who were throwing bottles containing acid. There followed the incident in which Private T fired at an acid bomber.

<sup>1</sup> B735

**46.42** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private T said that after he disembarked there were only a few people in the car park. Most of these people had run away as the vehicles approached. They had picked up stones as they ran, and threw stones and bottles at the soldiers when they deployed. He said that when he moved to the back of the APC, he saw “*quite a lot of rubbish coming out of the window – stones, bottles, anything that could be thrown*”.<sup>2</sup> He noticed that one of the bottles had a substance inside it. He thought that it was a petrol bomb but it did not explode. A bottle then landed very close to him “*on the other side of an armoured door*” and after a time he noticed an acidic smell. There followed the incident in which he fired at an acid bomber.

<sup>1</sup> WT13.88

<sup>2</sup> WT13.88-89

## Private INQ 1579

**46.43** In his written statement to this Inquiry,<sup>1</sup> Private INQ 1579 told us that when he disembarked from Sergeant O’s vehicle, a big riot was going on. Missiles were being thrown “*from all directions from the Rossville Flats above*”. The missiles were coming “*from the front, back and top*” of the Rossville Flats. The objects being thrown were “*any type of missile at all like bottles and flower pots*”. He did not remember looking up at the Rossville Flats. He was also aware from their smell that acid and petrol bombs were being thrown, but he assumed that the petrol bombs were being thrown on the west side of Block 1 because he did not see any explode. When the shooting stopped, there was a great deal of debris in the car park.

<sup>1</sup> C1579.4

**46.44** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 1579 said that he could recall “*looking up at Block 1 occasionally and debris coming down*” but he could not recall seeing people throwing debris or missiles. He said that there seemed to be a lot more debris at the end of the shooting than is shown in the photograph taken by Sam Gillespie of Michael Bridge standing in front of Sergeant O’s APC (which we reproduce below) but that “*the missiles were coming towards our direction, so a lot of the debris would be in and around the*

*vehicle and behind it*". He was asked whether any of the missiles were hitting the vehicle, and said that he would take it that they were. He was asked whether there was visible damage to the vehicle afterwards, and said that he would not have inspected it.

<sup>1</sup> [Day 336/166-169](#)

**46.45** As we discuss later in this report,<sup>1</sup> Sam Gillespie took the following photograph of Michael Bridge shortly before the latter was shot in Sector 2.

<sup>1</sup> [Paragraphs 55.165–174](#)



**46.46** Little debris can be seen in this photograph.

**46.47** We now turn to consider evidence of rioting given by civilians.

## Evidence from civilians

### Hugh Barbour

**46.48** In his written statement to this Inquiry,<sup>1</sup> Hugh Barbour told us that some of the younger men in the crowd were jeering and taunting the soldiers, and some were throwing stones and bottles. He could see and hear stones bouncing off the APC that had stopped in the entrance to the car park.

<sup>1</sup> [AB10.2](#)

46.49 In his oral evidence to this Inquiry,<sup>1</sup> Hugh Barbour said that just after the APC had arrived there were about 250 to 300 people in the car park. Some people were running away, while others confronted the soldiers. Some of the crowd threw stones and bottles at the soldiers. He said that about 15 to 20 people were throwing stones.<sup>2</sup> He said that those throwing stones were on the ground; he saw no-one throwing missiles from the balconies or windows of the Rossville Flats.<sup>3</sup>

<sup>1</sup> Day 88/56-58

<sup>3</sup> Day 88/99-100

<sup>2</sup> Day 88/96-97

## Sean Collins

46.50 In his written statement to this Inquiry,<sup>1</sup> Sean Collins told us that he was ten years old at the time of Bloody Sunday. On that afternoon he was in his mother's and stepfather's flat at 64 Donagh Place on the top floor of Block 3 of the Rossville Flats. He saw an APC stop in the entrance to the car park. Two soldiers disembarked and stood between the APC and Block 1. He watched "*as milk bottles smashed down from Block 1 near where the soldiers were standing*". He distinctly recalled a milk bottle smashing on the top of the APC. He could not see from precisely where the bottles were thrown. His impression was that the bottles were empty.

<sup>1</sup> AC74.1-AC74.2

46.51 In his oral evidence to this Inquiry,<sup>1</sup> Sean Collins said that he thought that there had only been one milk bottle. The sound of the impact suggested to him that it had been empty.

<sup>1</sup> Day 195/89-90; Day 195/103-104

## Francis Dunne

46.52 In his NICRA statement,<sup>1</sup> Francis Dunne recorded that he saw two or three military vehicles tearing along Rossville Street. He hurried from the north end of the Rossville Flats "*back to the courtyard behind the three blocks*". There was a lot of confusion there, with the two exits at the junctions of the blocks jammed with fleeing people. There were a few people throwing stones towards "*the Chamberlain St. side of the court*". Francis Dunne looked back and saw three soldiers along the wall at the back of the houses of Chamberlain Street. At this point the shooting started. The soldier at the front of the group was firing from the hip "*towards the Fahan St. opening*". Behind that soldier was another on his knee in an aiming position. Francis Dunne saw a boy fall, whose position he

described as “*up towards my left*”. A taller man was standing in the middle of the courtyard with his hands up and spread wide, shouting “*They are shooting, they are killing*”. This man also went down.

<sup>1</sup> AD173.1

**46.53** In his written statement for the Widgery Inquiry,<sup>1</sup> Francis Dunne said that he ran first to the alley that gave access to Joseph Place, which was choked with people. He thought that he would head towards the Fahan Street exit from the courtyard. He could see a crowd there too. He turned and saw the soldiers along the wall at the back of the Chamberlain Street houses. At this point the shooting started. The soldier at the front had his rifle at his hip. The soldier behind him was kneeling and aiming. The third soldier’s gun was pointed at the ground. Some of “*the boys towards the Fahan Street side*” were throwing stones at the soldiers. One of these boys fell and was dragged back by two or three others. A tallish, fair-haired youth was standing with his arms high in the air, towards the centre of the courtyard, shouting. The soldier at the corner of the wall fired at him from the hip, and he fell.

<sup>1</sup> AD173.5

**46.54** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Francis Dunne said that he intended to leave the car park through the passage on the Rossville Street side but found that it was jammed with people. He decided to try the Fahan Street exit. He took about three or four steps and saw that “*there were people there and there were also some boys still throwing stones*”. He saw that he could not leave by the Fahan Street exit. He then turned and saw the three soldiers. The firing started at about this stage. The soldier at the front was firing. No-one was attacking the soldiers at the back of the Chamberlain Street houses, but there were “*some boys still throwing stones over towards the gable of ... the Rossville Street side flats*”. Francis Dunne saw a tall, fair-haired young man slightly to his right, who was shouting “*They’re killing, they’re killing, they’re shooting*” and pointing towards the Fahan Street side of the flats, where a young man had fallen. At the time, Francis Dunne thought that the young man who had fallen had probably been hit by a baton round. A couple of boys seemed to be helping him and dragging him. The soldier at the front of the group at the back of Chamberlain Street fired from the hip at the man who was shouting, who fell. Francis Dunne said that the stones were thrown at the soldiers who were “*down towards the corner of the Rossville Street Flats, where the Saracens were*”.<sup>2</sup>

<sup>1</sup> WT8.23-WT8.24

<sup>2</sup> WT8.35-WT8.36

46.55 In his written statement to this Inquiry,<sup>1</sup> Francis Dunne told us that there was such a crowd in the gap between Blocks 1 and 2 of the Rossville Flats that he started to move along in front of the low wall in the car park towards the gap between Blocks 2 and 3. Youngsters were throwing stones into the car park “*near the gap*”. He assumed that they were throwing them at soldiers who had disembarked from a vehicle in the entrance to the car park. Francis Dunne saw a tall, fair-haired man shouting and gesturing towards the vehicle. He saw three soldiers in front of the vehicle between Block 1 of the Rossville Flats and the back of the Chamberlain Street houses. One of these soldiers was leaning against the wall of Block 1, holding his rifle at hip level. The tall, fair-haired man suddenly staggered back and fell, clutching his right leg. Francis Dunne had the impression that the man had been shot by the soldier at the wall of Block 1, who had fired his rifle, although Francis Dunne had not seen him fire it. He now believed that the fair-haired man was Michael Bridge. By this time the area between Blocks 1 and 2 had cleared. Francis Dunne was aware of some young men still throwing stones at the soldiers. He was not aware of any other casualties.

<sup>1</sup> [AD173.26-AD173.27](#)

46.56 In his oral evidence to this Inquiry,<sup>1</sup> Francis Dunne said that the youngsters who were throwing stones were “*up towards the corner between [Blocks] 2 and 3*”, in the area of the swings in the recreation ground. There were only a few of them. They were throwing stones towards the entrance to the car park. He said that his original account of the position of the three soldiers along the wall at the back of the Chamberlain Street houses was to be preferred to his later recollection that they were in a line between Block 1 and the back of those houses.<sup>2</sup> He said that it was his impression that it was the same group of people in the area of the swings who were still throwing stones at the time when Michael Bridge was shot.<sup>3</sup> He said that he could not remember when the stone-throwing finished, but that it had been “*a very minor thing*”.<sup>4</sup> He said that he did not now recall seeing a boy fall before the shooting of Michael Bridge.<sup>5</sup>

<sup>1</sup> [Day 90/7-8](#)

<sup>2</sup> [Day 90/11-12](#); [Day 90/57-74](#)

<sup>3</sup> [Day 90/13-14](#)

<sup>4</sup> [Day 90/55-57](#)

<sup>5</sup> [Day 90/13](#); [Day 90/74-76](#)

## Billy Gillespie

**46.57** According to a note made by Peter Pringle of the *Sunday Times* and dated 6th April 1972,<sup>1</sup> Billy Gillespie helped to carry the wounded Margaret Deery into 33 Chamberlain Street. He then went with Michael Bridge into the car park of the Rossville Flats and saw “*duddy shot*”. He threw some stones at “*the soldier on the corner of the flats*” and saw Michael Bridge shouting at the Army and being shot.

<sup>1</sup> AG34.17

**46.58** In his written statement to this Inquiry,<sup>1</sup> Billy Gillespie said that after helping to carry an injured woman, whom he later heard was Margaret Deery, into a house in Chamberlain Street, he ran into the car park of the Rossville Flats and turned right towards Block 1 of the Rossville Flats. He picked up some stones to throw. He saw Michael Bridge with half a brick in his hand. A soldier came into view at the north-east corner of Block 1. Michael Bridge started shouting “*shoot me*” at the soldier and threw the piece of brick at him. Suddenly there was a bang. The soldier had shot Michael Bridge in the leg. Billy Gillespie said that he did not remember speaking to anyone from the *Sunday Times*.<sup>2</sup>

<sup>1</sup> AG33.2

<sup>2</sup> AG33.4

**46.59** In his oral evidence to this Inquiry,<sup>1</sup> Billy Gillespie said that there were a few other people throwing stones when he was in the car park. Michael Bridge lifted half a brick. Billy Gillespie threw some stones at the soldier at the corner of Block 1. Michael Bridge threw the piece of brick at the soldier, and shouted at him. The soldier then shot him. Billy Gillespie said that he estimated that perhaps ten to 15 people had been throwing stones and parts of bricks.<sup>2</sup> He said that he thought that the number of people was eight to 15, or about a dozen.<sup>3</sup> He was throwing whatever missiles he could get his hands on, and assumed that the others had been doing the same.

<sup>1</sup> Day 84/149-150; Day 84/164

<sup>3</sup> Day 84/182-186

<sup>2</sup> Day 84/167-168

## Floyd Gilmour

**46.60** In his written statement to this Inquiry,<sup>1</sup> Floyd Gilmour told us that he was watching from a window in Block 2 of the Rossville Flats. After the soldiers arrived, he saw and heard bottles and stones being thrown down from the Rossville Flats into the car park. He said that this was completely normal and “*would have occurred in any riot situation had the soldiers or police ever come in that far*”.

<sup>1</sup> AG39.1-AG39.2

46.61 Floyd Gilmour died before he could be called to give oral evidence to this Inquiry.

## Frank McCarron

46.62 In his written statement to this Inquiry,<sup>1</sup> Frank McCarron told us that he ran down Chamberlain Street and turned right into the car park of the Rossville Flats around the corner of the last house on the west side of the street. He was part of a crowd, which on his estimate contained 50 to 60 people. They stopped and looked around to see which way to go. It seemed to him that some of the crowd intended to “*fight back with bottles and stones*” and that the crowd “*still regarded this as a riot situation*”. Out of the corner of his eye he saw someone fall forward while running through the car park. Frank McCarron did not recognise him at the time but heard someone say that he was Jackie Duddy. Frank McCarron moved forward to the end of the wall on the west side of the south end of Chamberlain Street. He took a quick look around the corner and saw soldiers and an APC. This was where people were rioting and throwing “*bottles and stuff*”. However, someone then shouted that they should not riot, and they seemed to lose their enthusiasm.

<sup>1</sup> [AM82.2-AM82.3](#)

46.63 In his oral evidence to this Inquiry,<sup>1</sup> Frank McCarron marked a photograph<sup>2</sup> to show the area in which he saw people throwing stones and bottles, which was at the corner of the garden wall of 36 Chamberlain Street. He said that they were throwing the stones and bottles “*over the top towards the Saracen*”. He did not see anyone throwing objects from anywhere else. He thought that the man who shouted that they should not riot was in the crowd at the end of Chamberlain Street. Frank McCarron said that he would probably have thrown a few stones himself.<sup>3</sup>

<sup>1</sup> [Day 389/152-155](#)

<sup>3</sup> [Day 389/181-184](#)

<sup>2</sup> [AM82.23](#)

## James McKinney

46.64 In his NICRA statement,<sup>1</sup> James McKinney said that he ran into the car park of the Rossville Flats from Chamberlain Street. He saw a paratrooper behind an APC aim at an unarmed civilian and shoot him in the back. He then saw two paratroopers “*running along at the back of the flats*”. Soldiers pointed their guns at some people who were throwing a few bottles from about the third or fourth floor of the flats, but James McKinney was not sure whether the soldiers fired.

<sup>1</sup> [AM303.7](#)

**46.65** In his written statement to this Inquiry,<sup>1</sup> James McKinney told us that the man who was shot was between 17 and 20 years of age, with short dark hair. After this shooting James McKinney took cover behind the low wall parallel to Block 2 of the Rossville Flats. Two soldiers came around the corner of the north end of Block 1. Stones and bottles were thrown at the soldiers from the balconies of Block 1. No petrol bombs were thrown. While the soldiers were being bombarded, James McKinney began to hear live rounds being fired. The firing seemed to be coming from around Block 1, but he could not tell exactly where.

<sup>1</sup> [AM303.4-AM303.5](#)

**46.66** In his oral evidence to this Inquiry,<sup>1</sup> James McKinney said that there was a “*good continuation*” of stones and bottles thrown from Block 1 when he was behind the low wall. He did not see anything being thrown from the other blocks. The bottles were empty. They smashed when they hit the ground. Some of them hit the ground close to where the soldiers were standing. He said that there were about a dozen people running backwards and forwards on the lower and middle balconies of Block 1 and throwing objects.<sup>2</sup> He could not remember whether he had seen any objects thrown from windows.

<sup>1</sup> [Day 81/115-116](#)

<sup>2</sup> [Day 81/117-119](#)

## Neil McLaughlin

**46.67** In his interview with John Barry of the *Sunday Times*,<sup>1</sup> Neil McLaughlin is recorded as having said that when the Army vehicles came down Rossville Street, he rushed down Chamberlain Street into the car park of the Rossville Flats. He saw soldiers jumping out of an APC in the car park. An old man, who was being beaten over the head, emerged from behind the APC and was led away to the waste ground. Neil McLaughlin and his group surged forward towards the soldiers. It was “*in his mind to have a go*”. According to the interview note, he told John Barry that he was thinking of rescuing the old man, but then added with a grin that this “*might be a bit of dressing put on afterwards*”. The soldiers then fired. An Order of Malta Ambulance Corps volunteer fell, though not as a result of being shot, by the back wall of the Chamberlain Street houses. “*In other words*”, according to the note, “*the crowd running forward had just about cleared the gable end*”. Almost immediately, Margaret Deery was shot. Neil McLaughlin flung himself down “*along the gable*”. He saw a crowd clustered around what he took to be another body, but he had not seen the shooting of that casualty. Then Michael Bridge was shot. At some stage Neil McLaughlin and others carried Margaret Deery back to the south end of Chamberlain Street.

<sup>1</sup> [AM347.12-AM347.13](#)

46.68 In his written statement to this Inquiry,<sup>1</sup> Neil McLaughlin told us that when he reached the car park four or five Army vehicles approached and stopped at the north end of Block 1 of the Rossville Flats. With about 20 others who were not known to him, Neil McLaughlin ran at the vehicles, throwing stones at them. He was pretty sure that he had hit one of them. Soldiers jumped out of the vehicles and started firing. Neil McLaughlin and others around him dropped to the ground by the side wall of the garden of 36 Chamberlain Street. He heard further shots, and turned to see that Michael Bridge and Margaret Deery had been shot. People gathered around them and took them to a house in Chamberlain Street. Neil McLaughlin did not help to carry them to the house. Neil McLaughlin said that he did not remember speaking to anyone from the *Sunday Times*.<sup>2</sup>

<sup>1</sup> [AM347.2-AM347.3](#)

<sup>2</sup> [AM347.4](#)

46.69 In his oral evidence to this Inquiry,<sup>1</sup> Neil McLaughlin accepted that only one vehicle stopped in the entrance to the car park. He said that he had thrown his stones from the wall of the house at the end of Chamberlain Street. He did not see what was happening in other parts of the car park at this stage, but he said that there would have been perhaps a couple of hundred people in the car park when the soldiers disembarked. He said that apart from the stone-throwers, who were 20 or so in number, those people were trying to make their way out of the car park.<sup>2</sup> He said that he had no recollection of seeing the old man or the Order of Malta Ambulance Corps volunteer described in John Barry's note.<sup>3</sup> He said that it was possible that he had seen Margaret Deery fall and helped to carry her to Chamberlain Street but had forgotten that he had done so.<sup>4</sup>

<sup>1</sup> [Day 91/4-12](#); [Day 91/52-56](#)

<sup>3</sup> [Day 91/20-27](#)

<sup>2</sup> [Day 91/61-64](#)

<sup>4</sup> [Day 91/43-46](#); [Day 91/59-60](#)

## David Capper

46.70 In the tape recording that he made on Bloody Sunday,<sup>1</sup> the BBC Radio reporter David Capper said that people in a high block of flats above him had been "*firing down missiles of various sorts*" and that the soldiers had been firing back, mostly with baton rounds and CS gas, but that some live rounds had been fired both by the soldiers and, apparently, by some of the civilians.

<sup>1</sup> [Aud 1 14.26](#); [E3.88](#)

**46.71** In his written statement for the Widgery Inquiry,<sup>1</sup> David Capper said that there were about four soldiers in “*the courtyard of the flats*”. People in the upper storeys were throwing missiles, such as tins and bottles, at them. The soldiers were raising their rifles and firing back, although David Capper thought that they were using them to fire gas grenades.

<sup>1</sup> M9.2

**46.72** In his oral evidence to the Widgery Inquiry,<sup>1</sup> David Capper said that the soldiers were under a hail of missiles, including bottles, bricks and stones, from the upper balconies.

<sup>1</sup> WT2.78

**46.73** In his written statement to this Inquiry,<sup>1</sup> David Capper said that he saw debris being thrown down on the soldiers from the “*upper floors and roof of the flats*”.

<sup>1</sup> M9.18

**46.74** In his oral evidence to this Inquiry,<sup>1</sup> David Capper said that he thought that the reason why he had said on the tape that civilians had apparently fired live rounds had been that he had seen “*some of the troops down behind the garden walls taking cover*”. Earlier in his evidence he had said that he had seen soldiers crouching behind low garden walls on the west side of Rossville Street.<sup>2</sup> He said that he did not see any petrol bombs or nail bombs being thrown from the Rossville Flats.<sup>3</sup> He said that he saw a “*general rain of debris*” coming down, consisting of bricks, bottles and cans, which he thought were being thrown from the upper and middle walkways of Blocks 1 and 2 of the Rossville Flats.<sup>4</sup> He did not “*really remember*” whether there had been anyone on the roof.

<sup>1</sup> Day 73/55; Day 73/114-118

<sup>2</sup> Day 73/25-27

<sup>3</sup> Day 73/90

<sup>4</sup> Day 73/131-133

## Assessment of the evidence of rioting

**46.75** It is clear from the evidence of both soldiers and civilians that the rioting in the car park started as soon as, or immediately after, Sergeant O’s APC had arrived there. It took the form of people both at ground level and from the balconies of Blocks 1 and 2 of the Rossville Flats throwing stones, bottles and similar missiles at the soldiers and at Sergeant O’s APC.

- 46.76** However, we have concluded that the rioting was not as severe or longlasting as some of the soldiers suggested. It should be borne in mind that in significant respects (and for reasons that we give in the course of this report) we have been unable to accept the evidence given by these soldiers, so that their accounts of the severity of the rioting must be treated with caution.
- 46.77** Most of the people in the car park were intent simply on getting away, and though some stopped or paused to throw things at the soldiers, not many were involved in this activity. It is difficult to be certain of the numbers involved, but in our view probably not more than about 20 at most threw things at the soldiers, either from ground level or from the balconies of the Rossville Flats.
- 46.78** After the arrival of the soldiers, the crowd in the Rossville Flats car park rapidly dispersed, though a few people took cover behind the low wall that ran along the northern side of Block 2 of the Rossville Flats; and others behind the wall of the southernmost house on the eastern side of Chamberlain Street. As we describe later in this report,<sup>1</sup> it was shortly after their arrival in the car park that soldiers opened fire and Jackie Duddy was killed. The car park then rapidly became deserted, except for those tending Jackie Duddy.
- <sup>1</sup> [Paragraphs 55.39–48](#)
- 46.79** We deal below<sup>1</sup> in greater detail with the question of acid bombs and the shots fired by Private T.
- <sup>1</sup> [Chapter 51](#)

# Chapter 47: The question of nail and blast bomb explosions

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47.1 Some soldiers of Mortar Platoon gave accounts of seeing or hearing the explosion of nail or blast bombs when they were in the area of Sector 2. Although much of the evidence relates to the period when the soldiers fired in the area of the Rossville Flats car park, which we discuss in detail below,<sup>1</sup> it is convenient to consider at this stage the evidence of all the soldiers of Mortar Platoon on this topic.

<sup>1</sup> [Chapter 51](#)

## Evidence of the soldiers from Lieutenant N's Armoured Personnel Carrier

### Lieutenant N

47.2 In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lieutenant N said that he was not aware of hearing the explosion of any nail bomb on Bloody Sunday. According to his accounts, after he had disembarked from his Armoured Personnel Carrier (APC), he had first gone to the Eden Place alleyway, then returned to that vehicle, after which he went to the back of the houses in Chamberlain Street. We describe below<sup>2</sup> his accounts of his movements after that, in which he said that he shot a man he believed was a nail bomber and then went forward to Sergeant O's APC.

<sup>1</sup> [WT12.75-76](#)

<sup>2</sup> [Chapter 51](#)

### Corporal 162

47.3 Corporal 162 said nothing in his Royal Military Police (RMP) account<sup>1</sup> about hearing explosions and told us in his written statement to this Inquiry<sup>2</sup> that he could not recall hearing any. As we have described earlier in this report,<sup>3</sup> Corporal 162 told the RMP that after disembarking from Lieutenant N's APC he had gone forward beside the wall at the back of the Chamberlain Street houses, and had then taken William John Doherty from Sergeant O back to Lieutenant N's APC, where he stayed "about 10 minutes" before taking that vehicle to the end of Block 1 of the Rossville Flats.<sup>4</sup>

<sup>1</sup> [B1962.007](#)

<sup>3</sup> [Paragraphs 26.10–13 and 40.2–11](#)

<sup>2</sup> [B1962.004](#)

<sup>4</sup> [B1962.007-008](#)

### Private 019

47.4 Private 019 gave no evidence at any stage about hearing explosions.

## Lance Corporal INQ 768

47.5 Lance Corporal INQ 768, who gave no evidence in 1972, told us in his written statement that he did not recall hearing any bombs or explosions.<sup>1</sup> Although he believed that after disembarking he knelt at the back of Sergeant O's APC, it seems to us, for the reasons we have given earlier,<sup>2</sup> that he was probably mistaken about this and was in fact at the back of Lieutenant N's APC.

<sup>1</sup> C768.5

<sup>2</sup> Paragraph 24.17

## Private INQ 1918

47.6 In his written statement to this Inquiry,<sup>1</sup> Private INQ 1918 told us that he could not recall hearing any explosions that might have been the sounds of nail bombs. He was Lieutenant N's radio operator and had little recollection of where he went after he was with Lieutenant N at the Eden Place alleyway, though as we have pointed out earlier in this report,<sup>2</sup> one of Colman Doyle's photographs shows him standing by Lieutenant N's APC after having taken his arrestee back to that vehicle.

<sup>1</sup> C1918.3

<sup>2</sup> Paragraph 33.38

## Private S

47.7 We have already described how Private S, according to his account, had moved forward from Lieutenant N's APC to near the southern end of the back of the houses in Chamberlain Street and, in our view, had been involved with Lance Corporal V in the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle. We discuss later in this report<sup>1</sup> the accounts he gave of firing his rifle at what he described as a gunman or gunmen in the car park from a position some yards south of where Charles McMonagle can be seen in Colman Doyle's photograph.

<sup>1</sup> Chapter 51

47.8 Later in this report,<sup>1</sup> when discussing the question of incoming fire directed at or towards the soldiers as they disembarked from Lieutenant N's APC, we draw attention to the fact that whereas in his first and second RMP statements<sup>2</sup> he had described nail bombs being thrown down from the Rossville Flats, in his written statement for the Widgery Inquiry<sup>3</sup> Private S described these accounts as "*not really correct*". Private S continued: "*I heard*

*some distant bangs and I assumed that these were nail bombs. I have heard nail bombs before. I did not at this time see any objects thrown which I could identify as nail bombs, and I did not see or hear close to me the explosion of a bomb.”*

<sup>1</sup> Paragraph 49.15

<sup>3</sup> B707

<sup>2</sup> B693; B703

**47.9** We have also earlier<sup>1</sup> referred to the fact that in his oral evidence to this Inquiry, Private S said that the claims about nail bombs in his RMP statements were not a deliberate lie but that “*I had allowed myself ... to make an inaccurate statement*”.<sup>2</sup> Private S said to us that he was not aware of any nail bombs.<sup>3</sup> He suggested that it was “*a fair assumption*” that the RMP had told him to say that nail bombs had been thrown, but we have found no evidence that such an assumption is justified.<sup>4</sup>

<sup>1</sup> Paragraph 26.42

<sup>3</sup> Day 332/82

<sup>2</sup> Day 331/65-69

<sup>4</sup> Day 332/36-41

## Private 013

**47.10** Private 013 was the baton gunner who advanced to the north end of Block 1 of the Rossville Flats, followed by Private Q.

**47.11** In his written statement to this Inquiry, Private 013 told us that after he disembarked he could hear bangs all around him, and though he did not hear among the bangs anything that he thought was the explosion of a nail bomb, it would have been difficult to tell because of “*the environment the acoustics and echoes*”.<sup>1</sup> He had made no mention in his RMP statement of hearing nail bombs at any stage.<sup>2</sup>

<sup>1</sup> B1408.004

<sup>2</sup> B1406

## Lance Corporal V

**47.12** Earlier in this report<sup>1</sup> we considered the accounts Lance Corporal V gave, in his RMP statement<sup>2</sup> of hearing shots and two explosions as he disembarked from Lieutenant N’s APC, and in his written statement for the Widgery Inquiry<sup>3</sup> of hearing explosions just before he disembarked and shots later. We also drew attention to the fact that in his oral evidence to us he was unable to explain why his RMP statement and his written statement for the Widgery Inquiry contained this difference in the order of events.<sup>4</sup> As we have described earlier,<sup>5</sup> Lance Corporal V had followed Private S and then accosted

Charles McMonagle (the Order of Malta Ambulance Corps volunteer) at the wall at the back of the Chamberlain Street houses. We deal below<sup>6</sup> with his account of shooting at a person he said had thrown a petrol bomb.

<sup>1</sup> Paragraphs 26.14–17

<sup>2</sup> B788

<sup>3</sup> B801

<sup>4</sup> Day 333/103-105

<sup>5</sup> Paragraphs 31.1–14

<sup>6</sup> Paragraphs 51.79–135 and 52.4–5

## Private Q

**47.13** In his RMP account,<sup>1</sup> Private Q stated that when he was at the north-east corner of Block 1 of the Rossville Flats, nail bombs were being thrown from the area of the passage between Blocks 2 and 3 of the Rossville Flats towards Sergeant O's APC. He stated that he saw a man throw a nail bomb, which he "*saw burst some 10 yards from the APC*". Private Q fired at this man as he was about to throw another bomb. The man fell and the bomb rolled away.

<sup>1</sup> B625

**47.14** In his written account for the Widgery Inquiry,<sup>1</sup> Private Q stated that the first nail bomb had "*exploded in the forecourt near to the houses at the end of Chamberlain Street*". The second did not explode. His oral evidence to the Widgery Inquiry<sup>2</sup> was to the same effect. He told the Widgery Inquiry that the first nail bomb "*sort of banged*".<sup>3</sup>

<sup>1</sup> B635-B637

<sup>3</sup> WT12.96

<sup>2</sup> WT12.88-89; WT12.96

**47.15** In his written statement to this Inquiry,<sup>1</sup> Private Q told us that he shot a man who had thrown a nail bomb and was about to throw another. He said that the first bomb was not thrown very far and landed in the car park, but later in his statement he told us that he did not now remember where it had exploded.<sup>2</sup>

<sup>1</sup> B657.4

<sup>2</sup> B657.8

**47.16** In his oral evidence to this Inquiry,<sup>1</sup> Private Q said that the bomb made a "*dull crump*" when it exploded, and that it could have been a blast bomb, not a nail bomb.

<sup>1</sup> Day 339/31-32

**47.17** Private Q made no mention in his evidence of hearing any other explosions.

**47.18** We consider the firing by Private Q later in this report.<sup>1</sup>

<sup>1</sup> Paragraphs 51.138–161 and 52.6

## Evidence of the soldiers from Sergeant O's Armoured Personnel Carrier

**47.19** As we have already noted,<sup>1</sup> it seems probable that six soldiers disembarked from Sergeant O's APC when it stopped briefly in Rossville Street. These were Corporal P, Private 017, Private R, Private 006, Private 112 and Private U.

<sup>1</sup> [Chapter 32](#)

### Corporal P and Private 017

**47.20** As we have already described,<sup>1</sup> these two soldiers went to the west side of Rossville Street after disembarking from Sergeant O's APC. We consider their accounts of what they saw and did in the course of our consideration of the events of Sector 3. For present purposes it suffices to record that Corporal P told the Widgery Inquiry that he heard no explosions anywhere near the rubble barricade in Rossville Street<sup>2</sup> and gave no evidence at any stage about hearing explosions elsewhere. Private 017 told this Inquiry that he did not hear any explosions.<sup>3</sup>

<sup>1</sup> [Paragraph 32.3](#)

<sup>3</sup> [B1484.005](#)

<sup>2</sup> [WT13.65](#)

### Private 006

**47.21** As we have described earlier,<sup>1</sup> after disembarking Private 006 was involved in the arrest of William John Dillon on the Eden Place waste ground. According to his accounts, after taking this arrestee to a vehicle in Rossville Street with the assistance of Private 037, the driver of Major Loden's vehicle, Private 006 moved forward to within a few yards of the north end of Block 1 of the Rossville Flats.<sup>2</sup>

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

<sup>2</sup> [B1376; B1377.005](#)

**47.22** Private 006 told this Tribunal that he did not hear explosions at any time in the car park of the Rossville Flats<sup>1</sup> and made no mention at any stage of hearing explosions elsewhere in Sector 2.

<sup>1</sup> [Day 334/61-63](#)

## Private U

**47.23** Private U, as we have described earlier,<sup>1</sup> was involved in the arrest of Charles Canning. After this, according to his accounts, he made his way to the north end of Block 1 of the Rossville Flats.

<sup>1</sup> [Chapter 35](#)

**47.24** In his written account for the Widgery Inquiry,<sup>1</sup> Private U stated that he had heard no explosions. In his oral evidence to the Widgery Inquiry<sup>2</sup> he said that he had heard no nail bombs.

<sup>1</sup> [B769](#)

<sup>2</sup> [WT14.6](#)

## Private 112

**47.25** For reasons given earlier in this report,<sup>1</sup> we are sure that Private 112 (one of the baton gunners) was concerned with Private U in the arrest of Charles Canning. According to his RMP statement, after deploying on the Eden Place waste ground he later took up a position at the corner of Block 1 of the Rossville Flats.<sup>2</sup>

<sup>1</sup> [Chapter 35](#)

<sup>2</sup> [B1730](#)

**47.26** Private 112 did not refer to any explosions in his RMP statement.

**47.27** In his written statement to this Inquiry<sup>1</sup> Private 112 told us that he heard loud bangs on disembarking in the area of Pilot Row. These could have been the sounds of baton rounds or blast bombs. He stated that when he was trying to disperse the crowd he heard a lot of noise including some explosions. In his oral evidence to this Inquiry he said that he could not tell what had caused those explosions, and that they could possibly have been baton round discharges.<sup>2</sup>

<sup>1</sup> [B1732.004](#)

<sup>2</sup> [Day 320/104](#)

**47.28** During the course of his oral evidence Private 112 was asked about an account given by Lance Corporal F of Anti-Tank Platoon, which we consider in the context of Sector 3, of seeing two nail bombs explode about 40m north of the rubble barricade in Rossville Street; and about Private Q's account, to which we have referred above, of seeing a nail bomb explode in the car park of the Rossville Flats. Private 112 said that he saw none of

these explosions. It was then put to him that three nail bombs could not have exploded near his position at the north end of Block 1 of the Rossville Flats without him seeing them. He replied: "*I probably heard them, I did not see them.*"<sup>1</sup>

<sup>1</sup> [Day 320/154-155](#)

## Private R

**47.29** Private R, as we have described earlier,<sup>1</sup> was, according to his account, detailed to cover Sergeant O's APC, and so ran after it after he had disembarked in Rossville Street. In his first RMP account,<sup>2</sup> Private R stated that when he reached the APC he heard explosions, the location of which he could not determine. This appears to have been at a time when a crowd was "*milling about the flats*" and rioters were throwing stones at him and other soldiers near Sergeant O's APC, and shortly before he noticed a man in the car park of the Rossville Flats who had a fizzing object in his left hand. Private R said that he fired one round at the man, who fell and was carried away. We consider the firing by Private R later in this report.<sup>3</sup>

<sup>1</sup> [Paragraph 32.4](#)

<sup>3</sup> [Paragraphs 51.164–207](#)

<sup>2</sup> [B659](#)

**47.30** In his written statement for the Widgery Inquiry, Private R gave an account of hearing "*a couple of explosions ... which I thought were bombs*" from the area around the rubble barricade. Again, on the basis of Private R's account, this apparently occurred at or about the time when Private R saw the man with an object in his hand, which in this statement was described as smoking. Private R stated that that he did not know what happened to the smoking object after he had fired. He did not hear a bang.<sup>1</sup>

<sup>1</sup> [B670-671](#)

**47.31** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that he heard "*one or two explosions*" and shooting when he had run perhaps ten to 15 yards to catch up with Sergeant O's vehicle after he had been dropped off in Rossville Street. He pointed out the perceived source of these explosions on the model used at the hearings of the Widgery Inquiry. Lord Widgery described the location indicated by Private R as "*the back of the flats*". Private R said that the explosions were not large and sounded like those of a "*hand bomb*". He was asked to confirm that this happened when he was running after the APC, and replied: "*Yes, this was when the crowd was running and then there were explosions and shooting.*" At one stage he appeared to say that he had run about 50 yards when the

shooting started,<sup>2</sup> and at another that the shooting began “*Half way along as I came into the open space of the actual flats itself*”,<sup>3</sup> but in neither passage did he comment on the explosions.

<sup>1</sup> WT13.73

<sup>3</sup> WT13.80

<sup>2</sup> WT13.79

**47.32** In his written statement to this Inquiry,<sup>1</sup> Private R told us that he heard incoming fire when he disembarked from Sergeant O’s vehicle, but did not mention explosions. On the other hand, he did state that he had heard explosions at the time when he fired at the man holding the smoking object. According to him, the sound of these explosions was different from the sound of baton rounds being fired.<sup>2</sup>

<sup>1</sup> B691.002

<sup>2</sup> B691.003

**47.33** In his oral evidence to this Inquiry,<sup>1</sup> Private R said that his current recollection was that he heard incoming fire (but not explosions) after disembarking from Sergeant O’s vehicle in Rossville Street and before it moved off. He said that he only heard the explosions after he had reached the APC in the entrance to the car park, and that his evidence to the Widgery Inquiry suggesting that he heard them before then may have been mistaken.<sup>2</sup> His attention was drawn to Lord Widgery’s description of the source of the explosions as demonstrated on the model as “*the back of the flats*”, but Private R was unable to say whether that had meant the car park area. However, Private R then said that he believed that the explosions had come from “*somewhere in the flats*”. He was asked why in that case he had said in his first RMP statement that he could not determine the location of the explosions, and said that he “*could not really remember at the time*”, having been awake for more than 24 hours when he made that statement.

<sup>1</sup> Day 337/87-90

<sup>2</sup> Day 337/96-100

**47.34** We consider Private R’s accounts of his own firing later in this report.<sup>1</sup>

<sup>1</sup> Paragraphs 51.164–207

**47.35** As we have described earlier,<sup>1</sup> it seems probable that only three soldiers were left in Sergeant O’s APC to disembark when that vehicle stopped in the Rossville Flats car park. These were Sergeant O, Private T and Private INQ 1579, the driver.

<sup>1</sup> Paragraph 37.1

## Sergeant O

**47.36** In his written statement for the Widgery Inquiry,<sup>1</sup> and in his oral evidence to that Inquiry,<sup>2</sup> Sergeant O said that he heard no nail bombs. Sergeant O confirmed this in his written and oral evidence to this Inquiry.<sup>3</sup> Sergeant O, though he was involved in the arrest of William John Doherty, had not been far from his APC in the car park from the time he arrived there until after the end of the shooting incidents in Sector 2, when Lieutenant N told him to move his vehicle round the north end of Block 1, after which he went to Altnagelvin Hospital in Lieutenant N's APC, which was carrying the bodies of three civilians shot at the rubble barricade in Rossville Street.<sup>4</sup>

<sup>1</sup> B469

<sup>3</sup> B575.117; Day 335/89; Day 336/56

<sup>2</sup> WT13.34

<sup>4</sup> B469

## Private T

**47.37** Private T, who is now dead and so gave no evidence to this Inquiry, recorded in his RMP statement that he had assisted in two arrests and then moved back to Sergeant O's APC.<sup>1</sup> From his written statement for the Widgery Inquiry, it appears that he in fact covered Sergeant O while the latter was making an arrest. He then appears to have stayed close to the APC.<sup>2</sup> He told the Widgery Inquiry in his oral evidence that throughout the whole operation in the car park he neither saw anyone throw a nail bomb, nor heard in the car park or elsewhere anything "*which I could discern was a nail bomb*".<sup>3</sup>

<sup>1</sup> B725

<sup>3</sup> WT13.93

<sup>2</sup> B735

## Private INQ 1579

**47.38** This soldier gave no evidence in 1972. In his written evidence to this Inquiry<sup>1</sup> he stated that he could not recall whether or not he heard explosions after disembarking in the Rossville Flats car park.

<sup>1</sup> C1579.2

**47.39** It is convenient at this point to summarise the evidence that the soldiers of Mortar Platoon gave relating to the explosion of nail and blast bombs.

## Summary of the soldiers' evidence about the explosion of nail and blast bombs

### The soldiers from Lieutenant N's Armoured Personnel Carrier

**Lieutenant N**

He heard no bombs.

**Corporal 162**

He did not recall hearing any bombs.

**Private 019**

He gave no evidence of hearing bombs.

**Lance Corporal INQ 768**

He did not recall hearing any bombs.

**Private INQ 1918**

He did not recall hearing any bombs.

**Private S**

In his evidence to us he described the accounts that he gave at the time of nail bombs being thrown down from the Rossville Flats as not really correct and said that he neither saw nor heard any near him.

**Private 013**

He heard nothing that he thought was the explosion of a nail bomb. He had said nothing about nail bombs in his RMP statement.

**Lance Corporal V**

His accounts were of hearing two explosions just before or as he disembarked.

**Private Q**

He said that nail or blast bombs, one of which exploded, were thrown from the area of the passageway between Blocks 2 and 3 of the Rossville Flats towards Sergeant O's APC.

## The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked on Rossville Street

### Corporal P

He gave no evidence of hearing explosions.

### Private 017

He told us he had heard no explosions.

### Private 006

He heard no explosions at any time in the car park and said nothing about hearing any elsewhere.

### Private U

He heard no nail bombs.

### Private 112

His account was that he heard explosions which may have been baton round discharges.

### Private R

He said that he heard explosions, either (according to his oral evidence to the Widgery Inquiry) as he ran towards Sergeant O's APC, or (according to his other accounts) after he had reached the APC. In his first RMP statement he said that he could not determine the location of the explosions, but in his written statement for the Widgery Inquiry he said that they were in the area of the rubble barricade, and in his oral evidence to the Widgery Inquiry he located them at what the Widgery Inquiry described as "*the back of the flats*". He told us that he heard explosions at the time he fired at a man with a smoking object in his hand.

## The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in the car park

### Sergeant O

He heard no nail bombs.

### Private T

He heard nothing that he could discern as the explosion of a nail bomb.

### Private INQ 1579

He could not recall whether or not he heard explosions.

## Evidence of civilians

**47.40** We have found no evidence from any civilian witness that suggests to us that nail or blast bombs exploded in the area of Sector 2 on Bloody Sunday. On the contrary, there was a large body of evidence from civilians in the area (much of it given in 1972) to the effect that they neither saw nor heard any such explosions. Some of these witnesses had seen or heard the explosion of these devices on previous occasions, for (as we have described earlier in this report<sup>1</sup>) they had frequently been used in Londonderry by paramilitaries during the previous months; and so these witnesses can reasonably be supposed to have been able to recognise the sound that they made.

<sup>1</sup> Paragraphs 8.63, 8.65, 8.140 and 8.145

## Consideration of the evidence relating to the explosion of nail and blast bombs

**47.41** Of the 18 men in Mortar Platoon, only four gave any evidence about hearing the explosion of nail bombs. Of these Private S retracted as incorrect the accounts that he gave at the time of nail bombs being thrown down from the Rossville Flats. Lance Corporal V's account of hearing two explosions, "*which were definitely not rubber bullets*",<sup>1</sup> either just before or as he disembarked from Lieutenant N's APC is not supported by any of the other eight soldiers who disembarked with him, none of whom suggested that bombs had exploded at this stage. As we have already observed, it seems to us that Lance Corporal V may have heard the discharge of baton guns, which occurred very soon after Lieutenant N's APC had stopped, but we are not persuaded that he heard or might have heard nail or blast bombs.

<sup>1</sup> Day 333/103

**47.42** We reject Private Q's account of seeing one of two nail bombs explode when thrown towards Sergeant O's APC. Had such an event occurred, we have no doubt that Sergeant O and Private T, who were both near the APC for most of the time, would have noticed and reported it. As it is, both gave evidence in 1972 that they did not hear nail bombs. Private R gave evidence of hearing explosions, but as will have been observed, his evidence about where he was when he heard them and where the noise had come from varied significantly in each of the accounts that he gave, to the extent that in our view no reliance can be placed on this aspect of his evidence. We return below<sup>1</sup> to consider his evidence in the context of his own firing.

<sup>1</sup> Paragraphs 51.138–161

**47.43** In our view the weight of the evidence of the soldiers of Mortar Platoon, coupled with the evidence of civilians to which we have referred above, establishes that no nail or blast bombs exploded in Sector 2. We should record at this point that in our view no nail or blast bombs were thrown or exploded in any other sector.

**47.44** Later in this report<sup>1</sup> we consider, and reject, the submission made by the representatives of the majority of represented soldiers,<sup>2</sup> that wounds sustained by Patrick McDaid and Pius McCarron may have been caused by nail bombs.

<sup>1</sup> Paragraphs 55.301–302 and 55.358

<sup>2</sup> FS7.1534; FS7.1611; FS7.1621

**47.45** We consider below the evidence of soldiers of Mortar Platoon of the throwing of nail or blast bombs that according to them did not explode. We also consider below their evidence relating to acid and petrol bombs.

# Chapter 48: The cocking of rifles by Mortar Platoon soldiers

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**48.1** According to Rule 4<sup>1</sup> of the Yellow Card (the instructions for opening fire in Northern Ireland which we have discussed earlier in this report<sup>2</sup>): *“Your magazine/belt must always be loaded with live ammunition and be fitted to the weapon. Unless you are about to open fire no live round is to be carried in the breech, and the working parts must be forward. Company Commanders and above may, when circumstances in their opinion warrant such action, order weapons to be cocked, with a round in the breech where appropriate, and the safety catch at safe.”*

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

<sup>2</sup> Paragraphs 8.121–123

**48.2** In his oral evidence to this Inquiry, Major Loden, the Company Commander of Support Company, told us that he did not give any authority for weapons to be cocked.<sup>1</sup> We have no reason to doubt his evidence on this point.

<sup>1</sup> [Day 347/8](#)

**48.3** If the magazine of a 7.62mm self-loading rifle (SLR) is loaded and fitted to the weapon, the action of cocking the rifle puts a round into the breech. If the safety catch is then moved from safe, pulling the trigger will fire the round. Thus cocking the weapon in advance reduces the time required to fire it.

## Evidence of the soldiers concerning the cocking of rifles

### Lieutenant N

**48.4** Lieutenant N did not in his evidence address the question of when he first cocked his own weapon. However, in his oral evidence to this Inquiry,<sup>1</sup> he denied that he had ordered Sergeant O to cock his weapon, or given Sergeant O permission to do so, at or about the time when his platoon moved off to go through Barrier 12. He said that to give such an order or permission would have been wrong because at that stage there was no clear perception of danger or need to use rifles. However, as we explain below, since Sergeant O gave evidence in 1972 that Lieutenant N gave him permission for weapons to be cocked, it seems to us that Lieutenant N is mistaken in his recollection and that he did give such permission.

<sup>1</sup> [Day 322/141-146](#)

### Private INQ 1918

**48.5** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 1918 said that he could not remember whether his rifle had been cocked when he disembarked from Lieutenant N's vehicle and arrested a civilian. He said that the safety catch would certainly have been on.<sup>2</sup>

<sup>1</sup> [Day 342/108](#)

<sup>2</sup> [Day 342/133](#)

### Corporal 162

**48.6** This soldier gave no evidence about whether, and if so when, he cocked his rifle.

## Lance Corporal V

**48.7** In his RMP account,<sup>1</sup> Lance Corporal V stated that he cocked his weapon when he heard shots as he disembarked from Lieutenant N's APC. He also heard two explosions.

<sup>1</sup> B788

**48.8** According to his written statement for the Widgey Inquiry<sup>1</sup> and his oral evidence to the Widgey Inquiry,<sup>2</sup> just before he disembarked he had heard two explosions, and so he cocked his rifle as soon as he disembarked. As he was running forward, he heard single shots and saw spurts from the ground to his right.

<sup>1</sup> B801

<sup>2</sup> WT13.11

**48.9** As we have already noted, in his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal V said that he could no longer remember hearing the explosions or the single shots, or seeing the spurts from the ground. He said that he could not explain why his RMP statement and his statement for the Widgey Inquiry differed as to the order in which the shots, the explosions and the cocking of his rifle occurred.<sup>2</sup>

<sup>1</sup> Day 333/55-56

<sup>2</sup> Day 333/103-105

**48.10** For reasons given above, we do not accept that Lance Corporal V heard shots when he disembarked from Lieutenant N's APC. He may have mistaken the sound of baton rounds for explosions and it may have been these sounds that caused him to cock his rifle at this point.

## Lance Corporal INQ 768

**48.11** In his written account to this Inquiry,<sup>1</sup> Lance Corporal INQ 768 stated that after disembarking he went immediately to the rear of his vehicle. Although he had no actual recollection, he believed that he would have had his weapon cocked at this stage.

<sup>1</sup> C768.3

## Private Q

**48.12** Private Q did not say when he cocked his rifle, but he told the Widgey Inquiry that it was not cocked when he disembarked from Lieutenant N's APC and began to move towards the Rossville Flats.<sup>1</sup> We have no grounds for suggesting that Private Q was wrong about this.

<sup>1</sup> B636

## Private S

**48.13** In his RMP account, Private S stated that his weapon was cocked from the time when he took up his position by the wall at the back of the Chamberlain Street houses.<sup>1</sup>

<sup>1</sup> B692

**48.14** In his statement for the Widgery Inquiry, Private S recorded that he and the other soldiers in Lieutenant N's vehicle came under fire as soon as they disembarked, and that he cocked his weapon as soon as he came under fire.<sup>1</sup> In his oral evidence to the Widgery Inquiry, he again said that he cocked his weapon as soon as he came under fire.<sup>2</sup>

<sup>1</sup> B707

<sup>2</sup> WT12.103

**48.15** For the reasons we have given earlier in this report,<sup>1</sup> we are of the view that the soldiers from Lieutenant N's APC did not come under fire when they disembarked. It follows that we do not accept Private S's evidence of the reason why he cocked his weapon.

<sup>1</sup> Paragraphs 26.44–60

## Corporal P

**48.16** In his RMP statement,<sup>1</sup> Corporal P described moving forward from Little James Street in an APC. In the same paragraph, and before describing his disembarkation, he said that his rifle was cocked with a round in the breech and the safety catch applied. This indicates to us that he cocked the weapon no later than while he was moving into the Bogside in Sergeant O's vehicle.

<sup>1</sup> B576

**48.17** In his statement for the Widgery Inquiry,<sup>1</sup> Corporal P acknowledged that his earlier statement had given the impression that he had cocked his rifle while he was in the vehicle, but he said that in fact he had cocked it only upon disembarking from the vehicle to make arrests.

<sup>1</sup> B592-593

**48.18** In his oral evidence to this Inquiry, Corporal P said that he did not know why there was a difference between the two statements that he made in 1972 on this point. He agreed that he could not now say whether what he had said in his RMP statement about the matter was true or not. He also said that what he had put in his statement for the Widgery Inquiry

“was my recollection at the time”, and denied that he had realised or had suggested to him that it would be foolish to admit that his weapon had been cocked while he was still inside the vehicle.<sup>1</sup>

<sup>1</sup> Day 353/15-16; Day 353/64-65; Day 353/83-85

**48.19** Warrant Officer Class II Lewis, the Company Sergeant Major of Support Company, recorded in his written statement to this Inquiry<sup>1</sup> that as the soldiers of Support Company embarked into their vehicles, he saw a soldier cock his weapon before entering the APC ahead of the command vehicle. He thought that this soldier was Corporal P. Warrant Officer Class II Lewis told us that he was annoyed and decided to speak to the soldier when they returned to barracks, but in the event never did. In his oral evidence,<sup>2</sup> Warrant Officer Class II Lewis explained that he had not been in doubt as to the identity of the soldier at the time, but after so many years could not be entirely sure that it had been Corporal P. This paragraph of Warrant Officer Class II Lewis’s statement was put to Corporal P when the latter gave oral evidence.<sup>3</sup> Corporal P agreed that he could not now say whether or not, if he was the soldier seen by Warrant Officer Class II Lewis, it was true that he had cocked his rifle before embarkation. He was then asked whether he would have cocked his rifle on instructions or of his own volition. He said that he would have been instructed, but that he could not assist as to whether he had been given any order.

<sup>1</sup> B2111.013

<sup>3</sup> Day 353/65-66

<sup>2</sup> Day 353/31-32

**48.20** On the basis of what Corporal P told the RMP, it seems to us that it is more likely than not that he cocked his weapon at some stage before he disembarked from the APC.

## Private R

**48.21** In his RMP account,<sup>1</sup> Private R stated: “*We debussed from the Humber and I heard the sound of shots from the flats area. I cocked my weapon. I was detailed to cover the vehicle. The vehicle suddenly drove off and located itself outside No 1 Block Rossville Flats. I moved through the crowd to the vehicle.*”

<sup>1</sup> B658

48.22 In his written statement for and oral evidence to the Widgery Inquiry,<sup>1</sup> Private R stated that he cocked his rifle when he heard shooting as he ran across the waste ground to catch up with Sergeant O's vehicle. He was asked how much time elapsed after he had disembarked before the shooting started, and he replied: "*As long as it takes you to run, say 50 yards with my sort of kit on.*"<sup>2</sup>

<sup>1</sup> B670; WT13.73

<sup>2</sup> WT13.79

48.23 In his written statement to this Inquiry,<sup>1</sup> Private R said that when he disembarked from the vehicle he heard incoming fire, which "*sounded roughly as if it was coming from the area of the Rossville Flats*". He did not say when he cocked his weapon. It was suggested to Private R in the course of his oral evidence to this Inquiry<sup>2</sup> that these accounts were inconsistent. He said that his current recollection was that he heard incoming fire and cocked his weapon after disembarking from Sergeant O's vehicle but before it moved off.

<sup>1</sup> B691.002

<sup>2</sup> Day 337/87-90

48.24 We do not accept that Private R heard incoming fire. The evidence of those soldiers who preceded him into the Rossville Flats car park does not suggest that at this time there was such fire. It is possible, though in our view unlikely, that he heard either Lieutenant N's shots up the Eden Place alleyway, or those fired by Corporal P in Sector 3, which we discuss in our consideration of the events of that sector.

## Private 006

48.25 This soldier gave no evidence about whether and if so when he cocked his rifle.

## Private U

48.26 In his RMP account Private U stated that he cocked his rifle as he jumped out of Sergeant O's vehicle in Rossville Street.<sup>1</sup> However, according to his statement for the Widgery Inquiry,<sup>2</sup> he did not cock his rifle until after he had arrested a man and taken him back to the junction of William Street and Rossville Street. On his way back down Rossville Street, Private U saw soldiers at the entrance to the car park of the Rossville Flats firing at a gunman in its far corner, and it was at that point that he cocked his rifle. In his oral evidence to the Widgery Inquiry,<sup>3</sup> Private U again stated that he cocked his rifle while moving back down Rossville Street after handing over the arrested man. In this account,

he said that he cocked his weapon because he had seen the fall of shots on the waste ground between Eden Place and Pilot Row, and that he had not seen any of the soldiers in the area of the car park firing.

<sup>1</sup> B748-749

<sup>3</sup> WT13.96-97

<sup>2</sup> B767

**48.27** In his written account to this Inquiry,<sup>1</sup> Private U stated only that he could not remember whether he had cocked his weapon before the incident, which we consider below, in which he opened fire, although he thought that he probably had. In his oral evidence to this Inquiry,<sup>2</sup> Private U said that he could not explain the difference between his RMP statement and the evidence that he gave to the Widgery Inquiry on this point. He said that he did not recall whether he had cocked his weapon as he jumped out of Sergeant O's vehicle, but that he would have had no reason to lie to the RMP about the matter.<sup>3</sup>

<sup>1</sup> B787.006

<sup>3</sup> Day 369/133

<sup>2</sup> Day 369/45-46

**48.28** In our view Private U's RMP account is to be preferred to what he said later and accordingly it seems to us that at the latest he had cocked his weapon as he disembarked from Sergeant O's APC.

## Sergeant O

**48.29** In his first RMP statement<sup>1</sup> Sergeant O recorded that his own rifle "*had been cocked on moving forward from my position*". It is not clear from this statement to what position he was referring, but in his written account for the Widgery Inquiry,<sup>2</sup> he stated that he was "*told we could cock our weapons*" during a quick briefing that he received from Lieutenant N before deployment. He had his own weapon cocked and ready, but with the safety catch on, from the time he left Little James Street. He said that if his men had heard or seen him cock his weapon, they would have done the same without further orders.

<sup>1</sup> B440

<sup>2</sup> B468

**48.30** In his written statement to this Inquiry,<sup>1</sup> Sergeant O confirmed that evidence, adding that although he did not tell his men to cock their weapons, he heard them doing it inside the APC after he had cocked his rifle. His oral evidence to this Inquiry<sup>2</sup> was to the same effect, although he explained that he could not say that each of his soldiers had cocked his weapon in the APC, "*but I would imagine the people who seen me cock my weapon ... would have cocked theirs as a natural response*".

<sup>1</sup> B575.110

<sup>2</sup> Day 335/20-21; Day 336/6-10

## Private T

48.31 Private T gave no evidence about the cocking of his weapon.

## Private INQ 1579

48.32 In his written account to this Inquiry,<sup>1</sup> Private INQ 1579 stated that when he disembarked from Sergeant O's APC he cocked his weapon with the safety catch on. He said that this was "*standard procedure ... in this sort of situation*".

<sup>1</sup> C1579.4

48.33 From the foregoing it will be seen that many of the soldiers from Mortar Platoon, including Lieutenant N, ignored or contravened the provisions of the Yellow Card as to when they were permitted to cock their weapons.

## The relevance of when soldiers cocked their rifles

48.34 It was submitted that the evidence of when the soldiers cocked their weapons demonstrated their willingness and eagerness to fire live rounds on Bloody Sunday.<sup>1</sup>

<sup>1</sup> FS1.605

48.35 We do not accept this submission as a general proposition. In our view on its own the cocking of weapons at an early stage indicates only that soldiers prepared themselves to shoot without delay. Without instructions this was contrary to the Yellow Card, but the soldiers had been told that they were going into an area in which paramilitaries were known to operate. To our minds the cocking of weapons alone does not, even with hindsight, show that soldiers were willing and eager to fire live rounds, but only that they prepared themselves to fire without delay should they come up against paramilitary attack. We accept Sergeant O's denial that he cocked his weapon so as to be ready to shoot people. "*Not ready to shoot people; I cocked my weapon so that I could defend myself if the need arose.*"<sup>1</sup> We have found no assistance in reaching conclusions on why the soldiers fired from what they said about cocking their weapons.

<sup>1</sup> Day 336/6

# Chapter 49: The question of gunfire directed at the soldiers

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**49.1** Earlier in this report<sup>1</sup> we concluded that the evidence of the soldiers who disembarked from Lieutenant N's APC did not persuade us that any of them came, or might have come, under fire as – or soon after – they got out of the vehicle.

<sup>1</sup> [Paragraphs 26.44–60](#)

49.2 We now address the rest of the evidence of the soldiers of Mortar Platoon relating to incoming fire. We first consider their evidence relating to incoming fire generally and then, in the context of examining the evidence of firing by the soldiers, what they said in some cases about firing by their targets.

## Evidence of the soldiers from Lieutenant N's Armoured Personnel Carrier

### Lieutenant N

49.3 In his written statement for the Widgery Inquiry,<sup>1</sup> Lieutenant N recorded that during the period in which he was occupied around Eden Place he was aware of firing, but that none of it affected him directly and he could not say exactly when it began or ceased. In his oral evidence to the Widgery Inquiry,<sup>2</sup> Lieutenant N said that he had heard no other shots at the stage when he had fired up the Eden Place alleyway or when a little later he had shot at a man he said was a nail bomber at the southern end of the back of the Chamberlain Street houses. In his written statement for the Widgery Inquiry,<sup>3</sup> he also recorded that in the period after his vehicle had been used to retrieve the bodies from the rubble barricade (an event that occurred after the main firing in Sectors 2, 3, 4 and 5 and which we consider hereafter), he heard several shots that appeared to be fired towards Army vehicles standing outside the Rossville Flats. For reasons given when considering the later events of Sector 3, we are sure that soldiers fired the shots that Lieutenant N heard at this stage.

<sup>1</sup> B399

<sup>3</sup> B401

<sup>2</sup> WT12.67-69

49.4 In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lieutenant N also said that the shots fired at the vehicles after the collection of the bodies were the first that he had heard, other than the shot that hit the drainpipe on the Presbyterian church, which we discussed when considering the events of Sector 1.

<sup>1</sup> WT12.67; WT12.69; WT12.72; WT12.79

49.5 In his oral evidence to this Inquiry,<sup>1</sup> Lieutenant N said that he no longer recalled the shots fired at the vehicles after the collection of the bodies. He told us that he had “*no aural memory at all of that day*”.<sup>2</sup>

<sup>1</sup> Day 322/114

<sup>2</sup> Day 323/29

**49.6** On any view there was very substantial rifle fire by soldiers after Mortar Platoon had come into the Bogside and before bodies had been retrieved from the rubble barricade. It is difficult to understand how Lieutenant N could have failed to hear at least some of the firing by the soldiers. We considered whether the accounts that he gave at the time of hearing no gunfire were intended by him to relate exclusively to incoming fire, as opposed to firing by soldiers, but though this is a possibility, his oral evidence to the Widgery Inquiry is couched in terms that would seem to refer to firing from any source.

## Corporal 162

**49.7** As we have observed above, Corporal 162 made no reference in his RMP statement to incoming fire as he ran from the APC towards the Eden Place alleyway.<sup>1</sup> He made no reference to any such gunfire in the rest of that statement, in which he described taking an arrested person from Sergeant O near the southern end of the back of the Chamberlain Street houses, bringing him back to Lieutenant N's APC and then driving that vehicle to Block 1 of the Rossville Flats. We have described the circumstances of this arrest, which was of William John Doherty, earlier in this report.<sup>2</sup>

<sup>1</sup> B1960

<sup>2</sup> Chapter 40

**49.8** We have already considered<sup>1</sup> Corporal 162's evidence to this Inquiry of hearing what he believed to be automatic fire on disembarking from Lieutenant N's APC. In his written statement to this Inquiry,<sup>1</sup> he described what he then heard as follows:

"I cannot recall hearing any more shots of automatic fire. There were certainly no other specific shots which made me look up or look in any particular direction. I never saw any particular individuals shooting and neither did I see anyone shooting at me. I just remember hearing noises in the background. I heard a number of weapons being fired but I do not know whether they were rubber bullet guns or other weapons."

<sup>1</sup> Paragraphs 26.10–13

<sup>2</sup> B1962.003

## Lance Corporal V

**49.9** We have considered earlier in this report<sup>1</sup> Lance Corporal V's RMP statement of hearing the sound of shots as he disembarked from Lieutenant N's APC.<sup>2</sup> However, as already noted, Lance Corporal V, in his evidence to the Widgery Inquiry, seems to have altered his account, as he told that Inquiry that as he was running forward behind Private S he heard the sound of single shots and saw bullets hitting the ground somewhere to his right, which as far as he could judge were high velocity and had come from the alleyway

between Blocks 1 and 2 of the Rossville Flats. He also told the Widgery Inquiry that when Private S was firing towards the passageway between Blocks 1 and 2 (an incident we consider later in this report), he could see flashes coming from that direction, but could not hear shots.<sup>3</sup>

<sup>1</sup> Paragraphs 26.14–17

<sup>3</sup> B801; WT13.11

<sup>2</sup> B788

**49.10** In his RMP statement,<sup>1</sup> Lance Corporal V recorded: “*Firing was taking place at us from several positions with several different types of weapons.*” After giving a description of firing at a man whom he stated he had seen throw a bottle with a fuse attached (another incident we consider later in this report<sup>2</sup>), he stated: “*The firing still continued from the flats area.*”<sup>3</sup>

<sup>1</sup> B788

<sup>3</sup> B789

<sup>2</sup> Paragraphs 51.80–100

**49.11** Lance Corporal V also told the Widgery Inquiry<sup>1</sup> that at a later stage, after Sergeant O’s APC had been moved back to the “*other side of the road*” and his snatch squad commander was conducting an ammunition check, “*There was still occasional firing of single high velocity shots from the right hand side of the flats*”. It is clear from Lance Corporal V’s oral evidence to the Widgery Inquiry<sup>2</sup> that by “*other side of the road*”, he meant the north end of Block 1 of the Rossville Flats.

<sup>1</sup> B802

<sup>2</sup> WT13.14

**49.12** In his written statement to this Inquiry,<sup>1</sup> Lance Corporal V told us that after disembarkation from the APC he heard a burst of machine gun fire and saw bullets hit a wall between him and a soldier who was in front of him. He believed that the gunfire came from the area of the Rossville Flats and that it was directed at him. It is not entirely clear from his account when this is said to have happened. However, he had in this account previously described getting out of the APC and approaching a man in uniform who was by a wall. Earlier in this report,<sup>2</sup> we have considered that incident, which involved the Order of Malta Ambulance Corps volunteer Charles McMonagle and also Private S; and which took place close to the wire fence that ran along the edge of the Eden Place waste ground. It may be that Lance Corporal V was intending to refer to a time after that incident.

<sup>1</sup> B821.003

<sup>2</sup> Paragraphs 31.1–14

**49.13** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal V said that he had no present recollection of hearing single shots and seeing the spurt of bullets hitting the ground, as described in his statement for the Widgery Inquiry. He also said that he did not now have

“an actual clear-cut memory” of automatic fire hitting a wall, as described in his written statement to this Inquiry, but that “*what stands out in my mind is the fact that, if the memory is correct, it was orange brick dust that was being bounced out of the walls the round was hitting*”. As to why he did not refer to automatic fire hitting a wall in his statement for the Widgery Inquiry, he accepted that it was possible that his memory was deceiving him, but said that “*there was a lot of fire coming at us and maybe I have only just remembered that bit*”. He said that he now had no clear recollection of seeing flashes coming from the direction of the Rossville Flats while Private S was firing.<sup>2</sup> He was unable to explain why the account given in his RMP statement of incoming fire from several different positions and weapons was not repeated in his evidence to the Widgery Inquiry.<sup>3</sup>

<sup>1</sup> Day 333/55-59

<sup>3</sup> Day 333/109-114

<sup>2</sup> Day 333/80

## Private S

**49.14** As we have described above, in his first RMP statement<sup>1</sup> Private S made no mention of coming under fire as he disembarked from Lieutenant N's APC. He described taking up what he called a defensive position at the back of the last-but-one house at the Rossville Flats end of Chamberlain Street. He made no mention in this or later statements of the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle, in which he and Lance Corporal V were involved and which took place close to this location. He did, however, give an account of incoming fire at the time when he fired shots, to which we return later in this report.<sup>2</sup>

<sup>1</sup> B692

<sup>2</sup> Paragraphs 51.44–74

**49.15** We have also considered above the accounts that Private S gave in this statement and in his second RMP statement<sup>1</sup> of seeing nail bombs thrown from the Rossville Flats, which he retracted as “*not really correct*” in his written statement for the Widgery Inquiry.<sup>2</sup>

<sup>1</sup> B703

<sup>2</sup> B707

**49.16** In his second RMP statement,<sup>1</sup> Private S recorded that he had seen a gunman fire about six shots from a ground floor window in Block 1 at soldiers deployed around Sergeant O's APC. However, in his oral evidence to this Inquiry,<sup>2</sup> Private S said that we should not rely on this account as accurate. When questioned further about this, he accepted the suggestion that this account was untrue. He told us, as he had about his account of seeing nail bombs, that this part of his RMP statement had probably been inserted for him by the RMP. Again, we have found no evidence to support this assertion, and indeed

were left in doubt whether or not Private S was in fact saying that the RMP had done this.<sup>3</sup> We return to this part of Private S's evidence later in this report,<sup>4</sup> when we consider the evidence he gave of his own firing.

<sup>1</sup> B703

<sup>3</sup> Day 332/16-20; Day 332/65-74

<sup>2</sup> Day 331/73-77

<sup>4</sup> Paragraphs 51.44–74

**49.17** In his written statement for the Widgery Inquiry,<sup>1</sup> and in his oral evidence to that Inquiry,<sup>2</sup> Private S said that he had seen Sergeant O fire one or two shots towards the south-east corner of the car park. Shortly before this happened, Private S had shouted to Sergeant O that the latter was under fire. Private S indicated on the model used at the Widgery Inquiry the direction from which the incoming fire had come, but his transcribed answer that "*some fire came from somewhere over this region here*" does not make clear which direction it was. Private S thought that this incident had taken place in the interval between the final two series of shots he stated he had exchanged with a gunman in the passage between Blocks 1 and 2 of the Rossville Flats.

<sup>1</sup> B708

<sup>2</sup> WT13.3-4

**49.18** In his evidence to this Inquiry, in addition to stating that he recalled incoming rounds as he disembarked from Lieutenant N's APC (which we have considered earlier in this report), Private S referred to incoming fire in the context of the incident in which he opened fire himself and which we return to consider later in this report. He also told us that he remembered seeing Sergeant O apparently engaging a target. He confirmed this in his oral evidence to this Inquiry,<sup>1</sup> where he said that he had a vague memory of Sergeant O being under fire. Private S said that he did not think that Sergeant O had been aware that he was under fire.

<sup>1</sup> Day 331/76

## Lance Corporal INQ 768

**49.19** We have already observed that Lance Corporal INQ 768 gave no evidence in 1972 and have considered his evidence of hearing automatic fire when he was at the back of an APC. For the reasons we have given earlier<sup>1</sup> we believe that he mistakenly identified the APC as that of Sergeant O. He told us<sup>2</sup> that he did not recall hearing any other incoming fire, apart from the shot that had hit the Presbyterian church, which we have considered in our discussion of the events of Sector 1.

<sup>1</sup> Paragraphs 24.7–17

<sup>2</sup> C768.3

## Private Q

**49.20** We have described earlier in this report<sup>1</sup> the evidence that Private Q gave in 1972, of disembarking from Lieutenant N's APC, following a baton gunner who was running towards what he described as the forecourt of the Rossville Flats and hearing "*four or five single low velocity shots*" when he and the baton gunner had reached the north end of the Rossville Flats. He described this firing as taking place about 45 seconds or a minute after he had disembarked from the APC, but said that he could not locate the source of the gunfire and that during the whole of the operation in the Bogside he was not aware of any firing being directed at him or the other soldiers from his APC.<sup>2</sup>

<sup>1</sup> Paragraph 26.23

<sup>2</sup> B624; B636; WT12.86; WT12.93-95

**49.21** We have already rejected the account that Private Q gave us of incoming fire as he ran forward.

## Private 013

**49.22** Private 013 was the baton gunner whom Private Q followed towards the Rossville Flats.

**49.23** As we have noted earlier in this report,<sup>1</sup> in his RMP statement<sup>2</sup> Private 013 recorded that when he moved into the car park of the Rossville Flats he heard gunfire and saw two or three bullets strike the ground behind him on his right. He could not say from which block of flats the shots came.

<sup>1</sup> Paragraphs 26.30–32

<sup>2</sup> B1406

**49.24** In his written statement to this Inquiry, Private 013 told us that after he disembarked he could hear "*bangs going off all around me*", but he did not know their source and said that they "*could have been from us*". Later in the statement he told us: "*I cannot say we were shot at but my senses told me that it was a gun battle.*"<sup>1</sup>

<sup>1</sup> B1408.003-004

**49.25** Private 013 did not give oral evidence.

## Private 019

**49.26** Private 019 was the other baton gunner from Lieutenant N's APC. We have already concluded, for the reasons we have given earlier,<sup>1</sup> that we should place no reliance on either the account that he gave at the time or his evidence to us of hearing shots when he was at the Eden Place alleyway. He gave no evidence of hearing incoming shots at any other stage during the events of Sector 2.

<sup>1</sup> [Chapter 30](#)

## Private INQ 1918

**49.27** Private INQ 1918 was Lieutenant N's radio operator. We have discussed earlier<sup>1</sup> the incident at the Eden Place alleyway in which he arrested Duncan Clark and took him back with Lieutenant N to their APC. We have also considered<sup>2</sup> his evidence to us of hearing high velocity gunfire when he was with Lieutenant N at the Eden Place alleyway and of hearing Thompson sub-machine gun fire at some stage, and concluded that it would be unwise to rely upon his recollections of firing. He himself acknowledged that so far as the Thompson sub-machine gun fire was concerned, his memory could well have been derived from another occasion,<sup>3</sup> while we formed the view that his recollection of high velocity shots was probably of those fired by Lieutenant N up the Eden Place alleyway.

<sup>1</sup> [Paragraphs 30.13–35](#)

<sup>3</sup> [Day 342/99-102](#)

<sup>2</sup> [Paragraphs 26.6–9](#)

**49.28** We now turn to the evidence relating to incoming fire of those in Sergeant O's APC.

## Evidence of the soldiers from Sergeant O's Armoured Personnel Carrier

**49.29** For the reasons we have given earlier in this report,<sup>1</sup> we consider that the six soldiers who disembarked from Sergeant O's APC when it stopped briefly in Rossville Street were probably Corporal P, Private 017, Private R, Private U, Private 112 and Private 006.

<sup>1</sup> [Chapters 32 and 34](#)

## Corporal P

**49.30** As we have described above,<sup>1</sup> Corporal P and Private 017 went to the western side of Rossville Street, near Kells Walk, after they disembarked from Sergeant O's APC.

<sup>1</sup> [Paragraph 32.3](#)

**49.31** In his first RMP statement,<sup>1</sup> Corporal P described then coming under “*heavy stoning and bottling*” after which the baton gunner with him fired a number of rubber bullets. He then gave an account of firing two shots himself at a nail bomber. He referred to incoming fire only in the context of his account of what happened after these incidents, stating that he and the baton gunner came under fire as they advanced towards the rubble barricade, when he fired four shots at a man behind the barricade who appeared to be holding a pistol. We return to Corporal P’s account when discussing the events of Sector 3.

<sup>1</sup> [B576-578](#)

**49.32** In his statement for the Widgery Inquiry,<sup>1</sup> Corporal P described incoming fire at an earlier stage. He said that he and the baton gunner he was with came under fire “*from roughly the direction of the barricade*” when they first reached the wall to the south of Kells Walk. Two shots appeared to pass overhead. He thought that these were high velocity shots. He gave a similar account in his oral evidence to the Widgery Inquiry.<sup>2</sup>

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

<sup>2</sup> [B597; WT13.46](#)

**49.33** In his written statement to this Inquiry,<sup>1</sup> Corporal P told us that he could no longer remember hearing any weapons being fired. In his oral evidence to this Inquiry,<sup>2</sup> he said that he did not know why the incoming fire at the earlier stage was not described in his RMP statement, and denied that he had embellished his evidence to the Widgery Inquiry on this point.

<sup>1</sup> [B623.002](#)

<sup>2</sup> [Day 353/32](#)

## Private 017

**49.34** In his first RMP statement,<sup>1</sup> Private 017 referred to incoming fire only in the context of his account of an incident in which he fired his baton gun at a man alleged to have been carrying a pistol or revolver, who approached him from the alley between Columbcille Court and Glenfada Park North. Private 017 stated that after firing a baton round at the man, he turned and ran, and as he did so he heard two small calibre weapon shots behind him, as if the man had fired twice at Private 017 or other soldiers. We return to this incident when considering the events of Sector 3.

<sup>1</sup> [B1472-1473](#)

**49.35** In his written statement for the Widgery Inquiry,<sup>1</sup> Private 017 recorded that soon after he and Corporal P had taken up position at the wall south of Kells Walk, he heard two high velocity shots. He believed that these might have come from around the area of the

Rossville Flats, but was not sure of the direction of fire. He then again described the two small calibre shots fired after he turned away from the man at whom he had fired a baton round.<sup>2</sup>

<sup>1</sup> B1482

<sup>2</sup> B1483

**49.36** In his written statement to this Inquiry,<sup>1</sup> Private 017 told us that he thought that he had heard shots while at the north-east corner of Block 1 of the Rossville Flats. However, he also described his position as being at about the point he marked E on a plan,<sup>2</sup> ie on the east side of Rossville Street at the turning leading into the car park. In his oral evidence to this Inquiry,<sup>3</sup> he said that in fact he had been near the point marked F on the plan, ie on the west side of Rossville Street near the wall south of Kells Walk, and that he thought that the shots had been high velocity. He could not recall how many shots he had heard. He again referred to hearing shots while in this position in his written statement to this Inquiry,<sup>4</sup> in which he told us that he did not know where the shots were coming from, did not think that they were aimed at him, and could not say whether they were high velocity. He told us that he could not be certain whether the man with the pistol had fired at him, but thought that he had.<sup>5</sup> He stated that by the time he returned to his vehicle at the north end of the Rossville Flats he had heard shots, but did not know from where they had come or at whom they had been fired.<sup>6</sup>

<sup>1</sup> B1484.003

<sup>4</sup> B1484.004; B1484.008

<sup>2</sup> B1484.010

<sup>5</sup> B1484.005; B1484.008

<sup>3</sup> Day 358/51-53

<sup>6</sup> B1484.005

**49.37** In his supplementary written statement to this Inquiry,<sup>1</sup> Private 017 told us that he heard a lot of shooting during the day, the source of which he could not locate, and that he believed that the man with the pistol had fired at him. However, in his oral evidence to this Inquiry,<sup>2</sup> he said that he was not sure whether the man with the pistol had fired at him, and did not remember hearing shots behind him as he moved away.

<sup>1</sup> B1484.023

<sup>2</sup> Day 358/79-80

## Private R

**49.38** We have already described how, according to his first RMP statement, Private R had been detailed to cover the APC, so that when it was driven on after he had got out, he “*moved through the crowd to the vehicle*”.<sup>1</sup> In that statement he recorded that when he

disembarked, he heard the sound of shots from the flats area. He also stated that as he reached Sergeant O's APC, *"I again heard the sound of shots. There were many shots both high velocity and low velocity from about 6 different weapons."*

<sup>1</sup> B658-659

**49.39** In his written statement for the Widgery Inquiry,<sup>1</sup> Private R recorded that he heard firing as he was running to catch up with the vehicle, and that after he reached it – but before he fired at a man whom he stated was throwing a smoking object – he could hear *"weapons being fired from our side of the flats, and I heard our SLR's [self-loading rifles] firing"*. We consider the firing by Private R later in this report.<sup>2</sup>

<sup>1</sup> B670

<sup>2</sup> Paragraphs 51.165–195

**49.40** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that he heard low calibre and high calibre weapons being fired as he ran after the APC. When asked from which direction the gunfire was coming, he used the model of the area available to that Inquiry to illustrate what he was saying, with the result that the transcribed answer is only partially intelligible: *"I am quite certain, I think there was somebody shooting down from this direction towards the men and from the flats area down about here in the gaps of the flats."* He appeared to say that he had run about 50 yards when the shooting started,<sup>2</sup> and that the shooting began *"Half way along as I came into the open space of the actual flats itself"*. He was asked to confirm that the firing was coming from the Rossville Flats and replied: *"Yes, and also there were people shooting from the alleyways along there. There were one or two people with pistols firing down there."*<sup>3</sup>

<sup>1</sup> WT13.73

<sup>3</sup> WT13.80

<sup>2</sup> WT13.79

**49.41** In his written statement to this Inquiry,<sup>1</sup> Private R told us that he heard both high and low velocity incoming fire when he disembarked from Sergeant O's vehicle. The firing sounded *"roughly as if it was coming from the area of the Rossville Flats"*. The high velocity shooting had a high-pitched crack suggestive of an M1 carbine or ArmaLite. In addition, there was a thumping noise, suggestive of a Thompson sub-machine gun, and continuous firing from what sounded like a starting pistol. Private R stated that he could still hear both high and low velocity incoming fire when he had caught up with the vehicle and taken up a position at its rear, and that high velocity fire still seemed to be coming from the vicinity of the Rossville Flats at the time when he fired at the man who was throwing a smoking object. There was a series of short bursts fired close together, but he could not be sure that it was automatic fire.<sup>2</sup> He also told us that he was still under

the impression that incoming fire was taking place at the stage when he was receiving treatment for acid burns near Major Loden's vehicle (a matter we consider later in this report<sup>3</sup>), although the shooting was not at the same intensity as before.<sup>4</sup>

<sup>1</sup> [B691.002](#)

<sup>3</sup> [Chapter 51](#)

<sup>2</sup> [B691.003](#)

<sup>4</sup> [B691.004](#)

**49.42** In his oral evidence to this Inquiry,<sup>1</sup> Private R said that his current recollection was that he heard incoming fire after disembarking from Sergeant O's vehicle in Rossville Street and before it moved off.

<sup>1</sup> [Day 337/87-90](#)

## Private U

**49.43** We have already expressed the view that we cannot rely on Private U's evidence of hearing automatic fire as the APC drove into the Bogside.<sup>1</sup> As we have also described above,<sup>2</sup> according to his RMP statement,<sup>3</sup> Private U arrested a man about 15 yards up Eden Place and took him back to an Army vehicle parked on Rossville Street. He was with a baton gunner, Private 112. This was the arrest of Charles Canning, which we have discussed above.<sup>4</sup> According to this statement, Private U then went to the north-west corner of Block 1 of the Rossville Flats:

"I then came under fire from the waste ground at the far end of Rossville Flats. Between myself and this waste ground there was a barricade across Rossville Street. It was about three feet high and formed of rubble. The rioters were gathered around and behind this barricade but they were beginning to thin out by this time. I heard about thirty gunshots while I was in this position but could not tell where they were coming from."

<sup>1</sup> [Paragraphs 24.39–40](#)

<sup>3</sup> [B748-749](#)

<sup>2</sup> [Paragraphs 34.4–8](#)

<sup>4</sup> [Chapter 35](#)

**49.44** In his statement for the Widgery Inquiry,<sup>1</sup> Private U recorded that as he moved towards the Rossville Flats after disembarking in Rossville Street, he heard four or five low velocity automatic shots. He did not see where this gunfire had come from or where it went. As he was taking an arrested civilian back to the junction of William Street and Rossville Street, three or four low velocity automatic shots were fired from behind him and landed near him on the open ground. After handing over the civilian, he went back up Rossville Street towards the Rossville Flats, and saw soldiers at the entrance to the car park firing at a gunman in its far corner. As he was running, he saw four or five automatic

shots landing near Major Loden's vehicle ahead of him. He stated that during the time he was at the north-west corner of Block 1, he heard "*sporadic firing from behind me in the direction of the forecourt of the Rossville Flats*".<sup>2</sup>

<sup>1</sup> B767

<sup>2</sup> B769

**49.45** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private U said that he could not remember whether he had heard firing between disembarkation and the arrest of the civilian, but said that when he made the arrest he heard shots fired and saw them fall about 9ft away from him. He said that he believed that the first shots that he heard after disembarkation came "*from the area of Glenfada Park*".<sup>2</sup> He told the Widgery Inquiry that after handing the man over, he returned to Eden Place and saw the fall of shots in the waste ground between there and Pilot Row.<sup>3</sup> He also said that he had heard small calibre gunfire in the car park that and could see a man firing from the area for the Rossville Flats.<sup>4</sup> He did not say at what stage this occurred, but said that he had included this in his statement, which presumably means that it is a reference to the gunman in the corner of the car park he had described in his written statement for the Widgery Inquiry.<sup>5</sup> He said that as he was running to the Rossville Flats he saw three or four shots fall by Major Loden's vehicle, but did not see from where they had come.<sup>6</sup> The answers he gave the Widgery Inquiry<sup>7</sup> suggest that he was saying that there were three sets of shots: one as Private U arrested a man; another as he returned to the corner of Eden Place; and a third (involving the shots that came close to the command vehicle) as he ran across open ground. He said that by the time he reached the north-west corner of Block 1, most of the firing had died down but also that while he was there, he heard about 15 to 20 low and high velocity shots fired from the area of the car park.<sup>8</sup>

<sup>1</sup> WT13.96

<sup>5</sup> B767

<sup>2</sup> WT14.2

<sup>6</sup> WT13.97

<sup>3</sup> WT13.96

<sup>7</sup> WT13.96-97

<sup>4</sup> WT14.2-3

<sup>8</sup> WT13.97; WT13.100

**49.46** In his written statement to this Inquiry,<sup>1</sup> having referred to incoming fire before disembarkation from the APC (evidence that we have considered earlier in this report<sup>2</sup>), Private U stated that he thought that it was as he was escorting the civilian that a second burst of gunfire rang out. This was low velocity fire. He thought that there were about four or five shots, which hit the ground, and seemed to have been fired from an elevated position to the south, possibly in Block 2 or Block 3. He stated that he did not now remember an additional burst of gunfire between disembarkation and the arrest of the civilian, nor did he now recall seeing soldiers in the entrance to the car park firing at a gunman, or automatic fire landing near Major Loden's vehicle.<sup>3</sup> Private U also stated that

while at the north-west corner of Block 1 of the Rossville Flats, he could hear shooting coming from the car park “*and further south from there*”<sup>4</sup> but could not tell what type of shooting it was. He thought that he could also hear high velocity fire coming from the area of Glenfada Park North.<sup>5</sup> He told us that he thought that the 30 shots mentioned in his first RMP statements were probably these shots from the car park and Glenfada Park North.<sup>6</sup>

<sup>1</sup> B787.005

<sup>4</sup> B787.007

<sup>2</sup> Paragraphs 24.38–40

<sup>5</sup> B787

<sup>3</sup> B787.010

<sup>6</sup> B787.010

**49.47** In his oral evidence to this Inquiry,<sup>1</sup> Private U was unable to explain the differences between his first RMP statement, his written statement for the Widgery Inquiry and his oral evidence to that Inquiry on the question as to whether he heard incoming fire after disembarkation and before he arrested the civilian, and on his alleged sighting of a gunman in the area of the car park. He said that he could not remember whether he was aware of gunfire in the area at the time when he effected the arrest.<sup>2</sup> He also said that he did not know why he had not mentioned to the RMP the firing that occurred while he was escorting the civilian, and although he told us that he was told to deal with what he had done as opposed to what he had seen and heard,<sup>3</sup> this is difficult to reconcile with the fact that he did describe other firing in his RMP statement. In contrast to his written statement to this Inquiry, in which he told us that he did not recall coming under fire as he moved to the north-west corner of Block 1 of the Rossville Flats,<sup>4</sup> Private U said that he did remember hearing gunfire as he moved to that corner, but could not say what type of gunfire it was.<sup>5</sup> He said that while at the north-west corner of Block 1, he heard gunfire from several directions. He told us his present recollection was that some of this gunfire came from “*towards Glenfada Park*” and some from the car park area.<sup>6</sup>

<sup>1</sup> Day 369/31-36; Day 369/54-57; Day 369/168-173

<sup>4</sup> B787.005

<sup>2</sup> Day 369/41

<sup>5</sup> Day 369/47-48

<sup>3</sup> Day 369/43-45

<sup>6</sup> Day 369/58

## Private 112

**49.48** Private 112 was a baton gunner of Mortar Platoon who had disembarked from Sergeant O’s APC when it stopped briefly in Rossville Street. As we have noted earlier in this report,<sup>1</sup> this witness told us that he was an alcoholic, that his memory was blurred and that a lot of things had become “*intermingled with other things that have happened on previous riots*”.<sup>2</sup>

<sup>1</sup> Paragraph 34.2

<sup>2</sup> Day 320/86

**49.49** We have referred to Private 112's RMP statement<sup>1</sup> earlier in this report.<sup>2</sup> As we observed, in that statement he made no mention of arresting anyone, though for the reasons we have given, we are sure that he was involved with Private U in the arrest of Charles Canning.

<sup>1</sup> B1730

<sup>2</sup> Paragraphs 34.1–3

**49.50** In his RMP statement,<sup>1</sup> Private 112 gave this account:

“About 1610 hrs I was deployed on the waste ground off Rossville St. From this position I could hear shots being fired which were coming from the area of the Flats. These shots I would say was of low velocity, Thompson Sub Machine Gun. At the same time rioting was in progress on the waste ground off Pilot Row and I heard shots passing over my head, again these shots were low velocity and came from the direction of Rossville Flats the exact position I do not know as everything happened so fast.”

<sup>1</sup> B1730

**49.51** In his written statement to this Inquiry,<sup>1</sup> Private 112 told us that he heard low velocity gunfire, which he stated might well have been Thompson sub-machine gun fire, although he did not think that he would have specified the type of weapon to the RMP. In the same statement,<sup>2</sup> Private 112 recorded that he heard sporadic gunfire while he was trying to disperse the crowd on the waste ground. He could not tell from which direction it was coming, but it sounded like a gun battle. He said: “*By this, I mean that I heard a shot and then a split second later another shot and I assumed that somebody was firing from one direction and that shots were being returned from a different direction.*” He told us that it seemed to him that he was hearing both high and low velocity weapons.

<sup>1</sup> B1732.004; B1732.007; B1732.008

<sup>2</sup> B1732.004

**49.52** In his oral evidence to this Inquiry,<sup>1</sup> Private 112 first said that he was as sure as he could be about this – that he remembered hearing low velocity automatic fire, and that this is what he would have told the RMP. However, he later accepted that he might have been wrong in thinking that he had heard low velocity fire, as there were so many thumps and bangs and explosions going on, of various kinds, that what he thought was low velocity firing might not have been; and he told us that he could not remember what he was doing when he heard what he thought was automatic fire.

<sup>1</sup> Day 320/104-106; Day 320/134-136; Day 320/149-150

**49.53** It is unclear from the evidence of Private 112 where on the waste ground he was when, according to his RMP statement, he heard automatic fire. On the basis of his accounts this was at the stage when, as he put it, rioting was in progress on the Eden Place waste ground, and there was firing from different directions. However, at the stage when people were on the Eden Place waste ground in any numbers, there was in our view no exchange of firing of that kind. It seems to us, especially since he accepted in his oral evidence to this Inquiry that he could have been mistaken about hearing low velocity fire, that it would be unwise to rely upon Private 112's evidence that he heard low velocity automatic gunfire or indeed any incoming fire.

## Private 006

**49.54** We have earlier described<sup>1</sup> how, according to Private 006's RMP statement,<sup>2</sup> Private 006 and Private 037 (the driver of Major Loden's command vehicle) arrested William John Dillon and took him back to an APC in Rossville Street. In his RMP statement, after dealing with this arrest, Private 006 continued:

"I heard shooting break out and took cover. I was not able to locate where the shots came from – I was separated from the vehicle and members of the squad and saw that the vehicle had moved to a position about ten yards from Block 1 of the flats. As I ran to rejoin the Squad as the crowd had moved to the rear of the flats."

<sup>1</sup> Paragraph 33.1

<sup>2</sup> B1375

**49.55** In his written statement to this Inquiry,<sup>1</sup> Private 006 told us that all that he could remember hearing was the sound of self-loading rifles (SLRs). Apart from the shot that hit the drainpipe on the side of the Presbyterian church (which we have considered in the context of Sector 1), he did not describe incoming fire anywhere else in his evidence.

<sup>1</sup> B1377.005

**49.56** We now turn to consider the evidence of the soldiers who disembarked when Sergeant O's APC stopped in the Rossville Flats car park.

## Sergeant O

**49.57** In his first RMP statement,<sup>1</sup> Sergeant O recorded that after arrests had been made, he was by the rear of his APC when he heard shots and saw rounds strike the side of 36 Chamberlain Street and the ground between the house and his APC. There were four to five weapons of mixed calibre firing. He said that during the subsequent incidents,

in which he fired his rifle, he and his section were under constant small arms fire from several positions in the Rossville Flats area.<sup>2</sup> We return to the firing by Sergeant O later in this report.<sup>3</sup>

<sup>1</sup> B440

<sup>3</sup> Chapter 51

<sup>2</sup> B441

**49.58** Sergeant O appeared in the Thames Television This Week programme *Northern Ireland – Two Sides of the Story*, broadcast on 3rd February 1972. He said in this programme that as the soldiers of his section started to move arrested civilians back to the APC, they came under fairly heavy fire from the Rossville Flats.<sup>1</sup> He thought that the firing came from at least four or five positions and from a multiplicity of different types of weapon. The soldiers put the civilians into the back of the APC and then took up firing positions. They started to locate the gunmen and return the gunfire.

<sup>1</sup> X1.17.11-X1.17.14. The transcript refers to Sergeant O as “Sgt 1”.

**49.59** Sergeant O told the interviewer that there was a lot of firing going on around him as he fired at three gunmen. As well as seeing people firing, he saw the strikes of their rounds, particularly against one soldier in his platoon, who “*took quite a bit of stick at one time, but came through it*”.

**49.60** In his statement for the Widgery Inquiry,<sup>1</sup> Sergeant O recorded that the initial burst of firing occurred after he had arrested a man and handed him to a lance corporal, and was following them both back to his APC. This was the arrest of William John Doherty, which we have discussed earlier in this report.<sup>2</sup>

<sup>1</sup> B467

<sup>2</sup> Chapter 40

**49.61** According to this statement, Sergeant O thought that some of the firing was low velocity. He described seeing “*only one fall of shot ... on the back corner of 36 Chamberlain Street*” during the initial firing, but he also described “*another fall of shot, between the pig and the Chamberlain Street wall*” at a later stage, after he had engaged his first target. He stated that by the time he had fired at his second target, the firing was “*beginning to slacken off*” and that there was “*no sustained fire at us now, just pot shots at us*”.<sup>1</sup>

<sup>1</sup> B468

**49.62** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Sergeant O described the initial incoming fire as “*low velocity and possibly some high velocity*”, and said that he saw it hit the corner of the wall at the back of 36 Chamberlain Street. He said that the incoming fire that followed was the most intense in a short space of time that he had seen in Northern Ireland. On other occasions more rounds had been fired, but over a far longer period.<sup>2</sup> He also

said that there would have been about 20 or 30 shots in the initial burst of gunfire, and that there was then continuous gunfire for about two or three minutes, at the end of which about 80 to 100 shots had been fired.<sup>3</sup>

<sup>1</sup> WT13.27

<sup>3</sup> WT13.38

<sup>2</sup> B482

**49.63** Sergeant O was interviewed, probably in 1989, as part of the research that resulted in the Channel 4 Secret History documentary *Bloody Sunday* made by Praxis Films Ltd. He is recorded as having said in his first Praxis interview<sup>1</sup> that he was escorting one of the rioters back to the APC when the shooting began. He was armed only with a baton. The soldiers came under “*very heavy fire*”. He was standing in the middle of it. The snatch operation became a “*watch and shoot operation. It was a gun battle.*” Individual engagements were taking place, in which soldiers were spotting gunmen, firing back, having fire returned, and “*taking him out*”. The soldiers “took out” the gunmen fairly quickly. The shooting could not have lasted for more than four or five minutes. He said that he did not think that it lasted much longer than three or four minutes.<sup>2</sup>

<sup>1</sup> O21.1-O21.2

<sup>2</sup> O21.5

**49.64** A further interview of Sergeant O was conducted for the same programme on 14th May 1991 by John Goddard, Tony Stark and Neil Davies. Sergeant O is recorded as having said in this interview<sup>1</sup> that he had arrested a man and passed him to another soldier to be put into the APC, and as he turned round the firing started. The incoming fire was hitting a wall beside him, “*banging up to the back end of Chamberlain Street*”. Another soldier was there as well as Sergeant O. The gunfire was coming from above ground in the Rossville Flats. It was the heaviest fire that he had heard in Northern Ireland, but that did not mean that it had been particularly heavy. A burst of ten rounds would have been heavy. It was automatic fire. He did not want to discuss any gunmen he might have seen, but said that he did not fire at anyone who did not have a weapon in his hand.

<sup>1</sup> O22.58-O22.60; O22.69

**49.65** Peter Taylor interviewed Sergeant O on 28th November 1991 for the BBC Inside Story documentary *Remember Bloody Sunday*. Sergeant O is recorded as having said in this interview that firing began from the area of the Rossville Flats as he brought a civilian to the back of his vehicle.<sup>1</sup> The gunfire was coming from three or four weapons. It was the highest concentration of gunfire that he had heard in Northern Ireland. This was “*a quick sort of burst of maybe 20, 30 rounds from various weapons*”. There was a strike on the

ground between him and the wall on his left. He passed the civilian to a lance corporal and moved to the front of his vehicle, where he was “*opposite one of the people who was armed*”. The soldiers now started to look for targets and return fire.

<sup>1</sup> [I538-I540](#)

**49.66** Sergeant O said that there was a strike of a number of rounds on the ground in front of him and another strike of three or four rounds on the corner of the wall at the end of Chamberlain Street.<sup>1</sup> The incoming fire was not sporadic. There were “*quite a few shots fired over a very short space of time into the area where we were standing*”. He estimated that the initial burst of gunfire, before any of the soldiers returned fire, consisted of “*20–30 rounds, maybe less, maybe more I don’t really know*”.

<sup>1</sup> [I542-I546](#)

**49.67** In his written statement to this Inquiry,<sup>1</sup> Sergeant O told us that the initial incoming fire consisted of about 20 to 30 rounds fired in bursts from what appeared to be four or five, or perhaps three, positions around the Rossville Flats. It was a mixture of high and low velocity fire, and was the heaviest that he had yet heard in Northern Ireland. He saw bullets strike the ground to his left and the rear wall of 36 Chamberlain Street. Further on in his statement,<sup>2</sup> he indicated that the shots that struck the ground had been fired at a later stage, when, according to his account, Private S was engaging a gunman in the gap between Blocks 1 and 2 of the Rossville Flats. (This was also the upshot of his oral evidence to this Inquiry.<sup>3</sup>) He stated that it had been his “*ball park guess*” that about 80 incoming shots had been fired in all, but that there could have been 60 or 120.<sup>4</sup>

<sup>1</sup> [B575.113](#)

<sup>3</sup> [Day 335/49-53; Day 336/21-23; Day 336/137-139](#)

<sup>2</sup> [B575.123](#)

<sup>4</sup> [B575.121](#)

**49.68** In his oral evidence to this Inquiry, Sergeant O said that he was next to the nearside front wheel of his APC when the firing started. When it was pointed out to him that he had told the RMP that at this time he had been at the rear of the vehicle, he said that the vehicle was very small and that he “*obviously*” could not give his exact position.<sup>1</sup> He also told us that he had not been aware of any automatic fire, and that all or most of the incoming shots had been low velocity. He said that the answer in which he told the Praxis interviewers that he had heard automatic fire was wrong, and that he did not remember giving that answer.<sup>2</sup> He denied that he had overestimated the number of shots because of

the echo effect reverberating around the three blocks of the Rossville Flats; and he also told us that when the incoming fire started, there were still people trying to get out through the two alleyways.<sup>3</sup>

<sup>1</sup> Day 336/24

<sup>3</sup> Day 335/54

<sup>2</sup> Day 335/48-49

**49.69** Sergeant O was asked about the shots that Lieutenant N had fired up the Eden Place alleyway:<sup>1</sup>

“Q. Were you aware of the firing by Lieutenant N?

A. Was I, what, sorry?

Q. Aware of the firing by Lieutenant N?

A. No, I was not.

Q. Were you aware Lieutenant N had fired shots further down the wasteground?

A. No, I did not.

Q. Did you not hear them?

A. Not to my knowledge, no.

Q. If you did not hear him firing, could it be the firing you heard was in fact his firing?

A. I doubt it very much because an SLR has got a very distinctive crack and the stuff that was initially fired at me was not an SLR that was firing.

Q. You are aware, as an experienced soldier, the distorting effect in a built-up area of high buildings?

A. Yes.

Q. Are you not able to accept that the shots that were fired by Lieutenant N could have been misinterpreted by you?

A. No, I would not accept that.

Q. How can you explain, then, that you did not hear Lieutenant N's shots?

A. Because Lieutenant N was down behind me and I believe – I could be wrong on this – but I believe he was firing up an alleyway, which was in an entirely different direction from where I was facing.

Q. He was standing at the corner of a building on the wasteground?

A. He was firing down an alleyway, therefore the sound, the main sound would have went down the alley, away from me. Therefore it is perfectly logical that I would not have heard it.

Q. You did not hear any of that?

A. Correct.”

<sup>1</sup> Day 336/31-33

#### 49.70

In his oral evidence to the Widgery Inquiry, Sergeant O was asked how it was that while according to him some 80 to 100 shots had been fired at the Army in the space of two or three minutes, no soldier had been wounded or touched by that gunfire.<sup>1</sup>

“Q. Round about 80 to 100 shots fired in this few minutes?

A. Yes.

Q. At soldiers who were actually engaged in an arrest operation?

A. Yes.

Q. Whoever was firing, they must have been very bad shots, must they not?

A. And also very stupid.

Q. Very stupid and very bad shots?

A. Yes.

Q. Because firing from those positions, in the positions you have described, it would have been like shooting a goldfish in a barrel, would it not?

A. Those are your words; not mine.

Q. Would you not agree that one could hardly miss from those positions?

A. I would agree that a trained man could not miss from those positions.

Q. Or, I suggest, a blind man could not have missed from these positions, firing those number of shots.

LORD WIDGERY: You need not answer that.”

<sup>1</sup> WT13.38

49.71 In his written statement to this Inquiry,<sup>1</sup> Sergeant O told us:

“The firing was not controlled, not the usual type of deliberately aimed sniper fire. If it had been more controlled, then I am sure me and some of my men would have been hit. We were very lucky that we were not, and my impression is that it was inexperienced people in the Rossville Flats who had control of these weapons and that is why we avoided any serious casualties. I am fairly sure that there were no hard IRA men there when we first entered the Bogside. Those that did have the weapons were not particularly good at using them.”

<sup>1</sup> [B575.113](#)

49.72 Later in this statement Sergeant O added:<sup>1</sup>

“On this day, however, we were not faced with a sniping incident. My Pig arrived in the courtyard of the Rossville Flats as a total surprise to the local people and I think that they took the view that they were being invaded by the army. I became aware that the IRA had agreed to stay out of the area well after the event when speaking with a television journalist, Peter Taylor. I think that it is probably true that the IRA had kept their hard men out of the area, up in the Creggan estate, and I believe that ‘dicks’ or second rate men got hold of low quality weapons which were in the Rossville Flats ready for use and disobeyed the IRA and opened fire on us. If experienced IRA snipers had been firing the weapons, there is no doubt that the paras [paratroopers] would have lost a number of men. If any of us had been killed, my guess is that there would have been no inquiry in 1972 or now. I think that better gunmen arrived on the scene later and various other shooting incidents took place.”

<sup>1</sup> [B575.122](#)

49.73 When Sergeant O was asked, during his oral evidence to this Inquiry, about this passage in his written statement, there was this exchange:<sup>1</sup>

“Q. ...That is put forward, is it not, as a hypothesis to explain why, despite your recollection that a large number of shots were fired, none of them hit a single soldier even though there were scores of soldiers on the ground?

A. No, that is not correct, it is not I am putting forward that type of hypothesis. That is just my feelings of how the thing developed in Londonderry on that day. That is how the whole thing built. I think they were completely shocked that we had went so far into their no-go area. McGuinness may have did the thing and kept his men out of the

area, I do not – I have no reason to doubt that, but I think the wrong people got the wrong weapons and I think they walked into it.

Q. That is your –

A. That is my opinion, that is just how I feel about it.

Q. One hypothesis which the Tribunal will have to consider is that the reason why no single soldier was hit was either because there was no firing at the soldiers at all, or nothing like the fire that you and others have described. Is that, in truth, the position?

A. Is that, what, sorry?

Q. In truth the position?

A. No, it is not the position: we were fired upon; we returned fire. There is no doubt in my mind whatsoever about that.”

<sup>1</sup> Day 335/119-120

**49.74** Later in his oral evidence to this Inquiry,<sup>1</sup> Sergeant O said that no soldiers were hit, “*I think because the people who had the weapons were low grade*”. He also told us that he did not know whether his APC had been hit.

<sup>1</sup> Day 336/49

## Private T

**49.75** We have already referred to Private T’s RMP statement<sup>1</sup> earlier in this report.<sup>2</sup> This statement was principally concerned with this soldier’s account of bottles containing acid and other missiles being dropped from the balconies of the Rossville Flats and of his firing two shots at a man on the balcony above him, to which we return later in this report.<sup>3</sup>

<sup>1</sup> B725

<sup>3</sup> Chapter 51

<sup>2</sup> Paragraphs 37.17–18

**49.76** Private T made no mention in that statement of any incoming fire.

**49.77** In his statement for the Widgery Inquiry,<sup>1</sup> Private T recorded that after the soldiers disembarked from the APC, the civilians in the car park of the Rossville Flats began to throw stones and other missiles. At about this time he heard a burst of low velocity fire coming from inside the car park, but could not see from where it was coming or in which direction it was going. He stated that he subsequently heard a lot of shooting of all types in the area.<sup>2</sup>

<sup>1</sup> B735

<sup>2</sup> B735-736

49.78 In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private T said that the initial firing came about 30 to 45 seconds after disembarkation, and that it could have been either a burst of gunfire or a semi-automatic rifle being fired very quickly. The sound came from “*Somewhere actually inside the area of the Rossville Flats, inside the centre*”. He said: “*After the main burst of firing had died down we were just fired at in ones and twos.*”<sup>2</sup> He told the Widgery Inquiry that he was in the car park throughout the whole of the operation, but had seen no-one firing at the troops.<sup>3</sup>

<sup>1</sup> [WT13.88](#)

<sup>3</sup> [WT13.93](#)

<sup>2</sup> [WT13.91](#)

49.79 As we have already noted, Private T is dead and gave no evidence to this Inquiry.

## Private INQ 1579

49.80 As we have described above,<sup>1</sup> Private INQ 1579 was the driver of Sergeant O’s APC. He gave no evidence in 1972.

<sup>1</sup> [Paragraph 37.21](#)

49.81 In his written statement to this Inquiry,<sup>1</sup> Private INQ 1579 told us that firing began almost immediately after he disembarked. He heard several shots. He stated: “*The easy thing to say now is that it was high velocity fire that I heard, since civilians had such capability at the time.*” He was certain that the fire was incoming, because he heard bullets strike the ground “*and I would have seen them at the time but I cannot remember seeing this for sure now*”. He told us that he also heard bullets hitting metal. In his oral evidence to this Inquiry, Private INQ 1579 said that he presumed that this “*could have been the vehicle being hit*”. He also said that he was sure that the gunfire was incoming because “*I seen it in and around the vehicle*”.<sup>2</sup> He was asked why he was now saying positively that he had seen the strike of bullets around his position, and said that he “*must have remembered it*”.<sup>3</sup>

<sup>1</sup> [C1579.4](#)

<sup>3</sup> [Day 336/199-203](#)

<sup>2</sup> [Day 336/169-170](#)

## Consideration of the evidence of incoming gunfire

49.82 We have already considered and rejected, for the reasons given earlier in this report,<sup>1</sup> the evidence suggesting that the Mortar Platoon APCs were fired on as they drove into the Bogside and that gunfire was directed at the soldiers from Lieutenant N’s APC as, or soon after, they disembarked.

<sup>1</sup> [Paragraphs 24.38–40](#) and [26.44–57](#)

**49.83** So far as the soldiers of Mortar Platoon from Lieutenant N's APC are concerned, there is no evidence from Lieutenant N of hearing any incoming fire until after all the casualties in all the sectors had occurred, and for reasons we give later in this report<sup>1</sup> we are of the view that the shots at that late stage that he attributed to paramilitaries firing at Army vehicles were in fact fired by soldiers. Corporal 162 gave no evidence in 1972 of hearing paramilitary fire. Lance Corporal V gave inconsistent accounts of hearing incoming fire, and in view of this and what we regard as the untruthful accounts he gave of his own firing, we place no reliance on his evidence. Private S gave evidence of incoming fire as he disembarked from Lieutenant N's APC, which we do not accept for the reasons given earlier in this report;<sup>2</sup> his remaining accounts of incoming fire relate to the stage at which he was firing himself, which we consider later in this report.<sup>3</sup> Lance Corporal INQ 768 told this Inquiry that he had heard incoming automatic fire while he was at the back of his vehicle, but this is unsupported by the accounts given at the time by the other soldiers in the area and we place no reliance on it.

<sup>1</sup> Chapter 123

<sup>3</sup> Chapter 51

<sup>2</sup> Chapter 24

**49.84** Private Q gave evidence to the Widgery Inquiry of hearing four or five low velocity shots at the time when he took cover at the north end of Block 1 of the Rossville Flats. It seems to us that he might have heard handgun shots fired in Rossville Street, which we discuss elsewhere in this report.<sup>1</sup> Apart from this, he did not in the evidence that he gave in 1972, describe hearing any incoming shots as he made his way from Lieutenant N's APC to the north end of Block 1. We have earlier in this report<sup>2</sup> given our reasons for not relying on the evidence of Private 019 or Private INQ 1918 of hearing incoming fire. In view of Private 013's evidence to us, we place no reliance on his 1972 account of incoming fire.

<sup>1</sup> Chapters 74–75

<sup>2</sup> Chapter 30 and paragraphs 26.6–9

**49.85** As to the soldiers from Sergeant O's APC, Corporal P gave evidence of hearing two high velocity shots soon after disembarking from Sergeant O's APC in Rossville Street. Private 017 gave a similar account. For reasons given when discussing the events of Sector 3, we are of the view that these were two of the shots fired by Lieutenant N at the entrance to the Eden Place alleyway. Private 017 also gave evidence of a man firing a pistol from the alley between Columbcille Court and Glenfada Park North, which we also discuss in the context of Sector 3.

**49.86** Private R gave accounts of hearing incoming fire from low and high calibre weapons when he disembarked from Sergeant O's APC in Rossville Street and as he ran after that APC as it went into the car park of the Rossville Flats. We do not accept that this was the

case. At the stage when he was running after the APC, there were still many civilians in the area and, as we have said previously, it seems to us unlikely that any paramilitary would fire in those circumstances, given the risk to those civilians. Furthermore, we have found no other acceptable evidence to support Private R's accounts. As will be noted, Sergeant O did not suggest that there was any incoming fire until some time after he had disembarked in the car park.

**49.87** Private U gave confused and conflicting evidence about incoming fire. In addition, as we describe elsewhere in this report,<sup>1</sup> he gave in our view untruthful evidence about his own firing. We take the view that it would be unwise to rely upon his evidence of incoming fire.

<sup>1</sup> [Paragraphs 85.72–76](#)

**49.88** Private 112 gave an account of hearing low velocity Thompson sub-machine gun and other fire, but accepted in his evidence to us that it was possible that he might have been wrong because of all the other noise going on. We have already expressed the view that it would be unwise to rely on this soldier's evidence of incoming gunfire.<sup>1</sup>

<sup>1</sup> [Paragraph 49.53](#)

**49.89** Private 006 gave no evidence of hearing incoming fire.

**49.90** Sergeant O gave evidence of a great deal of incoming fire, which started after he had arrested William John Doherty, but which did not include automatic fire. Later in this report<sup>1</sup> we express our views of this evidence and for the reasons we give there reject the account he gave of incoming fire.

<sup>1</sup> [Paragraphs 64.32–47](#)

**49.91** Private T described incoming fire at what appears to be an earlier stage. He had made no mention of this in his RMP statement.

**49.92** Private INQ 1579 (the driver of Sergeant O's APC) told us that there was incoming fire almost immediately after he disembarked. We formed the view that Private INQ 1579 had no real or independent recollection of events.

**49.93** In these circumstances we are unpersuaded by their evidence that there was any gunfire directed at the Mortar Platoon soldiers as they drove into the Bogside, as they disembarked from their APCs or as they took up their respective positions. We consider below their evidence of incoming fire after the soldiers themselves started firing in the area of the car park of the Rossville Flats. Save for Private 017 (whose evidence of a man with a handgun on the other side of Rossville Street we consider elsewhere in this

report<sup>1</sup>), and Private Q, who might have heard handgun shots fired in Rossville Street, we are also unpersuaded by their evidence of hearing incoming fire, whether or not directed at them.

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

**49.94** We should note at this point that the representatives of the majority of represented soldiers relied upon the evidence of the civilians Julian Daly and Danny Deehan as showing that shots were directed at the soldiers as the APCs arrived.<sup>1</sup> Julian Daly told us that he was near the eastern side of Kells Walk as the soldiers jumped out of Lieutenant N's APC and almost immediately "*bullets hit the pavement perhaps two feet away from me to my right*".<sup>2</sup> He said that these could not have been rubber bullets.<sup>3</sup> Danny Deehan told us that he recalled hearing firing while he was running down Chamberlain Street or across the Rossville Flats car park before the APCs came to a halt.<sup>4</sup>

<sup>1</sup> [FS7.1344-1348](#)

<sup>3</sup> [Day 183/7-8](#)

<sup>2</sup> [AD2.4](#)

<sup>4</sup> [Day 102/27-28](#)

**49.95** We are not persuaded by the evidence of either of these witnesses that they heard or saw firing directed at the soldiers. Julian Daly's account seemed to be to the effect that shots were being fired by soldiers in his direction, not at soldiers as they disembarked. In our view, his memory was playing tricks on him; no soldier fired at this time and it seems to us unlikely that any paramilitary would have fired shots close to civilians. As we have explained earlier in this report, at the stage when the soldiers disembarked, there were numbers of civilians in the area and a photographer (Robert White) not far from where Julian Daly told us he was. In our view, Danny Deehan muddled the sequence of events. He had recorded nothing in his Northern Ireland Civil Rights Association statement about hearing shots before the APCs arrived,<sup>1</sup> and like Julian Daly, his evidence was to the effect that what he had heard was firing by soldiers.<sup>2</sup>

<sup>1</sup> [AD21.1](#)

<sup>2</sup> [AD21.3](#)

**49.96** The same representatives also relied on the evidence of Simon Winchester, who told the Widgery Inquiry that as he was running away towards the Rossville Flats from the Army vehicles coming into the Bogside, he heard a number of shots ("*less than ten*") that he thought were from behind him; and that he was convinced that these were not the sound of baton guns.<sup>1</sup> In our view, these were not shots directed at the soldiers, since according to Simon Winchester, they were from behind him, ie from the north, from where the

vehicles had come. Despite what Simon Winchester said, we consider that what he heard was firing of baton guns immediately after the soldiers in Lieutenant N's APC disembarked.

<sup>1</sup> [FS7.1349](#); [WT3.14](#)

**49.97** There was other evidence from some of those who travelled in Major Loden's command vehicle of incoming low velocity gunfire. We now turn to that evidence.

# Chapter 50: The question of low velocity gunfire directed at Major Loden and others

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## The evidence

**50.1** Earlier in this report we have referred to Major Loden's Diary of Operations<sup>1</sup> dated 31st January 1972, in which an account was given of various events of the previous day in chronological order. The entries for 1612 hours, 1617 hours and 1618–1635 hours were as follows:

"1612 The Coy was ordered to deploy down Little James to arrest rioters in William St. Due to the regrouping of the Coy, the Coy did not move until 1615. On arrival at Barrier 12 there was a delay while the barrier was opened. The rioters anticipated the ensuing action and began to withdraw towards Rossville Flats. The company followed them on to the open ground east of Rossville St and north of Rossville Flats. The leading pl, the Mor PI, finally stopped in the car park area east of the northern most block of flats.

1617 Three rounds struck the second pig of the Mor PI. My veh stopped on Rossville St/Pilot Row junction in the close vicinity of two rioters. The crew of my veh debussed to arrest these men. At this time a burst of approx 15 rounds of .45 calibre SMG were fired at my crew, but the rounds struck the ground 20m in front of the soldiers.

1618–1635 By this time the Coy had all debussed and were arresting rioters. The Anti Tk PI was West of Rossville St and the Composite PI was either side of Rossville and Behind the leading pls. A total of 28 arrests were made over a period of a few minutes. During the arrest phase the two forward pls were subjected to SA fire from the area of Rossville Flats and Glenshada Park [sic]. Two gelignite bombs exploded in the Car Park 20 m from the leading soldier of the Mor PI. Acid bombs were also thrown from the top storey of the flats, striking two soldiers on the legs. During the next 10 minutes or so, the engagements listed at Annex A took place. The stone throwing rioters had withdrawn from view except those beyond the Flats numbering some 300. During this phase 51 rubber bullets were fired at rioters, apart from those aimed 7.62mm rounds fired at gunmen, nail-bombers, and petrol bombers. The apparent disregard for the use of cover by these terrorists was very surprising.”

<sup>1</sup> [B2212](#)

**50.2** The reference to Annex A is a reference to the list that we have called Major Loden’s List of Engagements, which we examine elsewhere in this report.<sup>1</sup> “SMG” is an abbreviation for sub-machine gun. “SA” is an abbreviation for small arms.

<sup>1</sup> [Chapter 165](#)

**50.3** We have already observed that it appears that while some of the incidents recorded in this Diary of Operations were what Major Loden said that he had witnessed himself, the bulk of the entries came from what he said he had been told by others. For example, Major Loden told the Widgery Inquiry<sup>1</sup> that he was not convinced that the vehicles had been fired upon, although he had received a report that this “*could have happened*”, and he confirmed, in his oral evidence to this Inquiry,<sup>2</sup> that he had not seen three rounds strike the second Armoured Personnel Carrier (APC) of Mortar Platoon. For reasons given earlier, that is something that we are sure did not happen. As will be seen below, Major Loden also told the Widgery Inquiry that at no stage had he seen any civilian with a firearm or throwing a bomb.<sup>3</sup>

<sup>1</sup> [WT12.27-WT12.28](#)

<sup>3</sup> [WT12.23](#)

<sup>2</sup> [Day 342/49-50](#)

**50.4** The entry for 1617 hours refers to a burst of approximately 15 rounds of .45 calibre sub-machine gun fire that hit the ground 20m in front of the soldiers.

**50.5** Major Loden was in his command vehicle, which followed the two APCs of Mortar Platoon through Barrier 12 and along Rossville Street, stopping near the junction with Pilot Row.

50.6 In his written statement for the Widgery Inquiry dated 17th February 1972, Major Loden gave this account:<sup>1</sup>

“The Company drove through the barrier into the rioting crowd and outflanked a considerable number of them. We drove rapidly in order to split them up and to effect arrests. The Mortar Platoon which was leading, stopped with one vehicle near the East end of Eden Place and the other about 10 behind the southern-most house in Chamberlain Street just beyond the line of the Northern end of Block 1. My vehicle stopped at the junction of Pilot Row and Rossville Street in the close vicinity of two young men who had been throwing stones. The remaining vehicles all stopped on Rossville Street, between Eden Place and William Street, where the Anti-tank Platoon and Mortar Platoon debussed.

The crew of my vehicle debussed and we arrested the two young men. As we were carrying out these arrests, I heard a burst of about 15 rounds LV [low velocity] automatic fire. My signaller shouted at me that we were under fire. These were the first live rounds that I heard fired after we had gone through the barrier.

We had gone as far as the open ground immediately North of the Rossville Flats because this was where the majority of the rioters had run to and the object was to arrest as many of them as possible. In all we travelled about 250m from our start point. Had we not gone beyond William Street, we would not have made any arrests. Our tactic was to cut off those whom we were trying to arrest. It was my intention to carry out arrests and go firm in the general area where we had debussed i.e. the open ground North of Rossville Flats. As soon as we came under fire, the situation changed and the priority shifted from making arrests, to taking cover and defending ourselves from the attack of the gunmen and bombers. At this stage the half platoons and individual soldiers acted independently. I say half platoons because this represents a vehicle load. One of the two vehicles is commanded by the Platoon Commander and the other by the Platoon Sgt although the Platoon Commander retains overall command of both.

I returned to my vehicle with my crew and ordered the driver to move the vehicle forward to a position of cover against the Northern Wall of Block 1 Rossville Flats.”

<sup>1</sup> B2220

50.7 In Major Loden's oral evidence to the Widgery Inquiry there was this exchange:<sup>1</sup>

"Q. At any rate, that gives the position. When you got your vehicles into that position, what happened?

A. Well, the soldiers de-bussed from the vehicles and started to make arrests.

Q. Did you see any arrests made?

A. Yes.

Q. How many?

A. Well, there were two in the case of my own vehicle.

Q. Who arrested those?

A. My driver arrested one chap and the other person, I do not know. It was another soldier from behind me. I do not know who it was.

Q. Very close to your vehicle?

A. Yes, very close to my vehicle.

Q. Did anything happen then?

A. Well, as we got out of our vehicle and as these arrests were taking place a burst of about fifteen rounds of low velocity fire was directed at us. I heard it but I didn't see the strike of the shot and my signallers shouted to me, 'We are under fire' and they told me that they had seen the rounds strike the ground close to them, in fact, in front of them.

Q. You heard it, can you say from which direction?

A. From the direction of the Rossville Flats.

Q. Could you say high or low, or from the courtyard, or where?

A. I could not say at all.

Q. What happened then?

A. Well, I told my crew to get back into their vehicle. I moved my vehicle forward to a position of cover just north of No. 1 block of the Rossville Flats. In other words, there. (Indicating)

Q. Can you tell us, did you hear any more firing?

A. Yes, I heard continuous firing for about the next ten minutes.

Q. And were your men firing back?

A. Yes, they were.

Q. From your position could you see what they were firing at?

A. No, I couldn't."

<sup>1</sup> WT12.10

**50.8** Later in his oral evidence Major Loden told the Widgery Inquiry that the period from when he disembarked from the command vehicle and heard the low velocity shots until the subsequent shooting ended was "*about ten minutes*" and that there was firing going on all the time.<sup>1</sup> He also agreed that the low velocity firing he had described occurred very soon after he had disembarked, which was after the second Mortar Platoon APC (Sergeant O's APC) had reached the car park of the Rossville Flats and when people were running into the car park with soldiers behind them.<sup>2</sup>

<sup>1</sup> WT12.14

<sup>2</sup> WT12.37-WT12.38

**50.9** He also agreed that at no stage had he seen any civilian with a gun, shooting, or throwing a nail or petrol bomb.<sup>1</sup>

<sup>1</sup> WT12.23

**50.10** Major Loden, when asked about the low velocity gunfire, said that he had not been able to identify the weapon:<sup>1</sup>

"Q. Did you think this was a Thompson machine gun?

A. No, I said low velocity automatic fire.

Q. Let us get it clear. Are you saying you did not say it was a Thompson machine gun or you do not know whether it was a Thompson machine gun, or which?

A. All I am saying is that it was low velocity automatic fire.

Q. Could you not tell what sort of gun it was?

A. No, certainly not.

Q. Are you absolutely clear in your own mind that you could not identify what type of a gun it was which fired the low velocity automatic fire?

A. No, I would not be so presumptuous, because I have heard a large number of weapons fired in my career, both at me and by people on my side. People who rush around and say they have heard a Thompson machine gun are being presumptuous. All I can say is that it was low velocity automatic fire. I could not identify the weapon because I did not see it.”

<sup>1</sup> WT12.23

**50.11** A little later, however, Major Loden agreed that he had described the low velocity gunfire as Thompson sub-machine gun fire in an interview for Radio Telefís Éireann (RTÉ), though he explained that he had done so because the interviewer did not know very much about Army matters, and since a Thompson sub-machine gun was a weapon often described in Ireland, “*it was the best way of telling him it was low velocity fire*”.<sup>1</sup> He had told RTÉ that “*I myself, my own party of myself and two signallers, were clearly fired upon with a burst of Thompson sub-machine gun fire from the Rossville Flats which hit the ground about 25 yards in front of my men*”.<sup>2</sup>

<sup>1</sup> WT12.24

<sup>2</sup> B2282

**50.12** In his written evidence to this Inquiry, Major Loden told us:<sup>1</sup>

“34. I am not certain of the precise order of events when I got out of my vehicle. I recall grappling with a man, at least one man being arrested and incoming automatic gunfire. These events all happened relatively quickly and my best recollection now is that they were in the following order. When my vehicle came to a stop on Rossville Street, I got out along with my signallers and possibly driver. I was immediately confronted by a group of young men. I cannot remember how many: it was not more than 10, but at least 4. It seemed to me that they were deciding whether to attack. As they were sizing us up, I decided to take the initiative and to attempt to effect an arrest. In doing so I hit one of them with my baton, which broke. Two other soldiers joined me to help with arrests.

35. I cannot now remember how many of these young men we arrested certainly there was one. I became aware of a burst of automatic fire from a low velocity weapon. It seemed to come from the area of the Rossville Flats. I did not see the fall of shot, but one of my signallers (either Corporal 033 or Lance Corporal INQ 627) said to me that he had seen the bullets hit the ground about 20 yards in front of us (to the south).

36. As soon as we came under fire, the nature of the operation changed. I think now that I got my immediate team (of about four, as described above) into the command vehicle again and I ordered the driver to move the vehicle to the north gable wall of Block 1 of the Rossville Flats. This position provided some cover and meant that we were not exposed to any windows from the Rossville Flats from which we might have been fired on, as that is where I thought the firing had come from.”

<sup>1</sup> [B2283.005-B2283.006](#)

**50.13** Major Loden also told us that he did not think that he heard any more automatic fire after this.<sup>1</sup>

<sup>1</sup> [B2283.006](#)

**50.14** In his oral evidence to this Inquiry, Major Loden agreed that, very quickly after he had disembarked, he and his crew started to try and arrest at least two people and it was at that stage that he heard the burst of low velocity fire.<sup>1</sup> He also said in his oral evidence that he only ever heard this one burst of automatic fire.<sup>2</sup> He then gave the following answers to the Chairman:

“LORD SAVILLE: Colonel Loden, I wonder if I could intervene to make sure I understand the evidence you are giving: first of all you use the word ‘exceptional’. I understood that to mean ... the gunfire you heard incoming was exceptional because your experience in Belfast was that when your troops went in in force, paramilitaries tended to melt away.

A. That is correct, sir.

LORD SAVILLE: So that if we take the low velocity gunfire you heard, that was exceptional and no doubt surprised you because it did not seem to be what had happened in Belfast; is that right?

A. That is correct, sir.”

<sup>1</sup> [Day 342/60-61](#)

<sup>2</sup> [Day 344/74-75](#)

**50.15** As we have described earlier in this report, apart from Major Loden, the others in his command vehicle were the driver (Private 037) and Warrant Officer Class II Lewis (the Company Sergeant Major of Support Company), together with Lance Corporal 033 and Lance Corporal INQ 627, who were radio operators.

50.16 The driver, Private 037, gave a Royal Military Police (RMP) statement, but recorded nothing about seeing, hearing or reporting automatic gunfire at any stage. As we have described earlier in this report,<sup>1</sup> he was involved in the arrest of William John Dillon, and in our view he cannot have been far from the command vehicle at the time described by Major Loden.

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

50.17 Warrant Officer Class II Lewis made an RMP statement,<sup>1</sup> but this was concerned exclusively with the issuing of ammunition and with the ammunition counts that he and others conducted. He also appeared in the BBC documentary *Remember Bloody Sunday*, broadcast in 1992.<sup>2</sup> Peter Taylor interviewed him for that programme, and also quoted him in his book *Provos*.<sup>3</sup>

<sup>1</sup> [B2030](#)

<sup>3</sup> [B2111](#)

<sup>2</sup> [B2039](#)

50.18 In his first written statement to this Inquiry, Warrant Officer Class II Lewis gave the following account of what he witnessed when he disembarked from the command vehicle:<sup>1</sup>

“93. We then got out of the Pig and I distinctly remember that on getting out of the command vehicle on Rossville Street, I heard two shots, ‘bang, bang’ which were from a high velocity weapon and which I believed were incoming. It was definitely not the sound of rubber bullets. The shots were in the area, but not close to us. I had no sense of where they came from or went to; the area itself was susceptible to echoes and sounds could be distorted because of the echo from the flats. As I have said I would swear that the two bangs I heard were incoming shots, but they could be open to interpretation.

94. The crowd were running around on the waste ground there was a flurry of activity with soldiers and civilians. It was confusing and chaotic. I have been told that Lieutenant N fired shots above the heads of the crowd at the junction of Eden Place and Chamberlain Street. I am not aware of bangs coming from the area where Lieutenant N must have been i.e. to my left (east).

95. I saw that one of the Pigs in front of us had deployed to the left (east) and I saw other Pigs deploying to more forward positions. At least one other went forwards on the main road ie Rossville Street, towards an area where there were civilians by the Rossville Flats and towards a pile of rubble. I cannot recall whether any vehicles overtook us to reach those positions. I now know that it was Lieutenant N’s Pig that swung off to the left and Sergeant O’s Pig that went a bit further down the main road. I have been asked if I recall seeing someone knocked over by a Pig, but I do not.

96. Soldiers on foot were coming down passing our position on either side going down towards housing to the west of the Rossville Flats.

97. As I went round to the back of the vehicle I saw Corporal 33 pointing his rifle up at the Rossville Flats. He was one of Major Loden's signallers who had been in the command Pig with me. The driver may have been there too. I think the OC [Officer Commanding] was still inside with the other signaller.

98. I was slightly concerned when I saw Corporal 33. I went up to him and asked him what he was aiming at. He told me that he could see a gunman on a balcony. I stood behind him, placed my hand on his shoulder and looked up the barrel of his rifle. On a balcony there were people moving around, but I could not identify a weapon or a gunman. I think he saw that I was concerned by his actions and this relaxed him a little bit. My concern when I saw him was that he was aiming. I don't think he had any intention of firing and he was convincing to me that he had seen something, but I was able to calm him down. Corporal 33 did not fire but brought his rifle back down.

99. Contrary to what I am reported as saying at one stage in an interview with Peter Taylor I did not see two incoming low velocity rounds hitting the ground a short distance in front of our position at this stage. I don't know whether this is just wrongly recorded on the transcript or whether I was mistaken or confused. Mr Taylor was putting me under some pressure about the rounds I heard when we first deployed and the interview jumped around talking about different firing incidents. I am quite sure that I did not witness two low velocity rounds strike in front of Corporal 33. The two shots I did hear were those I have described in paragraph 93.

100. I should add that by this stage, Corporal 33 was wearing his respirator. Someone had used CS gas and it was strong enough for those around me to put their respirators on. I remember wearing my own respirator this day, although I cannot remember at exactly what stage I did this and at what stage I removed it."

<sup>1</sup> B2111.014-B2111.015

**50.19** In his oral evidence to this Inquiry, Warrant Officer Class II Lewis accepted that it was possible that the two shots he said he had heard could have been fired by Lieutenant N at the entrance to the Eden Place alleyway, only some 50 yards from Warrant Officer Class II Lewis's position, though he remained unsure about this and expressed himself as "*still rather convinced*" that he had not heard Lieutenant N's shots.<sup>1</sup> In our view, Warrant Officer Class II Lewis is likely to have heard two of Lieutenant N's shots, which we have described earlier in this report.<sup>2</sup> It should be noted that Private 005, the driver of one of

the vehicles that drew up behind the command vehicle, also told us that he heard high velocity shots at about this time, which he agreed could have been those fired by Lieutenant N at the entrance to the Eden Place alleyway.<sup>3</sup>

<sup>1</sup> Day 373/44-47

<sup>3</sup> Day 338/134

<sup>2</sup> Paragraphs 30.36–128

**50.20** Warrant Officer Class II Lewis agreed that he was the tall figure shown standing next to the command vehicle in the photograph we have shown earlier in this report (and also reproduced below) when describing the arrest of William John Dillon.<sup>1</sup>

<sup>1</sup> Day 373/47-48



**50.21** As to Lance Corporal 033, Warrant Officer Class II Lewis told this Inquiry that he had said to this soldier “*I do not think there is anything there*” and that Lance Corporal 033 had not said anything about the weapon he thought the gunman on the balcony was holding. When reminded that when interviewed by Peter Taylor he had said that Lance Corporal 033 had told him that the man had a pistol, Warrant Officer Class II Lewis said that he would “*go along*” with what he had recalled in that interview.<sup>1</sup> The evidence of Warrant Officer Class II Lewis suggests that Lance Corporal 033 was aiming at the top balcony of Block 2 of the Rossville Flats.<sup>2</sup>

<sup>1</sup> Day 373/49-50; Day 373/55

<sup>2</sup> Day 373/50-52

**50.22** When he was told that Lance Corporal 033 had denied in the course of his evidence to this Inquiry (which we consider below<sup>1</sup>) that he was the soldier whom Warrant Officer Class II Lewis had described, the latter said that he was positive that it was Lance

Corporal 033.<sup>2</sup> He also said that this incident occurred within two or three minutes of his disembarking from the command vehicle and after he had heard the two high velocity shots.<sup>3</sup>

<sup>1</sup> Paragraphs 50.29–39

<sup>3</sup> Day 373/57

<sup>2</sup> Day 373/52-53

## 50.23

In relation to the further account Warrant Officer Class II Lewis had given to Peter Taylor about seeing the strikes of two low velocity rounds on the ground, Warrant Officer Class II Lewis gave the following answers in the course of his oral evidence to this Inquiry:<sup>1</sup>

“Q. Thank you. If we then go on again to I597, we have read up to the part in which you recalled 033 saying that he had seen a man with a pistol up on the balcony?

A. Yes, sir.

Q. And you went on to say to Mr Taylor:

‘And as I, as I said that or as he said that to me, there was two clear indications of rounds hitting the ground – I would say less than five or ten yards from where I was standing. Two clear spots on the dead ground in the front of Rossville Flats.’

Mr Taylor asked:

‘Question: Are you sure of that?’

You said:

‘Answer: I am positive of that.

Question: Could not have been making it up?

Answer: No, I have no reason to make it up.

Question: High velocity rounds?’

You said:

‘Answer: No, I would say they were low velocity, now people have implicated they may have been rocks – er they were similar to the – the mark a rock would make when it is bouncing off – off loose soil, but these, these were clearly low velocity rounds hitting the ground, not too far away from where that soldier was standing.

Question: Could you tell from which direction they were coming?

Answer: They were coming from forward of where we were.’

Could we keep 598 on the screen, please.

Were you not very clearly saying to Mr Taylor that as you were speaking to this soldier, 033, about the gunman in the flats, two low velocity rounds hit the ground not too far away from where you were standing?

A. Yes, sir, that is how I recalled it in 1992, sir.

Q. What is your recollection today?

A. That the two shots there were being confused with two later shots that I saw from the position behind Kells Walk.

Q. The two later shots that you saw –

A. From the position behind Kells Walk, sir.

Q. You have said in your statement to this Inquiry that you are quite sure that you did not witness two low velocity rounds strike in front of Corporal 33?

A. Yes, sir.

Q. Are you quite sure of that?

A. As sure as I can be, sir.

Q. But it does appear that when you spoke to Mr Taylor, you were quite sure that the two rounds had struck close to you when you were talking to 033?

A. Yes, sir.

Q. And is there anything in particular that has made you change your mind about that?

A. No, only my own judgment, sir. I, I thought about it quite a bit. I thought well those two rounds could have been confused with the two rounds I later saw from the back end of Kells Walk, sir.”

<sup>1</sup> [Day 373/57-59](#)

## 50.24

We deal elsewhere in this report<sup>1</sup> with Warrant Officer Class II Lewis’s evidence about what he heard and saw at Kells Walk, when at a later stage there was firing from the low walls of the Kells Walk ramp by members of Composite Platoon.

<sup>1</sup> [Paragraphs 82.80–83](#)

50.25 At the end of Warrant Officer Class II Lewis's evidence, Counsel for the Tribunal came back to the question of what rounds this witness had observed after disembarking from the command vehicle and when he was with Lance Corporal 033:<sup>1</sup>

"Q. Let us just see if we can avoid confusion by looking at what you did say to Mr Taylor. First of all, can we look at page I596, please. There were three distinct matters that you dealt with. First of all, you referred to Mr Taylor, as you have referred in your evidence today, to the shots that you heard upon disembarking from the command vehicle?

A. Yes, sir.

Q. And you said in relation to them:

'I heard – I heard two positive high velocity shots the minute I deployed from my command vehicle.'

A. Yes, sir.

Q. 'I commanded – I deployed off the rear of the command vehicle and I heard clearly two high velocity shots.'

A. Yes, sir.

Q. So you were telling Mr Taylor that those shots that you heard on deployment were high velocity shots?

A. Yes, sir.

Q. Is that not right?

A. Yes, sir.

Q. Is that still your recollection?

A. Yes, sir.

Q. You then went on in your interview with Mr Taylor to refer to the soldier who you have identified as 033, who was aiming towards the Rossville Flats?

A. Yes.

Q. And you described what happened in relation to him and Mr Taylor asked you some questions and if we go on to the next page, 597, you describe the question that you asked, 'What are you firing at?' and his reply:

'I have seen a man with a pistol up on that balcony'?

A. Yes, sir.

Q. And you go on to say:

'As I said that or as he said that to me there was two clear indications of rounds hitting the ground – I would say less than five or ten yards from where I was standing. Two clear spots on the dead ground in front of Rossville Flats.'

If we go on to the next page, 598, there were some more questions and Mr Taylor asked you in relation to those rounds:

'High velocity rounds?

Answer: No, I would say they were low velocity. Now people have implicated they may have been rocks' and so on 'but these were clearly low velocity rounds hitting the ground.'

A. Yes, sir.

Q. Again, when you spoke to Mr Taylor it was clear enough, was it not, that you were telling him that the shots that hit the ground close to you and Corporal 033 were low velocity rounds?

A. Yes, sir, or, or rocks, or implicated they could have been rocks, yes, sir.

Q. Do you have any recollection today of that incident?

A. Yes, sir.

Q. You do have a recollection of something hitting the ground close to 033?

A. Yes, sir.

Q. Do you remember earlier on today saying that you did not have a recollection of that?

A. Yes, sir, this is where the confusion comes in, because I, I misread those two and then I recall the high velocity shots at Kells Walk and I thought maybe I could have been confusing those two, the two shots at Kells Walk.

Q. This is really our last chance to get this straight: is your evidence to this Tribunal today that there were two different sets of shots that you remember?

A. Yes, sir.

Q. One set of two shots that hit the ground near you and 033 and another set of two shots that hit the ground on the pavement in front of Kells Walk?

A. Yes, sir.

Q. But in relation to the shots that hit the ground near 033, you say it is possible that those were not in fact bullets but the strike of rocks?

A. It could have been, it could have been the strike of rocks, sir, because ground there was pretty dry and there was like a puff of dust.

Q. If we then go on to the shots that hit the pavement in front of Kells Walk at I606 – perhaps we should go back to I605. You said to Mr Taylor:

‘Answer: ... at that – at that stage I can remember seeing dust spots, as we call them. A dust spot is a, is a spot that a bullet makes when it hits the ground, on the ground about 150 yards forward of the barricades. There was two or three spots I do – I can distinctly see them – I remember seeing them.’

If we go on to the next page, I607, Mr Taylor asked the question:

‘Question: Dust spots that you thought were being made by bullets?’

Answer: Bullets, yes, I would say that they were clearly bullet – high velocity dust spots.’

A. Yes, sir.

Q. So in relation to those shots you were telling Mr Taylor that they were high velocity; is that not right?

A. Yes, sir.

Q. And is that your present recollection?

A. Yes, sir.

Q. And have you ever, so far as you recall, suggested that the shots that hit the ground on the pavement in front of Kells Walk were anything other than high velocity shots?

A. No, sir.”

<sup>1</sup> Day 373/246-251

**50.26** As will have been observed, Warrant Officer Class II Lewis gave confusing evidence about the shots that he said that he had heard, and seemed to change his mind from time to time on this matter, but we have found nothing in his account that suggests that he heard or saw a burst of several low velocity automatic rounds soon after he had disembarked, or indeed at any time. In the end it seems to us that what he was telling us was that after the two high velocity shots he heard on disembarking, the next high velocity shots he witnessed were when he had, at a later stage, gone to the low walls of the Kells Walk ramp; and that what he had witnessed when he was with Lance Corporal 033 was the strike of two low velocity rounds or rocks.

**50.27** In his RMP statement, Lance Corporal 033 gave the following account:<sup>1</sup>

“I am a member of Sup Coy 1 PARA, at present stationed at Palace Bks Hollywood. At Londonderry on the 30 January 1972 about 1615 hours I was with my company as we advanced from the junction with William St, down Rossville St towards the flats. I was carrying an A41 radio set and an SLR [self-loading rifle] with a magazine of 20 rounds attached. As we came into contact with the rioters I made an arrest and returned to the ACV [armoured command vehicle] with my prisoner. After delivering my prisoner to the arrest team at the corner of Eden Place/Rossville St, I began to return to the flats forecourt where we were advancing towards. The OC was with me and a soldier at this time. As we reached Grid 43311688 we came under automatic fire from about the junction of blocks 2 and 3 of Rossville Flats. The weapon was quite distinctive, a Thompson Machine Gun. I did not see the muzzle flash or sight the gunman, and so did not return fire. About 20–25 shots were fired at us and struck the ground around us. We then ran forward to the end of the Flats ...”

<sup>1</sup> B1617

**50.28** The soldier referred to in this statement was Lance Corporal INQ 627, the other signaller, to whose evidence we refer below.<sup>1</sup> The grid reference was to the Eden Place waste ground, roughly halfway between Eden Place and Pilot Row, and roughly two-thirds of the way from Rossville Street to the back of the Chamberlain Street houses.

<sup>1</sup> Paragraphs 50.41–46

**50.29** Lance Corporal 033 did not give evidence to the Widgery Inquiry, but did give written and oral evidence to this Inquiry.

**50.30** In his written statement to this Inquiry, Lance Corporal 033 told us:<sup>1</sup>

“The street opened up into what I can best describe as an area of waste ground. The vehicle halted and we deployed from the back of the vehicle. I pulled on my A41 radio and I jumped out of the back. I could see rioters throwing bricks, bottles and other missiles and running it seemed in all directions. It was the first time that day I had seen the rioters. Troops were already running and grabbing people. I could see people being arrested and prisoners struggling and fighting. I cannot remember specific incidents now, nor do I have any idea of how many people there were in the crowd. I still had my gas mask on at that stage, which limited what I could see. Although I could see clearly straight ahead of me, the gas mask cut off what I could see to either side. To the west of me I remember there were buildings. They were modern houses as opposed to the more common terraced houses. I know by that stage I had not taken in the fact there were these big buildings nearby (the Rossville Flats.)

My next recollection is being with a prisoner. I have no recollection of how I came to have a prisoner. I recall taking this male prisoner back to one of the arrest teams, who was immediately behind me. I cannot remember what the prisoner looked like or whether he was young or old. I remember being quite shocked that I had ended up with a prisoner. I was a signaller and arresting rioters was the job of a rifleman.

I have been asked by Eversheds [solicitors acting for this Inquiry] if I saw any excessive force used during the arrest operation. Generally, if people struggled, force had to be used to make arrests, but I did not see any excessive force. The usual procedure once prisoners were arrested, was that they were given to the arrest team and ultimately to the Royal Military Police (RMPs) or the RUC. The RMPs had would have reported any excessive force if they had seen it. We did not do things like that. I remember seeing soldiers making arrests and running the prisoners back out of the area. I ran forward to be near to the OC.

I have been asked what sounds I recall hearing at this point in time. Whilst I am quite sure that baton rounds would have been fired during this time; I do not now recall hearing any. I also do not recall hearing any bombs i.e. nail or blast bombs at any point during the day.

I was moving south across the waste ground. I heard a Thompson machine gun fire. I have absolutely no doubt that this was the first firing I heard that day and it was a Thompson machine gun. It was a long burst of about 15 to 20 rounds as if the magazine was let off in one go. It seemed very quick 2 to 3 seconds. I saw strike of bullets on the ground to the front and left of me, maybe about 8 to 10 feet away. The gunfire caused me to stop. I can only describe it as being like something you might see in a film. I was conscious that I was more of a target because I was carrying a radio – in a conflict it is usually the signallers who are shot first by the other side as then the communications system is brought down. I recall running for cover towards a tall building that was almost immediately in front of me (which I now can identify as the north gable end of Block 1 of the Rossville Flats on the map attached). I went there to take cover as the firing had come from the flats. The firing came out of the blue. We were carrying out an arrest operation for rioting and then, all of a sudden, there was Thompson fire.

A Thompson has a very distinctive slow ‘thud, thud, thud’ sound. We were trained in identifying the sound of specific weapons. This is very important, because there are certain rules of engagement depending on the weapons faced. For example, if a four man patrol came under fire from an automatic weapon it would be extremely foolish of the commander to take on such weapon with only four rifles. We could identify weapons such as the Thompson and the M1 Carbine. They both sounded very different to an SLR or a Sterling sub machine gun.

From the direction the dust kicked up, I thought that the shooting was coming towards me from the far side (the east or southeast side) of the Rossville Flats car park. It was very unusual to see a strike. Normally fire directed at us went over our heads when it missed, but I could see the shots hitting the ground. To me it suggested that the fire was coming down from a height towards me. As I took cover by the wall, I was aware of SLR shots being fired around me, but I have no idea where from. At that time, I was still wearing my gas mask which limited my peripheral, but not my forward, vision.

I remember the OC being at the gable end of Block 1 of the Rossville Flats. My job was to remain close to him, so he was never far away.

I sent a contact report back, saying that we had come under fire. It would have been little more than 'contact, wait out'. Often when that happened, people from above would be shouting to us asking what had happened, but we were too busy trying to keep alive to send detailed reports. Everyone listening would have understood that we were engaging gunfire and were too busy to provide details. They knew we would get back to them as soon as we could, be it 5 minutes or half an hour."

<sup>1</sup> [B1621.004-5](#)

**50.31** Later in this statement Lance Corporal 033 told us that the Army vehicles moved forward to the north end of Block 1 of the Rossville Flats at some stage after the Thompson fire had stopped.<sup>1</sup>

<sup>1</sup> [B1621.006](#)

**50.32** In his oral evidence to this Inquiry, Lance Corporal 033 told us that he was the battalion rear radio operator, working on the battalion (as opposed to the company) radio net.<sup>1</sup>

<sup>1</sup> [Day 324/38](#)

50.33 When asked to point out where he recalled the strike of the bullets on the ground, Lance Corporal 033 marked the area circled in red on the following photograph, making clear that it was a very approximate area.<sup>1</sup>

<sup>1</sup> Day 324/60; B1621.18. The line at the top of the photograph marked ① is of no relevance in the present context.



**50.34** Corporal 033 described in the following terms the direction from which he thought the bullets had come:<sup>1</sup>

“Q. ... Can you recall from which direction, or from approximately which direction the shot appeared to be coming?

A. It appeared to be coming from what here would be the south, from those three large apartment blocks there, sir. And it – because of the strike into the ground, I believe it would have to have come from above. Normally when we have been shot at in the past you hear the crack of something going overhead, that kind of thing. On this occasion it hit the ground in front, and that is – I did not see where it came from; I do not know where it came from; I did not wait around to see where it did come from, sir.

Q. But from the south and from above is the best –

A. That is my best guess, sir.”

<sup>1</sup> [Day 324/60-61](#)

**50.35** As we have already noted, Lance Corporal 033 denied that he was the soldier whom Warrant Officer Class II Lewis said he had seen pointing his rifle up at the Rossville Flats.<sup>1</sup>

<sup>1</sup> [Day 324/91-92](#); [Day 325/107-108](#)

**50.36** Elsewhere in this report<sup>1</sup> we consider whether Lance Corporal 033 arrested PIRA 1, with whom he was photographed at Fort George. In his oral evidence he said that he did,<sup>2</sup> but for reasons we give when considering the arrest of PIRA 1 (who was one of a number of men arrested at the south end of the eastern block of Glenfada Park North), we have concluded that this was not the case. Whom, if anyone, Lance Corporal 033 arrested, or helped to arrest, remains unclear, though since James Charles Doherty (whose arrest we considered earlier in this report<sup>3</sup>) always maintained that two soldiers were involved in his arrest, it is just possible that Lance Corporal 033 was one of the two, the other being, as we have previously explained, the signaller Lance Corporal INQ 627.

<sup>1</sup> [Paragraphs 113.28–30](#)

<sup>3</sup> [Chapter 42](#)

<sup>2</sup> [Day 324/94-95](#)

**50.37** Lance Corporal 033 told this Inquiry that he had moved up to the north end of Block 1 of the Rossville Flats before the command vehicle moved to that position.<sup>1</sup> He also told us that it was shortly after he had heard the automatic fire that he had run forwards to the north end of Block 1 of the Rossville Flats and had seen two people at the rubble barricade, one of whom was waving.<sup>2</sup> We consider this part of Lance Corporal 033's

evidence elsewhere in this report,<sup>3</sup> when examining the question of whether a man with a handgun fired from the entrance to Block 1 of the Rossville Flats and if so, whether he hit Alexander Nash, who was the person seen waving at the rubble barricade. This incident occurred after all the other casualties had been sustained at the rubble barricade and all – or virtually all – the firing in Sector 2 had ended.

<sup>1</sup> Day 324/100

<sup>3</sup> Paragraphs 86.573–80

<sup>2</sup> Day 324/103-104

**50.38** In this connection Lance Corporal 033 gave the following answers in his oral evidence to this Inquiry:<sup>1</sup>

“Q. One of the difficulties that exist in relation to your claiming to have heard the first – absolutely certain that the first fire you heard that day was automatic fire from a Thompson sub-machine-gun. If that occurred just before or shortly before you arrived at this gable wall to witness Alex Nash, you say being shot or potentially shot, that before that happened there were six people who had been killed behind that barricade by SLRs; there were three people shot in Rossville Flats; one dead and two seriously injured by SLRs, and you did not hear it?

A. The first gunfire I heard was the Thompson, sir, and then I heard rifle fire.

Q. But it is the sequence. Just as you say you arrested a person at the bottom of Rossville Street or shortly after getting out; you have identified that person as PIRA 1. You are still satisfied today he is the person you arrested?

A. I am, sir.

Q. And you would have gone to Court and you would have sworn that in front of a judge?

A. I would have, sir, yes.

Q. And you are as certain of that today as you are that you heard automatic fire?

A. Sir, I am as certain as I can be after 30 years.”

<sup>1</sup> Day 324/105-106

**50.39** Lance Corporal 033 told us that he did not hear or see the shots fired by soldiers in the area of the Eden Place waste ground or the car park of the Rossville Flats.<sup>1</sup>

<sup>1</sup> Day 324/109

**50.40** Sergeant INQ 720 was a Signals Sergeant in the Gin Palace, the vehicle used as the tactical headquarters of 1 PARA, which we have described elsewhere in this report.<sup>1</sup> He gave written but not oral evidence to this Inquiry, in the course of which he told us:<sup>2</sup>

“The only thing I remember of any note happening on the day, save for me tapping into the Foyle College telephone line, was one particular report which came in to the Gin Palace as I was doing one of my regular checks. The message was sent by Lance Corporal Soldier 033 whose voice I recognised well. His message was ‘contact, wait, over’. This message ‘contact’ and ‘wait’ means that some sort of incident is happening or is about to happen and on which he will report shortly. ‘Contact’ messages were regular occurrences in Northern Ireland at the time and, as such, nobody ever over-reacted but I appreciated that, having received a contact report, the officers in the Gin Palace would not want extra bodies hanging around to get in the way so I left the area immediately after that. I could not say what time of day it was when I heard Soldier 033 report and at the time had no idea what sort of contact had been made.”

<sup>1</sup> Paragraph 12.49

<sup>2</sup> C720.3

**50.41** Lance Corporal INQ 627 was the other signaller who travelled in Major Loden’s command vehicle. He made no statement in 1972, but he gave written and oral evidence to this Inquiry. He told us that he was manning the company radio net.<sup>1</sup>

<sup>1</sup> Day 338/51

**50.42** As we have described earlier in this report,<sup>1</sup> Lance Corporal INQ 627 took part in the arrest of James Charles Doherty, and acknowledged to us that this must have been so, though he had no recollection of it.<sup>2</sup>

<sup>1</sup> Chapter 42

<sup>2</sup> Day 338/65-68

50.43 In the course of his oral evidence, Lance Corporal INQ 627 was asked about what he had told us in his written statement:<sup>1</sup>

“Q. Let us have paragraph 23 on the screen alone, please.

You say in paragraph 23:

‘After I de-bussed from the vehicle, I heard shots being fired from the Rossville Flats. I did not see who was firing and I was not sure precisely where the shooting was coming from, whether it was from ground level or from inside the Rossville Flats. I assume, however, that the shots were fired from Block 2 of the Rossville Flats because that would have been the perfect spot to fire from ...’

Can you help us with this: this was the first gunfire that you recall hearing on that day; is that right, other than the –

A. The church.

Q. Other than the church shots, this was the first gunfire you had heard after you had gone into the Bogside?

A. Well, I presume so, my memory is not that great after all these years.

Q. If you can help us with how soon after you de-bussed that you heard these shots?

A. As soon as we de-bussed.

Q. Do you recall where you were in relation to the command vehicle at this point?

A. I do not.

Q. Could we look at the next page and paragraphs 24 to 25, please? What you say about the gunfire that you heard was:

‘There was definitely a mixture of rifle fire and pistol fire, although I cannot say specifically what weapons were being used. I think the pistol fire came first. I think that only one handgun and a couple of rifles were fired. A few shots were fired in total, possibly a magazine full (8 to 13 shots). Some shots seemed to be fired by a pump action weapon. With such a weapon, you can automatically fire round after round, whereas with a rifle you have to cock it first. I could hear the cracks of shots being fired followed by the thumps of the bullets striking the ground and walls around me, so I knew the shooting was incoming rather than outgoing. My colleagues had changed from snatch squad mode to trying to locate the gunmen who were firing. I cannot say precisely where all my colleagues were, but I think some were standing or kneeling

near brick walls and others were sheltering near garden walls. I did hear quite a few SLR shots being fired; they have quite a distinctive sound. My colleagues must have seen targets and returned fire. The civilians scattered out of the car park when the gunfire started and the stone throwing and petrol bombing stopped; it was complete panic. The gunfire seemed to continue for five to ten minutes.'

The first question that arises out of this part of your statement is: given that you say your colleagues changed from snatch squad mode to trying to locate the gunmen, does it follow that this gunfire must have occurred after people had begun to arrest civilians?

A. My recollection, yes.

Q. When you say 'colleagues', who are you referring to?

A. Well, it is like, um, everyone is a colleague, ain't they?

Q. It is just the other members of Support Company?

A. Correct.

Q. You say that you could hear the cracks of shots and the thump of the bullets striking the grounds and walls around you. You did not actually see any bullets striking the ground or striking walls; did you?

A. I saw rounds hitting the ground, which should be in my statement.

Q. You say what should be in your statement is that you also saw –

A. It tells you there, thumps of bullets striking the ground.

Q. Do you have any recollection of hearing baton rounds being fired?

A. I do not.

Q. Can you assist with the sequence of the gunfire that you heard?

A. Not after all this time.

Q. Would it be fair to say that what you heard was a mix of gunfire which included pistol fire and also SLR fire?

A. Too long ago.

Q. But one weapon you could clearly distinguish was SLR fire; is that right?

A. Yes, because there is a different crack, thump.

Q. You say:

'I did hear quite a few SLR shots being fired ...'

A. I have not said that in my statement.

Q. It is just here?

A. Where?

Q. 'I did hear quite a few ...'?

A. Yes, all right, I correct myself, yes.

Q. Can you help at all with how many SLR shots that you heard?

A. I would not remember after all this time.

Q. What you say is:

'My colleagues must have seen targets and returned fire.'

Can you help us in which direction the SLRs were being fired?

A. I cannot.

Q. Do you have a recollection at this time of getting contact reports over the company net?

A. I cannot remember nothing.

Q. When you heard this gunfire, do you have a recollection of shouting a warning to Major Loden at all about gunfire?

A. No.

Q. Is that what you would have done?

A. Not really, no. He is under attack and all, ain't he?

Q. It would not have been necessary for you to alert him?

A. No."

<sup>1</sup> C627.4; Day 338/72-76

**50.44** Later in Lance Corporal INQ 627's oral evidence to this Inquiry he gave the following answers:<sup>1</sup>

"Q. So as soon as you de-bussed you heard gunfire; is that right?

A. That is right, yes.

Q. You saw it?

A. I did not see it, I could hear it.

Q. You could actually see it striking the ground?

A. At one stage it was striking the ground.

Q. At one stage. Let us go back to when you first de-bussed; did you hear and see gunfire when you first de-bussed?

A. I heard the gunfire.

Q. You heard gunfire. When you say you saw gunfire, that was at a later stage?

A. That was a different part of the conflict.

Q. What sort of gunfire was it that you heard when you first de-bussed?

A. Rounds coming down.

Q. Coming in?

A. In, in-fire.

Q. You have also given evidence this morning and in your statement that in fact you definitely heard SLR fire; was that immediately after you first heard gunfire?

A. Gunfire and then intermingled with SLR fire.

Q. Immediately followed by SLR fire?

A. Correct."

<sup>1</sup> Day 338/86-87

**50.45** Lance Corporal INQ 627 told us that he did not remember being ordered to get back into the vehicle.<sup>1</sup>

<sup>1</sup> Day 338/106

**50.46** In our view, Lance Corporal INQ 627 had very little clear or independent recollection of events. He told us that he saw the black plume of smoke from exploding petrol bombs, though we are sure that no petrol bombs were thrown on Bloody Sunday.<sup>1</sup> He also told us that he heard eight to 13 incoming paramilitary shots, in response to which soldiers fired “*a couple*”.<sup>2</sup> We took the view that his evidence was unreliable, and concluded that there was nothing in it that supported Lance Corporal 033’s account of witnessing Thompson sub-machine gun fire.

<sup>1</sup> [Day 338/63](#)

<sup>2</sup> [Day 338/113-114](#)

## Consideration of the foregoing evidence

**50.47** According to the accounts given in 1972 by Major Loden, the low velocity automatic gunfire that he said that he had heard occurred very soon after he had arrived in Rossville Street and disembarked from his command vehicle; after Sergeant O’s APC had reached the car park of the Rossville Flats; as two young men nearby were being arrested by soldiers who had travelled with him in his command vehicle; and as people were running into the car park of the Rossville Flats with soldiers behind them. The gunfire was directed at him and those with him. His signallers shouted that they were under fire. This firing came from the direction of the Rossville Flats and caused him to return to his vehicle with his crew and get the driver to move the vehicle to a position of cover against the northern wall of Block 1 of the Rossville Flats. After he had reached that area, he heard continuous gunfire for about ten minutes.

**50.48** We are doubtful of the accuracy of these accounts of Major Loden.

**50.49** In the first place, in our view it is unlikely that any paramilitary would fire at or towards soldiers engaged in arresting civilians, in view of the risk to those civilians.

**50.50** In the second place, for the reasons we give elsewhere in this report,<sup>1</sup> we are sure that Major Loden did not move his command vehicle up to the north end of Block 1 of the Rossville Flats until after virtually all the firing in Sectors 2 and 3 was over. There is no other evidence from any source that his reason for the move was the automatic fire that he said that he had heard. Neither of his signallers supported his account that he had ordered them back to the vehicle in order to get themselves in the vehicle and into a position of cover. Major Loden eventually accepted in his oral evidence to this Inquiry that it was possible that his and the other vehicles had not moved until a later stage.<sup>2</sup>

<sup>1</sup> [Chapter 59](#)

<sup>2</sup> [Day 343/20](#)

- 50.51** In the third place, neither the driver of the command vehicle (Private 037) nor Warrant Officer Class II Lewis gave any evidence at any time of seeing, hearing or reporting automatic gunfire of the kind Major Loden said that he had heard, either soon after the vehicle had arrived, or at any stage thereafter. On the contrary, Warrant Officer Class II Lewis described hearing two high velocity shots on disembarking, which he somewhat reluctantly accepted could have been those fired by Lieutenant N, as we consider is likely to have been the case. Major Loden made no mention of hearing these shots, though according to his account he must have been close to Warrant Officer Class II Lewis.
- 50.52** We take the view that the accounts given by Lance Corporal 033, one of the two signallers who disembarked from the command vehicle, neither support Major Loden's accounts nor are in themselves reliable.
- 50.53** We have already expressed the view that there is nothing in the evidence given by Lance Corporal INQ 627 (the other signaller) that supports Lance Corporal 033's account of witnessing incoming fire. We also consider that Lance Corporal INQ 627's evidence lends no support to Major Loden's accounts of hearing incoming fire.
- 50.54** According to his RMP statement,<sup>1</sup> Lance Corporal 033 had delivered his arrestee and was beginning "to return" to the flats forecourt with Major Loden and Lance Corporal INQ 627, when they came under fire from the junction of Blocks 2 and 3 of the Rossville Flats. He stated that he did not see the muzzle flash or sight the gunman, but that about 20 to 25 shots were fired at them and struck the ground around them. In his RMP statement, Lance Corporal 033 recorded that after witnessing the Thompson sub-machine gun fire, "*we [in context, he, Lance Corporal INQ 627 and Major Loden] ran forward to the end of the Flats*". This account is inconsistent with that of Major Loden, whose evidence was that he and his crew returned to the command vehicle.
- <sup>1</sup> B1617
- 50.55** Lance Corporal 033 was wearing his respirator, which impeded his peripheral vision.<sup>1</sup> He was, according to his own account, using his radio, and though he told us that he kept one ear free when using his headset,<sup>2</sup> we consider it likely that when using his radio, his hearing was also somewhat impeded.

<sup>1</sup> B1621.004

<sup>2</sup> B1621.001

- 50.56** The evidence of Warrant Officer Class II Lewis was that soon after disembarking, he saw Lance Corporal 033 pointing his rifle up at a balcony, but that when he looked himself, although he could see people, he could not identify a weapon or a gunman. He told us that Lance Corporal 033 was “*convincing ... that he had seen something*”,<sup>1</sup> but Lance Corporal 033 did not fire and brought his rifle down.
- <sup>1</sup> [B2111.015](#)
- 50.57** Although Lance Corporal 033 denied that he was the soldier described by Warrant Officer Class II Lewis, we are of the view that he was. As Company Sergeant Major, Warrant Officer Class II Lewis could reasonably be expected to know the men in his company. He had travelled into the Bogside with Lance Corporal 033. It is unlikely that he could have misidentified this soldier and there is nothing to suggest that he had any motive for doing so. We consider that the fact that Warrant Officer Class II Lewis was wearing his respirator would not have affected his ability to identify one of his soldiers at close range.
- 50.58** Lance Corporal 033 recorded in his RMP statement that the firing came from between Blocks 2 and 3 of the Rossville Flats. We do not accept this, for by his own account he saw neither the gunman nor muzzle flashes; and the distance between the gap between Blocks 2 and 3 of the Rossville Flats and his position as indicated in his RMP statement,<sup>1</sup> at grid reference 43311688, was about 150 yards. Perhaps more importantly, Sergeant O, the Commander of the APC that had been driven into the car park of the Rossville Flats, was much closer to Blocks 2 and 3. Although he gave evidence about incoming fire, he told us that he did not witness any automatic fire and that what he was recorded as having told Praxis Films Ltd about automatic fire was incorrect. Had there been automatic fire from Blocks 2 and 3 of the Rossville Flats, we consider it unlikely that Sergeant O would have failed to observe and remember it.
- <sup>1</sup> [B1617](#)
- 50.59** We have no doubt that Lance Corporal 033 did radio a contact report. However, the fact that he did so does not of itself indicate more than that (as Sergeant INQ 720 told us) Lance Corporal 033 was reporting that some sort of incident was happening or about to happen. This could have been incoming fire, but equally it could have been fire by soldiers, which would have justified a contact report.
- 50.60** The contact report described by Lance Corporal 033 might have been the report “*Gunman. Pistol. Returned fire*” recorded in the 1 PARA log<sup>1</sup> at 1615 hours. Lance Corporal 033 said not,<sup>2</sup> because the log entry is attributed to call sign B5, which was the call sign of the command vehicle, whereas he was on foot and would have used

call sign B59. However, in our view it is possible that the log-keeper made an error or chose not to record the extra digit to distinguish between the radio in the vehicle and the man-pack radio, especially since the evidence indicates that none of the soldiers remained in the vehicle operating a radio. If so, then the terms of the message suggest the possibility that it refers to the later incident described by Lance Corporal 033, in which he said that he saw a handgun fired at soldiers on the west side of Rossville Street who returned fire, and that he was wrong in recalling that he made a contact report in relation to incoming automatic fire.

<sup>1</sup> [W90 serial 33](#)

<sup>2</sup> [Day 324/88-89](#)

- 50.61** As we have already noted, by the time Major Loden had arrived in Rossville Street, Corporal P and Private 017 had disembarked from Sergeant O's APC and moved to the western side of that street. They gave no evidence suggesting that either of them had heard automatic gunfire at this stage, though they were quite close to the command vehicle. As we have already mentioned, Sergeant O, who was much closer to the Rossville Flats, told us that he heard no such fire.
- 50.62** For the reasons given above, we are not persuaded that the evidence of soldiers of Mortar Platoon establishes that there was incoming fire, automatic or otherwise, at any stage before the soldiers themselves started shooting in the car park of the Rossville Flats. Equally, we have found nothing in the evidence of Mortar Platoon soldiers that to our minds supports the evidence presently under consideration. On the contrary, it seems to us that the weight of the Mortar Platoon evidence militates against the suggestion that there was automatic gunfire at the stage under discussion.

## Other evidence

- 50.63** We now turn to the evidence of Captain 200, the Commander of Composite Platoon, whose soldiers came into the Bogside in vehicles behind the APCs of Mortar Platoon, Major Loden's command vehicle, the Ferret scout car and the APCs of Machine Gun Platoon, as we describe later in this report.<sup>1</sup>

<sup>1</sup> [Chapter 69](#)

- 50.64** In his statement dated 5th February 1972, typed up on an RMP statement form,<sup>1</sup> Captain 200 recorded that as he was deciding to direct some of his soldiers along the right-hand side of Rossville Street, "*I heard the burst of automatic gunfire and one or two single shots fired in our general direction*".

<sup>1</sup> [B1980; B2022.009](#)

50.65 In his written statement for the Widgery Inquiry,<sup>1</sup> Captain 200 recorded that after he had disembarked from his vehicle he went up to Major Loden, whose vehicles had stopped at the junction of Eden Place and Rossville Street, and asked what Major Loden wanted the Composite Platoon to do. According to this account, Major Loden told Captain 200 to assist the Mortar Platoon and it was at about this time that Captain 200 heard automatic fire. In his oral evidence to the Widgery Inquiry, Captain 200 said that he heard automatic gunfire after he had returned from speaking to Major Loden. He described it as a “rat-a-tat”. When he was asked whether he could tell from which direction the rat-a-tat was coming, he gave this answer:<sup>2</sup>

“By then we had – I heard the Mortar Platoon. In fact, I saw the Mortar Platoon opening fire with their riot guns on to the crowd, which I saw were about 300 strong. Most of them were fleeing towards the direction of Glenfada Park. In the gap of all this firing I remember distinctly this automatic fire. I could not say where it came from or what it was or where it was from.”

<sup>1</sup> B1985-B1986

<sup>2</sup> WT15.41

50.66 Captain 200 also told the Widgery Inquiry that he did not see or identify the fall of shot.<sup>1</sup> He said nothing in either his written statement or his oral evidence to the Widgery Inquiry about hearing single shots at the same time as hearing automatic fire.

<sup>1</sup> WT15.41-42

50.67 In his oral evidence to this Inquiry,<sup>1</sup> Captain 200 said that he did not believe that it was possible that what he heard was the sound of several SLRs being fired, either at the same time or in very close proximity.

<sup>1</sup> Day 367/94

50.68 Private M was a member of Composite Platoon. In his second RMP statement,<sup>1</sup> he recorded that he was positioned about halfway along the east wall of a block of flats, west of the junction of Rossville Street and Eden Place. He heard gunfire and saw about three bullets strike the ground at the junction of Rossville Street and Eden Place. He saw the gunman on the “top floor balcony” of Block 2 of the Rossville Flats. Another soldier engaged the gunman from a position 2m south of the junction of Eden Place and Rossville Street. The other soldier was wearing a respirator. Private M did not know who he was. Private M saw no “strikes from the Military firer” but he saw the gunman run away.

<sup>1</sup> B356-B357

**50.69** In his statement for the Widgery Inquiry,<sup>1</sup> Private M said that as he was running to the west side of Rossville Street after disembarking, he heard at least three or four shots of what he thought was automatic fire from one of the upper storeys of Block 2. The shots hit the road in front of the command vehicle where soldiers were running forward. One of these soldiers engaged the gunman in fire. In his oral evidence to the Widgery Inquiry,<sup>2</sup> Private M gave a similar account. He said that the incident occurred after he “*left the command vehicle*” and that he saw the strikes of two rounds on the road.

<sup>1</sup> B360

<sup>2</sup> WT16.18

**50.70** In his written statement to this Inquiry,<sup>1</sup> Private M told us that he thought that he had heard two or three low velocity shots and seen them strike the road in an area north of Eden Place. He then saw a soldier who appeared to be firing towards Block 2. He told us<sup>2</sup> that he had no memory of seeing the gunman; and that it was quite possible that the incoming fire was automatic. In his oral evidence to this Inquiry,<sup>3</sup> he could not explain why he had told the RMP that he had seen the gunman, and given a description of him, but had not made this claim in his evidence to the Widgery Inquiry.

<sup>1</sup> B372.003

<sup>3</sup> Day 365/55-67

<sup>2</sup> B372.008

## Conclusions

**50.71** As will have been observed, the evidence about automatic gunfire is confused and conflicting.

**50.72** In our view it is unlikely that Lance Corporal 033 heard or saw automatic fire, from a Thompson sub-machine gun or otherwise, though we cannot exclude the possibility that he did. He might simply have made up his account of automatic gunfire, or interpreted stones being thrown at the soldiers as rounds hitting the ground. It is also possible that he was confused, and thought that some of the substantial amount of Army firing taking place in the car park of the Rossville Flats as and after he reached the north end of the Rossville Flats was low velocity automatic fire. As we have already observed, we do not accept that, particularly in a built-up area with echoes, it is possible always to differentiate between high and low velocity fire, or automatic fire and a firearm being fired repeatedly. In our view the difficulty in differentiating between types of gunfire is likely to be accentuated in the case of someone wearing and using a radio headset.

- 50.73** We have also come to the conclusion that although Major Loden might have heard gunfire, if he did he was probably mistaken both in interpreting it as low velocity automatic gunfire and in his evidence as to when it occurred. He was clearly wrong in describing when and why he ordered his command vehicle to be moved to the north end of Block 1 of the Rossville Flats; and wrong in describing to the Widgery Inquiry how he heard continuous firing for about ten minutes after the vehicle had moved, since by the time the vehicle did move, the firing was nearly all over. In view of these matters it seems to us that Major Loden might have heard the substantial amount of firing that took place in the car park of the Rossville Flats before the command vehicle was moved, and might have attributed some of this to incoming low velocity fire. Where he was at this stage is unclear. When compiling his Diary of Operations the next day, he seems to have been relying upon what Lance Corporal 033 was saying (as he never suggested that he had himself seen rounds striking the ground) and, being muddled about the sequence of events, it seems to us that he probably came mistakenly to believe that he had heard what Lance Corporal 033 had described.
- 50.74** As to Captain 200, it is possible that he did hear automatic fire as he claimed, though to our minds it is equally possible, despite what he said to us, that he had mistakenly taken some of the substantial firing by soldiers in Sector 2 for automatic fire. We consider that the same applies to Private M, though in his case we have found no evidence to support his account of a soldier close to the junction of Eden Place and Rossville Street firing back at a gunman in Block 2 of the Rossville Flats, which to our minds casts doubt on the reliability of his evidence, as does his identification, in his second RMP statement but not in his evidence to the Widgery Inquiry, of the gunman on the top balcony of Block 2 of the Rossville Flats, which would have been some 200 yards from where he said he was.
- 50.75** In all the circumstances, while we cannot wholly eliminate the possibility that there was some incoming automatic fire, it is our view that it is unlikely that there was. Had there been a long burst of automatic gunfire (about 15 rounds according to Major Loden, and about 20–25 according to Lance Corporal 033) in our view many more soldiers would be likely to have heard and reported it. Thus we consider that if there was any automatic gunfire, it could only have been a very short burst; and when and from where it could have come remains quite uncertain.

## The significance of the evidence of incoming fire

**50.76** We have dealt at some length with the question of incoming fire in Sector 2. However, none of the soldiers whom we consider to be responsible for killing or wounding the casualties in that sector fired in the belief that his target or targets had fired or was about to fire at him or his colleagues. So far as automatic gunfire is concerned, not one of the soldiers whose firing on Bloody Sunday in our view resulted in the deaths and woundings of that day at any stage claimed that he had fired at a target in response to what he believed was automatic gunfire directed at him or his colleagues by that target; or suggested that what he believed was incoming automatic fire had in any way influenced him into opening fire. Nor did those representing soldiers suggest otherwise to this Inquiry.

# Chapter 51: Firing by the soldiers in Sector 2

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**51.1** We have considered earlier in this report<sup>1</sup> the firing of three shots by Lieutenant N up the Eden Place alleyway. We have accepted Lieutenant N's evidence, supported by evidence from civilians, that he fired over the heads of the people in the alleyway and in Chamberlain Street and that his shots in this location injured no-one.<sup>2</sup>

<sup>1</sup> Paragraphs 30.36–128

<sup>2</sup> B374

- 51.2** According to Lieutenant N, he subsequently fired a further shot. We consider first his account of this shot and then the accounts of the shots that other members of Mortar Platoon say that they fired. In the course of doing so, we describe the evidence that soldiers gave of firing or the throwing of bombs by their targets at the time they engaged them.
- 51.3** In the course of considering these matters, we draw attention to the marked maps which accompanied the Royal Military Police (RMP) statements of the soldiers who said that they had fired and to the trajectory photographs that were prepared later. As we have observed elsewhere in this report,<sup>1</sup> it appears that the former were probably prepared by the RMP after the statements had been taken and not by or with the assistance of the soldiers themselves, while the latter were prepared as part of the evidence for the Widgery Inquiry.

<sup>1</sup> [Paragraphs 173.149 and 174.38](#)

- 51.4** We also draw attention to the Loden List of Engagements,<sup>1</sup> which we have discussed elsewhere in this report<sup>2</sup> and which was a list of engagements prepared by Major Loden from information provided by soldiers soon after they had withdrawn from the Bogside. The list sets out brief details of 15 “engagements” and, while it does not identify the soldiers concerned, from the accounts they gave later it is possible in some cases to match the listed engagements with the accounts of particular soldiers. In other cases, either there is nothing in the list that seems to relate to the account of a firing soldier (Sergeant O being an example) or the position is not clear.

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

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

- 51.5** The first six entries in the list appear to relate to soldiers’ accounts of firing in Sector 2. These are:<sup>1</sup>

- “1. One nail bomber at GR 43291683 shot from GR 43321684. Hit in thigh (Back of houses in Chamberlain St).
2. One petrol bomber at GR 43281679 shot from GR 43291683. Apparently killed (Car Park).
3. One bomber at GR 43261683 (top floor of flats) shot from GR 43281684. Apparently killed.
4. One gunman with pistol at GR 43321678 behind barricade at end of Chamberlain St shot from GR 43271686. Hit.

5. One nail bomber (bomb had lighted fuse) at GR 43281683 (Car Park) shot from GR 43271686. Hit.

6. One nail bomber at GR 43281675 (Car Park) shot from GR 43271686. Hit.”

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

**51.6** In the course of considering the accounts of firing given by members of Mortar Platoon, we examine and discuss which soldier might be referred to in each of these entries; we also consider why it is that some of the firing by members of Mortar Platoon was not recorded in the list.

**51.7** The Loden List of Engagements appears to be the first recorded account of some of the shooting in Sector 2 by members of Mortar Platoon, but since the identification of particular soldiers with the listed engagements depends upon their later accounts, in this part of the report we consider the list in relation to each soldier after summarising the other accounts that he gave in 1972.

## The soldiers from Lieutenant N's Armoured Personnel Carrier

### Lieutenant N

**51.8** As we have already described,<sup>1</sup> after firing three shots up the Eden Place alleyway, Lieutenant N returned to his Armoured Personnel Carrier (APC) with Duncan Clark and Private INQ 1918. We are sure that one of Colman Doyle's photographs shows Lieutenant N assisting Private INQ 1918 with Duncan Clark, while another shows Lieutenant N back at the APC.<sup>2</sup>

<sup>1</sup> [Paragraphs 30.36–47](#) and [45.5–6](#)

<sup>2</sup> [Day 322/87](#)



## The account of his firing given by Lieutenant N to the Royal Military Police

**51.9** In his first RMP statement timed at 0045 hours on 31st January 1972,<sup>1</sup> Lieutenant N, after describing his first three shots, did not record that he had taken Duncan Clark back to the APC but merely that he moved back into the car park in front of the Rossville Flats. His statement continued:

“I took up a position about 10 yards from a garden wall which I think would be at the rear of number 24 Chamberlain St. I had been in this position for about five minutes when I saw a man, aged about 24 years, dressed in a blue anorak, come around the corner of the wall at the rear of number 36 Chamberlain St.

The man vanished behind the wall and then reappeared holding something in his right hand. I saw smoke coming from the object he was holding and he drew his arm back to throw it at one of my vehicles which was about twenty yards north of his position.

I assumed this object to be a nail bomb and fired one aimed shot 7.62 mm at the man. The man staggered, clutched at his right thigh and then fell back out of sight behind the wall from which he had originally appeared. Due to the situation I was unable to carry out any follow-up action to arrest the man.”

<sup>1</sup> [B374](#)

**51.10** 24 Chamberlain Street is approximately 40 yards from the southern end of the houses on the side of Chamberlain Street that backed onto the waste ground. 36 Chamberlain Street is the southernmost house on the same side.

**51.11** Lieutenant N's second and third RMP statements dealt respectively with recovering bodies from the rubble barricade in Rossville Street<sup>1</sup> and with ejecting a live round.<sup>2</sup> We dealt with the second of these matters earlier in this report<sup>3</sup> and will deal with the first in our consideration of later events in Sector 3.<sup>4</sup>

<sup>1</sup> [B384](#). Lieutenant N's fourth RMP statement ([B394](#)) also dealt with the collection of the bodies.

<sup>2</sup> [B391](#)

<sup>3</sup> [Paragraphs 30.38, 30.45 and 30.53](#)

<sup>4</sup> [Chapter 122](#)

## Lieutenant N's evidence to the Widgery Inquiry about his firing, and Lieutenant N's trajectory photograph and Royal Military Police map

**51.12** In his written statement for the Widgery Inquiry,<sup>1</sup> Lieutenant N gave an account of going back to his APC with an arrestee before he fired again:

“10. My signaler had arrested a man and I went with him to my pig which was still in the middle of the open space and put the prisoner in it, the corporal there taking charge. I then moved straight to the back of the Chamberlain Street houses again to get cover. As I was moving up towards my men a civilian stepped out beyond the end house. He came out in a throwing attitude with his right arm back in the attitude of someone about to bow. He was about 30 or 40 yards away and appeared to me about to throw the object in his hand at my platoon sergeant's pig.

11. The object in his hand seemed to me to be a nail bomb. His throwing attitude was the attitude of a bomber and not a stone thrower. I thought too that I saw smoke coming from the object. I fired one shot at him from the shoulder and aimed. I think that I hit him in the right thigh. He put his hands down towards his right thigh and staggered off as if his leg was not working properly. I saw no explosion.”

<sup>1</sup> B399

**51.13** The reference to “*my signaler*” must be a reference to Private INQ 1918.

**51.14** Lieutenant N then stated that he went across to his Sergeant's APC to find out what had been happening. According to this account, by the time he reached that APC “*firing had ceased from my men*”.

**51.15** In his oral evidence to the Widgery Inquiry, Lieutenant N described the man he saw as “*a fairly young man, about 20-odd. He came out, ducked back briefly, and came out again in a nail bomb throwing position*”, which Lieutenant N said was a sort of bowling position.<sup>1</sup> In his oral evidence to this Inquiry, Lieutenant N explained that by this he meant a position in which the man was about to bowl overarm, as in the game of cricket.<sup>2</sup> He told the Widgery Inquiry that the object in the man's hand was smoking and that he had seen nail bombs before in Belfast.<sup>3</sup>

<sup>1</sup> WT12.67-68

<sup>3</sup> WT12.67-68

<sup>2</sup> Day 323/54-55

51.16 Lieutenant N then gave an account, similar to the one given in his written statement, of shooting at the man and thinking that he had hit him in the right thigh. He then confirmed that his trajectory photograph showed with a cross his position and with the number 3 the position of the man he said he shot.<sup>1</sup>

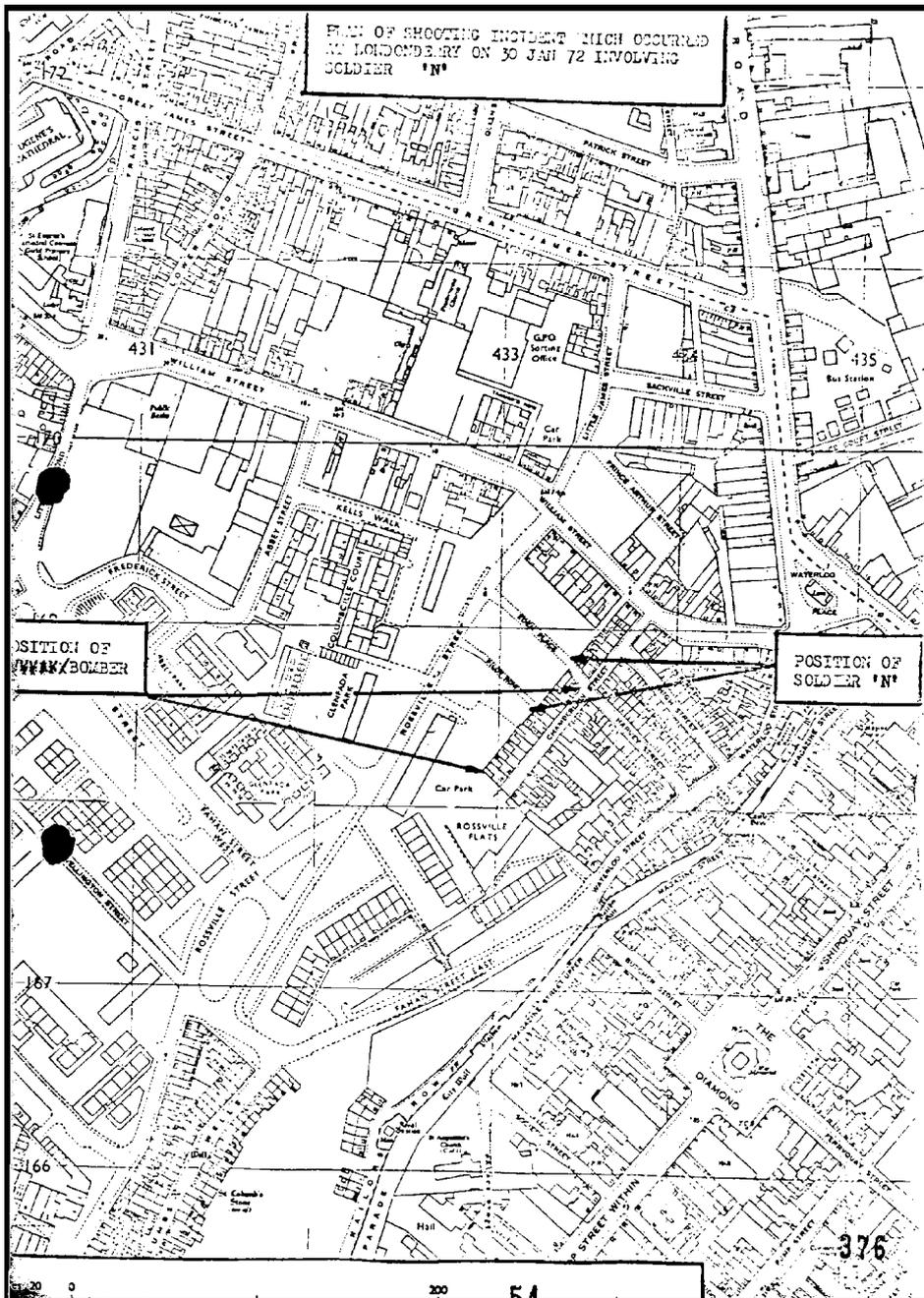
<sup>1</sup> WT12.68-69



51.17 We set out below the map that accompanied Lieutenant N's first RMP statement.<sup>1</sup> It will be noted that arrows on the map indicate that there were bombers in two positions, one at the position marked on the trajectory photograph, and the other on the south side of the Eden Place alleyway at its junction with Chamberlain Street. There was nothing in

Lieutenant N's RMP account to suggest that he fired at or towards a bomber in the latter position and we have no doubt that the compiler of the map was in error in marking the map in this way.

1 B376



**51.18** In contrast to his first RMP statement, Lieutenant N said nothing in his evidence to the Widgery Inquiry about having spent a number of minutes, before firing the shot, in the position from which he said that he fired at the man with the smoking object.

## The first entry in the Loden List of Engagements

51.19 The first entry in the Loden List of Engagements is as follows:<sup>1</sup>

“One nail bomber at GR 43291683 shot from GR 43321684. Hit in thigh (Back of houses in Chamberlain St).”

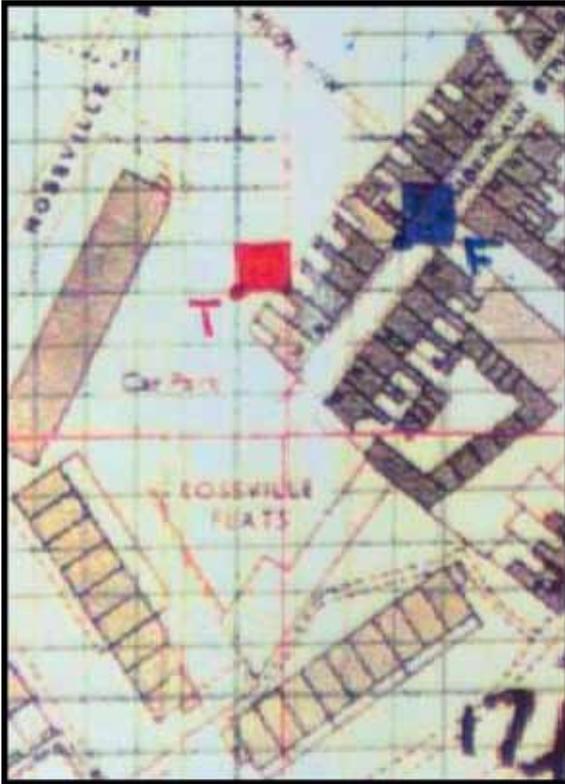
<sup>1</sup> [ED49.12](#)

51.20 This entry refers to a soldier shooting a nail bomber in the thigh. According to the grid references given (which are the same as those given in Lieutenant N’s first RMP statement<sup>1</sup>) the nail bomber was in the mouth of the car park, close to the back of the two most southerly houses on Chamberlain Street. The soldier was further north and either in Chamberlain Street, or inside one of the houses or gardens on the western side of Chamberlain Street. However, as we have already noted, in his first RMP statement, Lieutenant N had described his position as “*about 10 yards from a garden wall which I think would be at the rear of number 24 Chamberlain St*”. As we have pointed out in our discussion elsewhere in this report of the Loden List of Engagements,<sup>2</sup> we consider that in view of the circumstances in which the list was made, the grid references should be treated as approximations rather than precise positions, and there may well be errors in them. In our view the grid reference for Lieutenant N was incorrect, putting him further east than he said he was. The positions according to the grid references have been marked on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families.<sup>3</sup>

<sup>1</sup> [B374](#)

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

<sup>3</sup> [OS2.46](#) (extract)



- 51.21** We are satisfied that the first entry reflects an account that Lieutenant N gave to Major Loden of the fourth shot that he said he fired. Both in the entry in the list and in Lieutenant N's later evidence, the target was described as a nail bomber at the back of the Chamberlain Street houses who was shot in the thigh. This does not correspond with any account given by any of the soldiers other than Lieutenant N.
- 51.22** Although Major Loden's list includes a reference to Lieutenant N's final shot, there is no equivalent entry concerning the warning shots that he fired into the Eden Place alleyway. This may be because the document was, as its preface makes clear, a list of "engagements" in a "gunbattle",<sup>1</sup> whereas Lieutenant N's evidence was that he fired his first three shots in order to ward off a hostile crowd, rather than at a gunman or bomber. It thus seems possible that it was for this reason that either he chose not to mention, or Major Loden chose not to record, the incident as the latter compiled his list.
- <sup>1</sup> [ED49.12](#)
- 51.23** To our minds the fact that the first entry on the list refers to a shot fired by Lieutenant N does not provide evidence that this was the first shot to be fired at a human target in Sector 2, though for reasons given earlier in this report,<sup>1</sup> it seems likely that Lieutenant N's shots fired up the Eden Place alleyway over the heads of people there were the first

shots to be fired by a soldier in Sector 2. As the only officer who said that he had fired, it is possible either that he would have been the first to report to Major Loden, or that his entry was put at the top of the list because he was the officer.

<sup>1</sup> Paragraphs 30.121–128

## Lieutenant N's evidence to this Inquiry about his firing

**51.24** Lieutenant N gave written and oral evidence to this Inquiry.

**51.25** In his written statement<sup>1</sup> Lieutenant N told us that while he recollected shooting a man in the act of throwing a nail bomb, the best evidence he could give was to refer to what he had said in 1972: *"In fact, I now have no faith in my current memory of events before, during or after that day."*<sup>2</sup> In the same statement, Lieutenant N told us that the incident had bothered him for years: *"This was an expression of self doubt which I first experienced several years later when learning that the forensic evidence was flawed."*<sup>3</sup> He also stated:

"Whatever doubts I have had over the years about shooting that man and I have thought a lot about this incident, I am now and have always been convinced that at the moment that I fired I thought he was in the act of throwing a nail bomb."

<sup>1</sup> B438.001

<sup>3</sup> B438.011

<sup>2</sup> B438.012

**51.26** Lieutenant N repeated this when he gave his oral evidence.<sup>1</sup> He also told us that his position, as shown in his trajectory photograph, which is reproduced above, was *"more like"* where he was than the position shown on the map that accompanied his first RMP statement,<sup>2</sup> which placed him close up against the back wall of the Chamberlain Street houses.<sup>3</sup> He said that he had made no attempt to arrest the man because he was too far away from him and *"I had no idea of what had been going on in that area or what was going on further round that corner"*.<sup>4</sup>

<sup>1</sup> Day 322/93

<sup>3</sup> Day 322/92

<sup>2</sup> B376

<sup>4</sup> Day 322/95

**51.27** Asked how confident he was in the recollection in his written statement,<sup>1</sup> that the man had been wearing what looked like an old-fashioned tweed jacket, he replied that he was not confident at all and that the account he gave in his first RMP statement of the man wearing a blue anorak was likely to be a much more accurate description.<sup>2</sup>

<sup>1</sup> B438.111

<sup>2</sup> Day 322/95-96

## Lieutenant N's evidence about whether he sheltered in an Armoured Personnel Carrier

**51.28** In his oral evidence to this Inquiry, Lieutenant N was also asked about evidence that Warrant Officer Class I INQ 2037, the Regimental Sergeant Major of 1 PARA, had given of going to an APC and finding Lieutenant N “*sheltering there because he was scared*”.<sup>1</sup> Lieutenant N denied that any such incident had taken place. He also denied that he had been in that APC or that he had retreated to it in shock because he had realised he had shot Margaret Deery, who was wounded in the left thigh in Sector 2: “*I did not shoot a woman.*”<sup>2</sup>

<sup>1</sup> C2037.4

<sup>2</sup> Day 322/103-104; Day 323/16-17

## Lieutenant N's use of his respirator

**51.29** Later in his oral evidence to this Inquiry Lieutenant N was asked about his respirator.

**51.30** It appears from Lieutenant N's statement for the Widgery Inquiry<sup>1</sup> and from his oral evidence to the Widgery Inquiry<sup>2</sup> that he put on his respirator while waiting for Barrier 12 to be opened to allow his vehicle to pass down Little James Street. He did so because he could see a cloud of CS gas on the far side of the barrier.

<sup>1</sup> B398

<sup>2</sup> WT12.63

**51.31** Neither in his statement for nor in his oral evidence to the Widgery Inquiry did he say when he removed his respirator. However, it appears from his oral evidence to the Widgery Inquiry<sup>1</sup> that he was still wearing it during his confrontation with the man he said threw lumps of concrete at him.

<sup>1</sup> WT12.65

**51.32** In his written statement to this Inquiry,<sup>1</sup> Lieutenant N told us that he thought that he and his men had removed their respirators as soon as they had passed through the cloud of CS gas. But he said that he was not certain about this, and acknowledged that his oral evidence to the Widgery Inquiry suggested otherwise. Later in his written statement to this Inquiry,<sup>2</sup> he cast further doubt on the reliability of his current recollection, pointing out that his signaller Private INQ 1918 was still wearing his gas mask when Jeffrey Morris took the photograph showing this soldier and Duncan Clark close to the Eden Place alleyway.<sup>3</sup>

<sup>1</sup> B438.007

<sup>2</sup> B438.009

<sup>3</sup> Paragraph 26.7

51.33 In his oral evidence to this Inquiry,<sup>1</sup> Lieutenant N was disposed to accept that he was the soldier seen wearing a respirator on the left in the two photographs we have displayed above.<sup>2</sup> Those photographs show Duncan Clark being escorted back to Lieutenant N's vehicle, which occurred after Lieutenant N had fired his shots from Eden Place. As we have observed earlier, we are sure that these photographs show Lieutenant N.

<sup>1</sup> Day 322/86-87

<sup>2</sup> Paragraph 51.8

51.34 Later in his oral evidence to this Inquiry,<sup>1</sup> Lieutenant N said that he recalled that after the second of these photographs had been taken, he removed his respirator, repaired the broken strap of his helmet and put his helmet back on. Later he repeated that he had taken off his respirator at that stage, although on this occasion he said that he could not recollect what headgear he then put on.<sup>2</sup> He stated clearly that he was not wearing his respirator when he fired at the man he believed to be a nail bomber. Later still he again said that he had removed his respirator while he was beside his vehicle after bringing Duncan Clark back to it.<sup>3</sup>

<sup>1</sup> Day 323/2-3

<sup>3</sup> Day 323/47-48

<sup>2</sup> Day 323/17-18

51.35 Taken as a whole, Lieutenant N's evidence seems to be to the effect that he put on his respirator at Barrier 12, was still wearing it when he fired his shots from Eden Place and while escorting Duncan Clark back to his vehicle, but that he then removed it and was not wearing it when he fired at the alleged nail bomber or at any later stage.

### **Lieutenant N's evidence about delay before he fired his final shot**

51.36 Lieutenant N told us that he had no idea why in his first RMP statement he had recorded that he had been at the position from which he fired at the nail bomber "*for about five minutes*" before he saw the man at whom he fired: "*... it does not make sense.*"<sup>1</sup> He then gave the following evidence:<sup>2</sup>

“Q. It does not make sense, but it must have come from you; is that correct? You see, Lieutenant N, can I suggest to you it is perfectly understandable that the RMP investigator may have been trying to put a smoking nail bomb into the hand of the person whom you shot, but it is really quite impossible to understand why the RMP investigator should be trying to establish that while your men were firing some 28-odd shots at civilians at Rossville Flats, that you were standing rooted to the spot for five minutes, apparently incapable of taking any of it in?

A. No, that is not true.

Q. Then why is it that you said that you stood at this spot, in the middle of the wasteground, for a period of five minutes, during which five minutes it appears that the bulk of your soldiers' shots were fired?

A. I have absolutely no idea.

Q. There is no sensible explanation that you can give for it, other than that is actually what happened; is that fair?

A. Other than there has been some mistake in the taking, delivering, and recording of this statement.

Q. And presumably the signing up to it as well, because it is signed by you?

A. Is it?

Q. Well, certainly the typed copy discloses that there was a signature, if one looks at 375, towards the bottom, dated 31st January 1972, signed Soldier N, taken at 0045?

A. Then I must not have read it properly, because it does not make sense, it bears no resemblance to what I recall.

Q. But what has happened is that somehow or other the person who took the statement has gained the notion that you stood rooted to the same spot for five minutes while this firing was going on and you then, having seen that, signed up to it. Presumably, like any person signing a statement, but in particular as an officer signing a statement, one does at least ensure that its contents are accurate?

A. I have got no explanation, I am sorry.

Q. If you had reached the position X [this is a reference to the position marked on Lieutenant N's trajectory photograph], then certainly both your Treasury statement [Lieutenant N's written statement for the Widgery Inquiry] and Widgery evidence indicate that your purpose in getting to X would have been to establish what was going on and what your soldiers were doing and what their position was; is that right?

A. Yes.

Q. What ought to have been happening is that you ought to have been making your way up to where the shots were being discharged, where the engagement was apparently taking place?

A. Yes.

Q. Does this statement not suggest that what in fact happened was that, having seen the engagement, that you were incapable of moving forward to it?

A. No.

Q. Can you think of any reason why the investigator may have succumbed to the notion that you stayed at this particular location for a period of five minutes?

A. No.

Q. Is it possible that that is why you were troubled about Bloody Sunday?

A. What is?

Q. Because you were incapable of taking part in this engagement with your men?

A. No."

<sup>1</sup> B374; Day 323/83

<sup>2</sup> Day 323/83-86

**51.37** There is a handwritten copy of Lieutenant N's first RMP statement, which we have examined. Each page appears to have been signed by Lieutenant N. The handwritten version was not put to him when he gave oral evidence. In response to questioning by his counsel, Lieutenant N said that he had no recollection of making his first RMP statement and no recollection of signing it, but in our view it was signed by him.<sup>1</sup>

<sup>1</sup> Day 323/107

## Lieutenant N's evidence about whether he could have shot Michael Bridge

**51.38** Lieutenant N was shown a photograph of Michael Bridge standing in the car park. Michael Bridge was shot in the left thigh. We consider this photograph and the circumstances of his injury later in this report.<sup>1</sup> Lieutenant N said that it was not possible that Michael Bridge was the person he shot, because “*the person I shot was much nearer the corner*”.<sup>2</sup> He also said that it was not possible that he had hit someone other than the person he was aiming at or that he had hit more than one person.<sup>3</sup>

<sup>1</sup> Paragraphs 55.165–201

<sup>3</sup> Day 323/119-120

<sup>2</sup> Day 323/118

## Lieutenant N's evidence about firing by other soldiers

**51.39** Throughout his evidence Lieutenant N was adamant that he had not seen any of his soldiers fire.

## Summary of Lieutenant N's accounts of his shots

**51.40** According to Lieutenant N, he fired three shots up the Eden Place alleyway and then, after returning to his APC, went forward to a position close to Pilot Row, fired at and believed he had hit in the thigh a man he described as about to throw a bomb, who was at the corner of the southernmost house on Chamberlain Street.

## Evidence of other soldiers about Lieutenant N's firing

**51.41** We have considered earlier in this report<sup>1</sup> the shots fired by Lieutenant N up the Eden Place alleyway. Apart from Private 019, no other soldier gave evidence of hearing shots that he identified as those fired by Lieutenant N at Eden Place.

<sup>1</sup> Paragraphs 30.36–128

**51.42** Sergeant O told us that he was not aware of Lieutenant N's shots at the Eden Place alleyway, nor of any shots other than his own being fired towards the south-east corner of the car park.<sup>1</sup> Private S told the Widgery Inquiry that he did not see any other soldier fire apart from Sergeant O.<sup>2</sup> Private Q told the Widgery Inquiry that the shooting by Private T was the only shooting he saw apart from his own.<sup>3</sup> Private T told the Widgery Inquiry that he only saw Sergeant O firing.<sup>4</sup> Lance Corporal V told the Widgery Inquiry that he had only seen Private S firing.<sup>5</sup> Private 006 told us that he did not hear the shots fired by

Lieutenant N.<sup>6</sup> Corporal P told us that he did not see Lieutenant N firing.<sup>7</sup> Private INQ 1918 told us that he had no recollection of the shots fired by Lieutenant N from Eden Place.<sup>8</sup>

<sup>1</sup> Day 336/31-33; Day 335/69

<sup>2</sup> WT13.9

<sup>3</sup> B637

<sup>4</sup> B736

<sup>5</sup> WT13.22

<sup>6</sup> Day 334/62-64

<sup>7</sup> Day 323/180

<sup>8</sup> Day 342/92

**51.43** No other soldier gave evidence of seeing Lieutenant N fire the shot that he said that he fired at a man who was about to throw a bomb.

## Private S

**51.44** We have already referred to the accounts Private S gave of disembarking from Lieutenant N's APC and moving up to a position against the wall at the back of the last-but-one house on the west side of Chamberlain Street.<sup>1</sup> Although Private S told us he had no recollection of an incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle, and made no mention of this in the accounts that he gave in 1972, we have no doubt, for the reasons we have given, that he was one of the two soldiers involved in this incident, the other being Lance Corporal V.<sup>2</sup>

<sup>1</sup> Paragraphs 26.36–39

<sup>2</sup> Paragraphs 31.1–14

## The account of his firing given by Private S to the Royal Military Police

**51.45** In his first RMP statement, Private S, after describing the throwing of bottles and stones at the soldiers and giving an account of nail bombs being thrown from the top of the Rossville Flats<sup>1</sup> (which he repeated in his second RMP statement<sup>2</sup> but, as noted above,<sup>3</sup> retracted in his written statement for the Widgery Inquiry<sup>4</sup>), gave the following account:<sup>5</sup>

“I had been in my position for about five minutes when a gap appeared in the crowd. I saw a man standing in the gap between blocks one and two of the flats. The man went down into a kneeling position facing towards me. I heard the sound of gunfire. About four single shots were fired in my direction. They passed about five to ten metres from me and struck the walls of derelict houses behind me about fifty metres away. I saw the man move and I think he was attempting to stand up. As he moved I saw he was holding a long metallic object which appeared to be a rifle.

I fired three aimed shots 7.62 mm at the man. I do not think I hit him but before I could fire again the crowd moved and closed the gap.

About thirty seconds later the crowd opened up and made a similar gap.

I saw a man in a kneeling position in the gap between blocks 1 and 2 of the flats. The man was facing my way and I saw two muzzle flashes coming from his shoulder position. I fired three aimed shots at the man and I saw his body jerk backwards. I believe I hit him. The crowd closed the gap again so I was unable to fire any more.

The gap opened again after about thirty seconds and I saw a man in a kneeling position. I saw three muzzle flashes from his shoulder position.

I fired three aimed shots at the man before the gap in the crowd closed again. I do not think I hit him.

About thirty seconds later the gap opened again and once more I saw a man in a kneeling position. This time I saw four muzzle flashes come from his shoulder position. I saw these shots strike the water in a pond about fifty metres to my rear.

I fired three aimed shots at the man and saw his body jerk backwards as if my rounds had hit him.

I cannot say if it was the same man firing at me each time.

Altogether I fired 12 rounds 7.62 mm.”

<sup>1</sup> B692-693

<sup>2</sup> B703

<sup>3</sup> Paragraphs 47.8 and 49.15

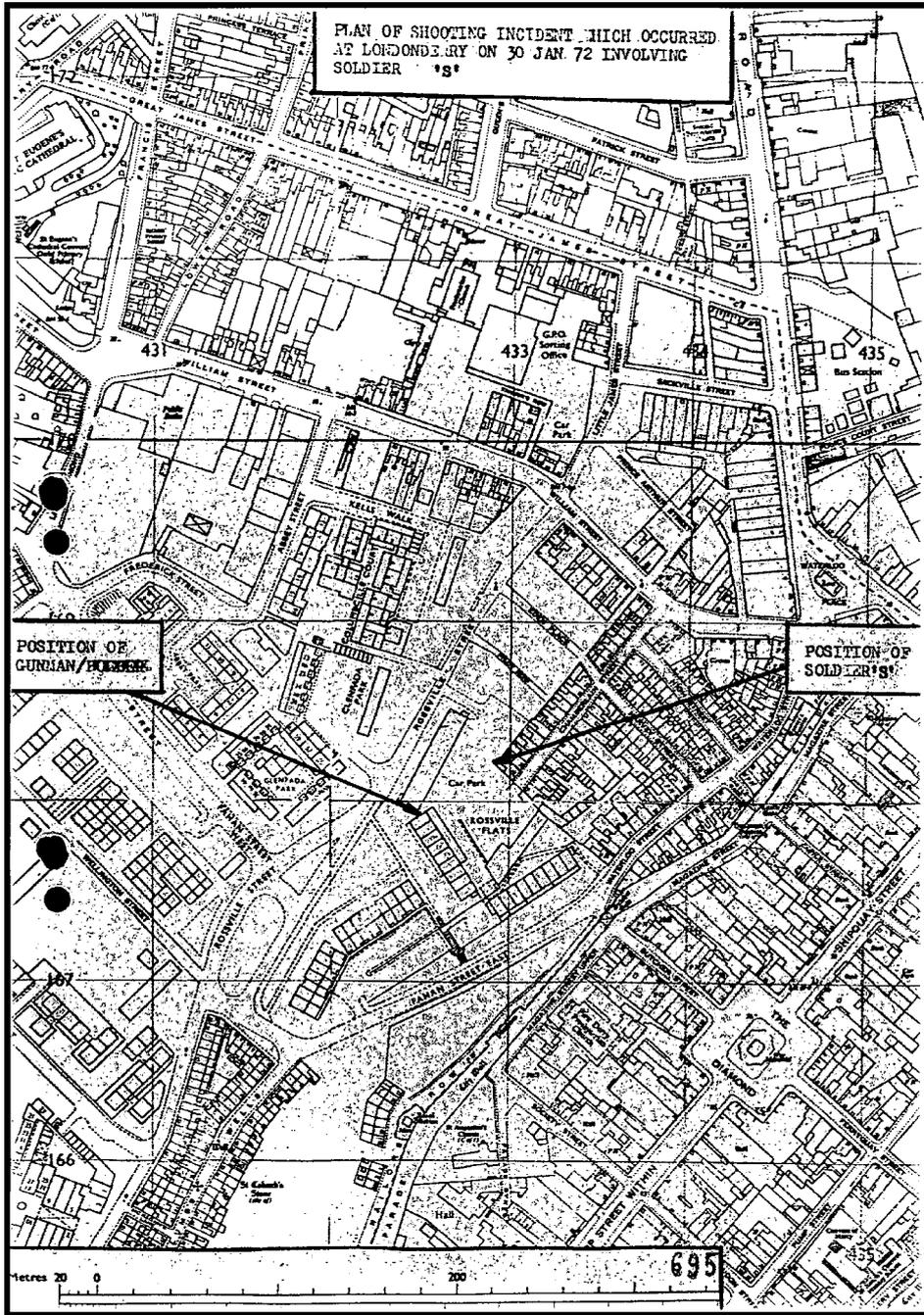
<sup>4</sup> B707

<sup>5</sup> B693-694

## Private S's Royal Military Police map

**51.46** In the map that accompanied this RMP statement, the position of Private S and his target was depicted as follows.<sup>1</sup>

<sup>1</sup> B695



## The account of firing by Sergeant O given by Private S to the Royal Military Police

51.47 We have already referred<sup>1</sup> to Private S's second RMP statement<sup>2</sup> when discussing the evidence of the soldiers relating to nail and blast bombs and his account of incoming fire from a gunman at "*a ground floor window, about three windows in from the South East corner of Block 1 of the flats*". This statement continued:

"[Sergeant] 'O' who was positioned at the side of the APC nearest to my position, engaged the gunman and fired I believe two shots in return. I was unable to determine whether the shots had hit the gunman as I was heavily committed with my own position. I was not able to observe the gunman long enough to give an accurate description of him."

<sup>1</sup> Paragraphs 47.7–8 and 49.15–16

<sup>2</sup> B703

51.48 As we have already noted, Private S told us that his account of this gunman was untrue.<sup>1</sup>

<sup>1</sup> Day 331/73 -77; Day 332/65-74

## Private S's evidence to the Widgery Inquiry about his and Sergeant O's firing, and Private S's trajectory photograph

51.49 In his written evidence for the Widgery Inquiry, Private S gave this account:<sup>1</sup>

"5. I remained in position by the back wall of No. 34 Chamberlain Street and kept a look out over the court yard. There was firing going on at this time. Through a gap in the crowd I saw a man kneeling in a gap in the court yard shown marked oo ... on my photograph. I heard the sound of firing from that direction and could hear that the rounds passed me and hit the back wall of the Chamberlain Street houses between 5 and 10 metres behind me. About 4 shots were fired. I judged that it was an M1 or similar weapon which was firing. I could not at that time distinguish muzzle flashes and I was not perfectly certain that the shots were being fired by the kneeling man. I kept watching him but did not immediately fire back. Then the man moved as if to stand up and as he did so he moved the weapon from his shoulder and I could see positively that it was a rifle of some sort. Although there were civilians milling about in the area there was still a clear line of sight between me and the man with the gun. As soon as I had identified the weapon clearly I fired 3 aimed shots at him, but I think I missed. At that point people moved between me and him for a short time and I lost sight of him.

6. After a very short time, about 30 seconds later, I caught sight of him again. I think he had moved his position slightly, but he was still in the same corner of the courtyard. He was kneeling and facing me. I heard the sound of firing again and this time I saw muzzle flashes coming from the weapon at his shoulder. I immediately fired 3 aimed shots and I believe I hit him. I could not however fire any further rounds because once more other people came into the line of fire.

7. While I was engaging this gunman with fire I was aware of the scattered movement of the crowd on the far side of the car park. I believe they were thinning out all the time and probably trying to get out of the openings between the blocks. By this time I was looking out for a gunman in the corner very carefully and was able to pick one out if the crowd's movement left a clear line of sight for only a short time.

8. I saw a gunman in this position twice more. I do not know if it was the same man each time.

9. The third time I saw him he fired 3 shots at me, and I fired 3 at him, but do not think I hit him. The fourth time, which again followed after an interval of about half a minute, I remember he fired 4 shots. These did not go near me but passed on my right and I looked round to see what he was shooting at. I saw splashes of water on the pond where my pig was stopped, but I did not see any shots hit the pig. I fired 3 shots at the man and this time I believe I hit him, because I saw his body jerk backwards. I went on looking in his direction, but other people got in the way and I did not see him again.

10. At some time, I think between the 3rd and the 4th occasion when I engaged the gunman, I saw [Sergeant] O, who was by his pig on my right, fire shots at the other corner of the car park. I shouted at him just before this that he was under fire. I could not see what his target was, as it was behind the wall I was standing against. While my own engagement was going on, I was aware that bottles and other missiles, including acid bombs, were being thrown from block 1 at the troops below.

11. After my last exchange of fire the platoon commander called us back to our vehicles and we moved off."

<sup>1</sup> B707-708

**51.50** The reference in this account to a photograph appears to be to Private S's trajectory photograph.<sup>1</sup>

<sup>1</sup> There is another version of the trajectory photograph in which Private S's targets are shown as four small "o"s instead of one large "O", but in the same position as the large "O".



**51.51** In his oral evidence to this Inquiry, Private S said that he had no recollection of how this photograph came to be prepared.<sup>1</sup>

<sup>1</sup> [Day 332/113](#)

**51.52** As can be seen, on this photograph the position of Private S is marked as further away from the southern corner of the Chamberlain Street houses than it was on his RMP map, though in his first RMP statement Private S described being in the position shown on his trajectory photograph. The position marked on the RMP statement seems therefore to have been incorrect.<sup>1</sup>

<sup>1</sup> [B695](#)

**51.53** It was, as noted above, in his written account for the Widgery Inquiry that Private S retracted what he had recorded in his RMP statements about seeing nail bombs.

51.54 In his oral evidence to the Widgery Inquiry, Private S said that when he had reached his position at the back of one of the houses in Chamberlain Street, he stayed there all the time.<sup>1</sup> He told the Widgery Inquiry that after he saw a man kneeling in the gap between Blocks 1 and 2 of the Rossville Flats, he heard and counted four shots:<sup>2</sup>

“Q. Did you know where those shots struck?

A. The shots passed me, the rounds passed me and went on past me, must have struck somewhere to my rear.

Q. How far to your rear do you think they landed?

A. Could have been –

Q. Did you hear them land actually?

A. Not really; I just heard the shots coming past me closely.

Q. Could you tell or form any view about what sort of weapon was firing?

A. I would say a medium calibre, an M.1; it could have been an M.16.

Q. Could you see any muzzle flashes at that stage?

A. Not at that stage.

Q. At that stage could you tell for sure from whom the shots were coming?

A. I knew the direction the shots were coming.

Q. Did you keep watching towards that kneeling man?

A. I did.”

<sup>1</sup> WT12.102

<sup>2</sup> WT12.103

51.55 Private S continued by telling the Widgery Inquiry that the man stood up and he could see his rifle at his shoulder: “As soon as I saw him, as soon as I identified him as the gunman, I fired three aimed shots at him.” Private S said that he did not think that he had hit the man. He also said that some people then came between him and the gunman but he caught sight of him again about 30 or 40 seconds later. The man was roughly in the same position. He heard the man fire and saw his muzzle flashes: “He was still in a sort of kneeling crouched position ... I fired three aimed shots at him.”<sup>1</sup>

<sup>1</sup> WT12.104

- 51.56** Private S said that he thought he had hit the man this time, but that he could not fire any more shots then because his line of sight was obstructed. Asked how many people were in the car park at this time he said: *“There were quite a few ... They were milling about; they were more or less going through the gaps of the flats.”*<sup>1</sup>
- <sup>1</sup> [WT12.105](#)
- 51.57** Private S told the Widgery Inquiry that he then saw a gunman in the same position twice more. The gunman fired several rounds in his direction, and he fired three shots back. Private S said that he did not think that he had hit the gunman, who fired three or four more shots, which passed by to his right and landed in the region of his APC. From the transcript it appears that Private S was referring to the APC parked by Pilot Row, ie Lieutenant N's APC.<sup>1</sup>
- <sup>1</sup> [WT13.2](#)
- 51.58** Private S said that he fired three more shots and this time thought he had hit the gunman as *“His body jerked backwards”*, but he could not see the man after that as people obstructed his view. He told the Widgery Inquiry that he could not be sure whether it was the same man he had shot at on each occasion that he fired.<sup>1</sup>
- <sup>1</sup> [WT13.3](#)
- 51.59** Private S also said that during the period in which he was firing Sergeant O was on the forward left side of Sergeant O's APC, and that he shouted to Sergeant O that Sergeant O was under fire because some shots fell in front of Sergeant O that Sergeant O had not seen. *“I could not see what he was engaging.”*<sup>1</sup>
- <sup>1</sup> [WT13.4](#)
- 51.60** Asked whether he could see any other hostile activity towards the troops while he was firing, Private S replied that there was a hail of bottles, he guessed 40 to 50 in number, thrown down from the flats.<sup>1</sup>
- <sup>1</sup> [WT13.4](#)
- 51.61** Later in his oral evidence Private S said that he saw one person lying on the ground to his front before he had discharged all his shots, when there were still people milling about in the car park. Asked whether he had fired any shots before he saw the body, Private S replied: *“I may have, sir, but I don't think so.”*<sup>1</sup>
- <sup>1</sup> [WT13.7-8](#)

51.62 Private S said that Sergeant O was the only other soldier he saw fire.<sup>1</sup>

<sup>1</sup> WT13.9

## The absence of reference to Private S's firing in the Loden List of Engagements

51.63 There is no reference to any of Private S's claimed shots in the Loden List of Engagements.<sup>1</sup> It is not clear why this is so. There is no evidence to suggest that Private S was one of the soldiers tasked, alongside Sergeant O and Corporal P, with taking the bodies of those killed at the rubble barricade to Altnagelvin Hospital. Nor is there any other obvious explanation as to why Private S either was not interviewed by Major Loden, or was interviewed without the relevant information being recorded. Private S told this Inquiry that he did not recall speaking to Major Loden, after Support Company's withdrawal from the Bogside, about his firing.<sup>2</sup> There is no evidence from Major Loden on this point. It might be that Private S was occupied on other duties. It is also possible that at this stage Private S was not claiming to have hit anyone, and thus his shots did not appear on the list for the same reason as the first three fired by Lieutenant N. These possibilities are, however, no more than speculation.

<sup>1</sup> ED49.12

<sup>2</sup> Day 332/75

## Private S's evidence to this Inquiry about his and Sergeant O's firing

51.64 In his written evidence to this Inquiry, Private S stated:<sup>1</sup>

“18. I moved forward and I have a general recollection of my platoon sergeant, soldier O being to my right and beside his Pig and I was looking for gunmen. I remember at some stage focusing on the alleyway between two blocks of the flats, this was a good place for a gunman as it offered cover and an escape route. I was then engaged in exchanges of fire with a gunman or gunmen. My only recollection now is that the exchange was over quickly, I do not recall how many rounds I fired, or were fired at me or whether or not I hit any of the men who were firing at me – I use the term in the plural as it was possibly more than one person who fired at me from the same position.

19. The only other memory I have of the time I was in this area is that I was near to a wall, soldier O was to my right and at the front left hand side of his vehicle, I think near the passenger door. I recall that he appeared to be engaging a target, although I cannot now remember any more than that.”

<sup>1</sup> B724.003

**51.65** In his oral evidence to this Inquiry, Private S told us that he now had no recollection of what had caused him to fire the first time.<sup>1</sup> He then made the following comment about his RMP statements:<sup>2</sup>

“Now, I would ask the Tribunal to bear with me for a moment, that when I actually made the first statement, which I believe was quite late at night, I mean, that was made to the RMPs, which – making a statement to the RMP is, is – can be quite a frightening affair in itself and, basically, there is a lot of things in there that I concede, even though I have signed the statement – yes, I have signed it, but I am not actually condoning some of the inaccuracies in the statement and in the statement that I made on the 4th.

Now, having said that, I would reiterate, I know I signed them, but I am basically – I regret the fact that I have signed a statement in 1972 that is basically inaccurate; it is not wholly inaccurate, but there are bits in there that – that have been added by the RMPs that are not wholly accurate, that I want to say that.”

<sup>1</sup> Day 331/60

<sup>2</sup> Day 331/61-62

**51.66** Counsel to the Inquiry accordingly took Private S through these statements in some detail. The first material inaccuracy identified by Private S related to his account of nail bombs being thrown from the Rossville Flats, which we have considered earlier in this report.<sup>1</sup> He told us that the account in his first RMP statement of his firing was the truth,<sup>2</sup> though a little later in his evidence there was the following exchange:<sup>3</sup>

“Q. It is correct, is it, that you have now no actual recollection at all of the rather dramatic incident which is described in this statement, of firing twelve shots in all, four bursts of three at 30-second intervals, injuring one man twice or two men once?

A. No, I have no recollection of it now, no.”

<sup>1</sup> Paragraphs 47.8–9 and 49.15–16

<sup>3</sup> Day 331/73

<sup>2</sup> Day 331/69-70

**51.67** Private S then told us that his account in his second RMP statement of seeing a gunman firing from a ground floor window should not be relied upon as an accurate statement, though he did not withdraw his account of seeing the bullets hit the ground about 10m short of the APC or his account of seeing Sergeant O fired at and returning fire.<sup>1</sup>

<sup>1</sup> Day 331/75-76

51.68 Private S was unable to explain why in his first RMP statement he had described shots fired at him that had struck the walls of derelict houses about 50m behind him, in his written account for the Widgery Inquiry he had described them hitting the back wall of Chamberlain Street between 5m and 10m behind him and in his oral evidence to the Widgery Inquiry he had said that he had not really heard them land.<sup>1</sup>

<sup>1</sup> Day 331/84-85; Day 332/45-46

51.69 Later in his oral evidence Private S was asked to explain how he knew that parts of his RMP statements were inaccurate, having just told this Inquiry that at the time he made them, he believed them to be true.<sup>1</sup> There was then the following exchange:<sup>2</sup>

“A. I do not remember making, I have said that on several occasions, sir – I do not remember making these statements, I do not even remember the people that interviewed me in the statements, I do not.

Q. You do not remember anything about the way in which the statements were taken?

A. I do not remember, sir. If I did, I would tell you so.

Q. If you do not remember anything about the way the statements were taken, how could you possibly, in fairness, place any blame on the RMPs who took the statements?

A. Because when you make a statement to the RMP, they are, shall we say, they are intimidating, to say the least and –

Q. Were they intimidating on this occasion?

A. Well, they can –

Q. On these two occasions when you made your statements to them?

A. They can be intimidating to an 18-year-old.

Q. Were they in fact intimidating on the two occasions you made your statements to them in respect of Bloody Sunday?

A. You are asking me now to commute the – I can see what you are doing. You are asking me now to commute the whole blame of the responsibility, to shift it over to the RMP. I am not going to say that they were intimidating in that way. I am sorry, sir, I am not going to say that.

LORD SAVILLE: I interrupt, it is the chairman, Soldier S. I do not think Mr Macdonald is doing that. What Mr Macdonald is doing, and he will correct me if I am wrong, is trying to get your assistance as to why you are now saying that parts of these statements are wrong; am I right in that, Mr Macdonald?

MR MACDONALD: Yes, sir.

LORD SAVILLE: Perhaps you could put the question again.

You have told us that some parts of these statements are unreliable. An example you took was that you could not have been facing northwest?

A. That is right, sir.

LORD SAVILLE: That is actually a minor example which I do not think anyone is going to blame anyone about, subject to correction from Mr Macdonald, but there are other parts of these statements that you told us yesterday you regarded as unreliable.

What Mr Macdonald is seeking to do is to discover why you take that view of those parts of the statement that are unreliable and in order to do that he is exploring with you the circumstances in which the statements were made. You have told us more than once that you cannot remember the details of the statement-taking process. You have made the point more than once that, in the ordinary course of things, an 18-year-old soldier is likely to be intimidated by the RMP, in general terms.

But concentrate, please, on what Mr Macdonald is trying to get from you, which is why certain parts of these statements you now say are unreliable; that is the point we are getting at.

Mr Macdonald.

MR MACDONALD: Do you remember, in fact, being intimidated by these RMPs who took these statements?

A. No, I do not, sir.

Q. Do you remember in fact them putting words into your statements that you did not give to them?

A. No, I do not remember them putting words into my statements that I gave to them.

Q. You cannot say that anything that appears in these statements came from the RMPs as opposed to from yourself?

A. No, I cannot remember that.

Q. So you cannot properly say that you signed statements that were effectively written by other people, can you?

A. Well, by the logic that I follow you, yes, no, I cannot.

Q. In fact what you are doing is trying to transfer the blame for the inaccuracies to the RMPs?

A. I am sorry, I have said that, no –

Q. Why do you persist in saying that there were things in the statement that were not really written by you and that you regret signing them and you must have been intimidated? Where does the intimidation come into it?

A. The statements are inaccurate in the respect that they do not accurately reflect probably what I actually quoted to the RMPs on the day.

Q. Why are you suggesting that the RMPs put things into your statement that you did not give to them? The sort of terms that you used were that they may have collated material that may have come from a number of people?

A. Well, I think they, they would have collated some of this, I mean, that would have been common sense for them to do that at the time, would it not?

Q. No, it would not, Soldier S, because these statements purport to be an account of your recollection of the events. Now, to get to the point very simply: I am suggesting to you that the reason why you are now – the reason, first of all, why the account appears in your statement in the way that it does, is that you were telling lies about your account?

A. No, I was not, sir.

Q. The inaccuracies are attributable to you trying to tell lies and not to the RMPs telling lies for you?

A. No.

Q. Or could it be that it is a combination of you telling lies and the RMPs helping you to tell lies?

A. No.

Q. How do you know?

A. No.

Q. How do you know?

A. I would not do that.

Q. But you do not remember doing that or not doing that, do you?

A. No, I do not.

Q. You claim to have no recollection of this at all?

A. I do not, that is correct, that is correct, but I would not do that.”

<sup>1</sup> Day 332/14

<sup>2</sup> Day 332/16-21

**51.70** Private S was asked much the same later in his oral evidence, when he was asked to explain how he had come to change the account given in his second RMP statement<sup>1</sup> of Sergeant O firing at a gunman at a ground floor window at the south-east corner of Block 1 to the account given in his written statement for the Widgery Inquiry<sup>2</sup> of Sergeant O firing into “*the other corner of the car park*”:<sup>3</sup>

“LORD SAVILLE: Your second statement, the first page.

MR MACDONALD: B724.016.

LORD SAVILLE: Look at that paragraph. It describes you saying that you saw a gunman open fire from a ground floor window, about three windows in from the southeast corner of Block 1, he fired about six shots direct at members of the company, who were: ‘... employed around one of our APCs, positioned about 15 metres west of my position. I saw the gunman’s bullets strike the ground about 10 metres short of the APC. [Sergeant] O, who was positioned at the side of the APC nearest my position engaged the gunman and fired, I believe, two shots in return.’

You have told this Tribunal and in reply to Mr Macdonald’s questions, you have repeated, that that is inaccurate?

A. Yes.

LORD SAVILLE: What Mr Macdonald has been trying to ascertain from you is: how are you able to say that that paragraph is inaccurate? You tell us you do not remember the incident, so how do you know that that paragraph is inaccurate?

A. Because it was probably inserted there for me, probably.

MR MACDONALD: By the RMP who took the statement?

A. Probably, yes, sir.

Q. And you went along with it?

A. Yes.

Q. And you could only say that that probably happened because you have a recollection to that effect; is that not right?

A. I have very, very little recollections of the incidents and the statements I have made, as I have said I have – I wish I had more.

Q. Do you have some vague recollection to that effect, that that is what happened: that this was put in your statement by an RMP and you went along with it because you were only 18 and felt intimidated?

A. Yes, that is probably more to the truth. I am not proud of that.

LORD SAVILLE: Is there another possibility, that some of your colleagues suggested to you that you should tell that to the RMP; is that a possibility?

A. I, I would not think that that would have been a possibility, because that would have been sort of – it would amount to sort of colluding and – I think every man on the day would have had to make his own – would have had to account for his own actions, really. I think that by the time we made these statements, I think everybody, I think, fully realised the gravity of the situation, I would say.

No, I would not, I would not go along with that, sir, with respect.

LORD SAVILLE: Tell me if I am wrong in summarising it this way, but your evidence to the Tribunal is that this paragraph is untrue and you witnessed no such event as is described in that paragraph; is that right?

A. Yes, I would agree with that."

<sup>1</sup> B703

<sup>2</sup> B708

<sup>3</sup> Day 332/71-74

**51.71** At the end of his oral evidence Private S denied that any of his firing was from the hip or from his waist.<sup>1</sup>

<sup>1</sup> [Day 332/127](#)

## **Private S's use of his respirator**

**51.72** In his written statement for and oral evidence to the Widgery Inquiry,<sup>1</sup> Private S stated that he put on his respirator before moving off from Queen's Street. He did not say for how long he wore it. In his written statement to this Inquiry,<sup>2</sup> Private S told us that he could not remember whether he was wearing a respirator.

<sup>1</sup> [B706; WT12.101](#)

<sup>2</sup> [B724.004](#)

**51.73** Both soldiers shown in the enlargement of the photograph taken by Colman Doyle that we have reproduced in our discussion of the incident involving the Order of Malta Ambulance Corps volunteer Charles McMonagle<sup>1</sup> can be seen to be wearing respirators. For reasons given earlier, we consider that Private S is one of these soldiers, the other being Lance Corporal V. Thus we consider that Private S was still wearing his respirator as he moved south after the incident involving Charles McMonagle.

<sup>1</sup> [Paragraphs 31.5–6](#)

## **Summary of Private S's account of his shots**

**51.74** According to the accounts given by Private S, therefore, about five minutes after he reached a position near the back wall of the last-but-one house in Chamberlain Street and from that position, he fired four groups of three shots at a man who was firing a rifle in his direction from the gap between Blocks 1 and 2 of the Rossville Flats. He said that he believed he missed the man with his first group of shots but hit him when he fired his second group. Similarly, he said he believed he missed the man when he fired his third group of three shots but hit him when he fired his fourth group. His evidence was that there was a gap of about 30 seconds between each of his groups of shots, and that on each occasion after he had fired a group of shots, the crowd came between him and the man he was seeking to shoot. He did not know whether each group of shots was fired at the same man.

## Summary of Sergeant O's account of firing by Private S

**51.75** We deal in detail with Sergeant O's evidence of firing later in this chapter.<sup>1</sup> So far as Private S is concerned Sergeant O's evidence was to the effect that Private S was the only soldier whom he had seen firing, and that he saw Private S firing from the back wall of a house near the end of Chamberlain Street towards the gap between Blocks 1 and 2 of the Rossville Flats. Sergeant O said that he caught one glimpse of a man kneeling down in that location firing a weapon from the shoulder. The man was in a small gap by himself but there were people moving about that area. According to Sergeant O, it was after he had himself fired at a man on a walkway between Blocks 2 and 3, or on a balcony in Block 3, and some three to four minutes before he shot at a man on the corner of the gap between Blocks 2 and 3, that he saw Private S firing.

<sup>1</sup> [Paragraphs 51.208–265](#)

**51.76** In his oral evidence to this Inquiry, Sergeant O said that he could not now recall Private S firing.<sup>1</sup>

<sup>1</sup> [Day 335/76](#)

## Summary of Lance Corporal V's account of firing by Private S

**51.77** Lance Corporal V gave an account of firing by Private S. We examine Lance Corporal V's evidence below. As will be seen, according to his accounts, after he had fired a shot from a position near to the wire fence that ran across the southern edge of the Eden Place waste ground, he went towards Private S, whom he described as standing on the corner at the end of the houses in Chamberlain Street. He said he saw Private S returning fire towards the gap between Blocks 1 and 2 and saw flashes in that area but did not hear the sound of shots. In his oral evidence to this Inquiry Lance Corporal V said that he had no recollection of Private S firing and "*no clear recollection*" of seeing flashes.<sup>1</sup>

<sup>1</sup> [Day 333/80](#)

## The evidence of Corporal INQ 444

**51.78** We consider later in this report<sup>1</sup> whether an account given by Corporal INQ 444 of a soldier firing a large number of shots relates to Private S.

<sup>1</sup> [Paragraphs 65.29–40](#)

## Lance Corporal V

**51.79** We have described earlier in this report<sup>1</sup> the account that Lance Corporal V gave of disembarking from Lieutenant N's APC and going forward to cover Private S who was ahead of him. We have also discussed the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle,<sup>2</sup> which involved Private S and which took place at the back wall of the Chamberlain Street houses close to the wire fence running across the southern edge of the Eden Place waste ground.

<sup>1</sup> Paragraphs 26.14–17

<sup>2</sup> Paragraphs 31.1–14

## The account of his firing given by Lance Corporal V to the Royal Military Police

**51.80** In his RMP statement<sup>1</sup> Lance Corporal V gave an account of hearing the sound of shots as he disembarked and two explosions, and of rioters throwing petrol and acid bombs. In this account Lance Corporal V made no mention of the position he was in when he fired. He stated:<sup>2</sup>

“Firing was taking place at us from several positions with several different types of weapons.

I then saw a male person wearing a dark suit, white shirt, he was a young man. He had dark hair. He was standing in a crowd I saw him draw back his right arm. I saw him throw a bottle with a fuse attached at the end. It hit the ground but did not explode. He moved from the crowd. I fired 1 x 7.62 rd, aimed at him. He was thrown to the ground. The crowd scattered but 4–5 persons returned. I saw them waving white handkerchiefs and attending to the person I had fired at.

The firing still continued from the flats area. I observed that location. I didn't see the man I'd shot again.”

<sup>1</sup> B788

<sup>2</sup> B788-B789

## The account of his firing given by Lance Corporal V to John Heritage

**51.81** In a note dated 5th March 1972 John Heritage, a senior legal assistant in the Treasury Solicitor's department who interviewed a number of witnesses on behalf of the Widgery Inquiry, recorded the following.<sup>1</sup>

<sup>1</sup> B821.002

5 March 1972

NOTE

V

In the course of my preliminary interview with ~~him~~, before recording his statement, I invited <sup>him</sup> to tell me his account of what happened. He told me that he saw a man throw a bottle with a lighted fuse at its end. The bottle landed near S, but the fuse came out in the air and the bottle did not explode. He said he kept an eye on the man who had thrown it, as he moved back in the crowd. As soon as the movement of the crowd gave him a clear sight of the man he shot at him and believed that he had hit him. In answer to Major Bailey he said he thought the man might have been stooping just before he shot. I asked him if he could see anything in ~~the~~ the man's hand. He replied "No sir I can't honestly say that I did". Major Bailey then intervened and said he wished to discuss the position of this witness with Colonel Overberry before we proceeded. I agreed.

Colonel Overbury requested that this interview with V be held over until he had had an opportunity to discuss the matter with Counsel. I agreed.

*JMA*  
5.iii.72

Major Bailey confirms that this is  
a fair & accurate record of what  
V said in our presence.

*JMA*  
5/iii

After discussing the matter with Mr. G. M. Jones, Col. Overbury told me that he proposed to order V to make a statement. I said that if V made a statement, ~~but~~ I would record it but before doing so I would warn V that his evidence might incriminate him. Col. Overbury said that if such a warning were to be given, he would order/advise V not to make a statement.

*JMA*  
5/iii

51.82

The handwriting on this note is that of John Heritage. Major Bailey, to whom the note refers, is dead and gave no evidence to this Inquiry. As may be seen from a memorandum dated 3rd February 1972 and signed on behalf of the Director of Military

Operations in the Ministry of Defence,<sup>1</sup> Major Bailey was an officer of Army Legal Services who worked, under Colonel Colin Overbury, in the Army Tribunal Team, which was responsible for the preparation of Army evidence for the Widgery Inquiry.<sup>2</sup>

<sup>1</sup> [CO1.83](#)

<sup>2</sup> In our ruling on claims for legal professional privilege dated 20th July 1999, we determined that Colonel Overbury and Major Bailey acted for the Ministry of Defence, in the interests of the Army, and did not represent individual soldiers at the Widgery Inquiry. Colonel Overbury confirmed that this was the case in his oral evidence to this Inquiry ([Day 243/88](#); [Day 243/123-125](#)).

**51.83** We are of the view that this note accurately records what Lance Corporal V told John Heritage, and give our reasons for this when we return to consider this note again later in this chapter.<sup>1</sup> We first examine the rest of Lance Corporal V's evidence.

<sup>1</sup> [Paragraphs 51.107–133](#)

## Lance Corporal V's evidence to the Widgery Inquiry about his firing

**51.84** In his written statement for the Widgery Inquiry (which, as we explain below, was not taken by John Heritage),<sup>1</sup> Lance Corporal V gave an account of disembarking from his vehicle and following Private S, hearing single shots as he did so and seeing bullets hitting the ground somewhere to his right as he was running up to the entrance "*to the forecourt*". He continued:<sup>2</sup>

"By the time I had run up to the entrance to the forecourt there was a large crowd on the left in front of me around the end of Chamberlain Street who were throwing stones and bottles and there were bottles being thrown from the block of flats on my right which contained liquid.

My attention was then drawn to a young man with longish dark hair who was wearing a dark suit and a light shirt. He was of medium height. He was at the front of the crowd and his right hand was drawn back in a throwing position. He was holding in his right hand a bottle with a cotton-waste fuse in it which was lit. I took aim at this man but my view of him was obscured for a fraction of a second probably by someone running in front of him. I kept my sights on this man and fired immediately I had a clear aim. I fired one aimed shot. The man was thrown backwards onto the ground. All these events took place almost instantaneously [sic]. There was a lot of glass and debris about but I do remember seeing a smoking fuse although there had been no noise of a petrol bomb going off. I then realised that he had thrown the bomb before I had shot him.

After this had happened four or five male persons came towards the body with their hands in the air waving white handkerchiefs. At this time, realising that they were unarmed, I moved over behind [Private] S who was standing at the corner of the buildings at the end of Chamberlain Street. [Private] S was taking aim and returning fire in the direction towards the gap between the centre and right hand blocks of Rossville Flats. I saw flashes coming from that direction but I did not hear shots. There was still bottles coming down from the flats and there was a lot of noise and people running about in the forecourt of the flats. I then covered the general area of the right hand block of Rossville Flats in case any bombs were thrown from there or any snipers opened fire.

I then sent [Private] S, who had finished firing, back to the armoured vehicle and I moved over to [Sergeant] O's armoured vehicle which was parked on the opposite side of the entrance to the forecourt."

<sup>1</sup> B801

<sup>2</sup> B801-802

**51.85** At the end of this written statement Lance Corporal V made these observations:<sup>1</sup>

"In the sixth paragraph of the statement which I made on 31 January 1972 at 0025 hours I stated 'Rioters also threw petrol and acid bombs'. I should like to make it clear that at the time I was describing no petrol bombs were being thrown.

In addition in the eighth paragraph of my statement of 31 January 1972 the sequence of events given in this statement is incorrect but I am satisfied that my description of events in my present statement is correct. I should like to make it clear that the events described from my taking aim to firing took place within a matter of a second."

<sup>1</sup> B802-B803

**51.86** The reference to the eighth paragraph of his RMP statement must be a reference to the account he gave in that statement about his firing.

**51.87** In his oral evidence to the Widgery Inquiry, which he gave on 8th March 1972, Lance Corporal V said that the man he fired at was about 50m to 60m away from him.<sup>1</sup> He gave the Widgery Inquiry much the same account of the circumstances in which he had fired as that contained in his written account for that Inquiry, and also gave a similar account of moving over to join Private S who "*was returning fire into the alleyway between Blocks 1 and 2*".<sup>2</sup> The transcript of Lance Corporal V's oral evidence to the Widgery Inquiry records him as having said that the man whom he had shot had been wearing a "*white-collared*

*shirt*".<sup>3</sup> Lance Corporal V told us, and we accept, that this should have read a "*white coloured shirt*".<sup>4</sup> When he was cross-examined by counsel acting on behalf of the families and the injured at the Widgery Inquiry, he gave the following answers:<sup>5</sup>

“Q. And your impression now is, or your recollection now is, that he had thrown this petrol bomb before you fired at him?

A. I could not see that at the time, sir.

Q. But that is your reconstruction of the events?

A. Yes, sir, now.

Q. That was a petrol bomb which never exploded?

A. Yes, sir.

Q. So something must have happened to the fuse between the time you saw it and the time it landed on the ground?

A. Yes, sir.

Q. Did you look to see where the petrol bomb might have landed?

A. When I saw that I had shot the fellow with a petrol bomb in his hand I looked to the area where he might have thrown it and saw a fuse still burning on the ground.

Q. Did you watch it?

A. No, sir. As soon as I saw the fuse I turned to go into the wall and cover of the area of the block of Rossville Flats.

Q. Did you shout a warning or anything like that?

A. When, sir?

Q. When you saw the fuse burning on the ground?

A. No, it was impracticable.

Q. It was impracticable to shout a warning to anyone when you saw this thing that was about to explode?

A. He still had the bomb in his hand.

Q. Did you not tell us a moment ago that after you saw this object on the ground you saw the object burning?

A. No, I saw the fuse burning.

Q. You saw the fuse detached from the bomb?

A. Possibly, sir. I did not see it alight.

Q. You saw something burning on the ground but you did not see the bomb?

A. No, sir.

LORD WIDGERY: I must try to get this straight. I thought you said he must have thrown the bomb in the moment when he was obscured from you and before you actually fired?

A. Yes, sir.

Q. Now you are telling Counsel that he still had the bomb in his hand, or have I got it confused?

A. He said 'Did you give a warning?' and I said it was impracticable at the time because he was in a throwing position with the bomb.

Q. When you first gave your evidence I understood you to say you took aim. He was obscured for a second and then you fired. There was no explosion of the bomb, so you concluded he had thrown it in that split second when he was obscured from you?

A. Yes.

Q. In other words, the bomb had left his hand?

A. I did not see that.

Q. That is your account of it as you wish me to accept it?

A. Yes, sir. May I point out that when I am aiming he is so close that my sight picture was filled with the part I was aiming at.

Q. I want to be sure I have your evidence right. If that is right it means the bomb did not remain in his hand after you shot him, or did it?

A. I presumed it had not because I did not see any flames about the area where I had shot him. The fuse would have been in the bottle when it hit the ground.

Mr. McSPARRAN: You made no attempt to retrieve this bomb, whatever kind of bomb it was?

A. Petrol bomb. I presume the fuse had smashed because it was lying there.

Q. You did not see any bottle?

A. No, it had smashed on impact.

Q. It was something you did not notice?

A. No, I did not notice.”

<sup>1</sup> [WT13.12](#)

<sup>4</sup> [B821.005](#)

<sup>2</sup> [WT13.13](#)

<sup>5</sup> [WT13.21-22](#)

<sup>3</sup> [WT13.12](#)

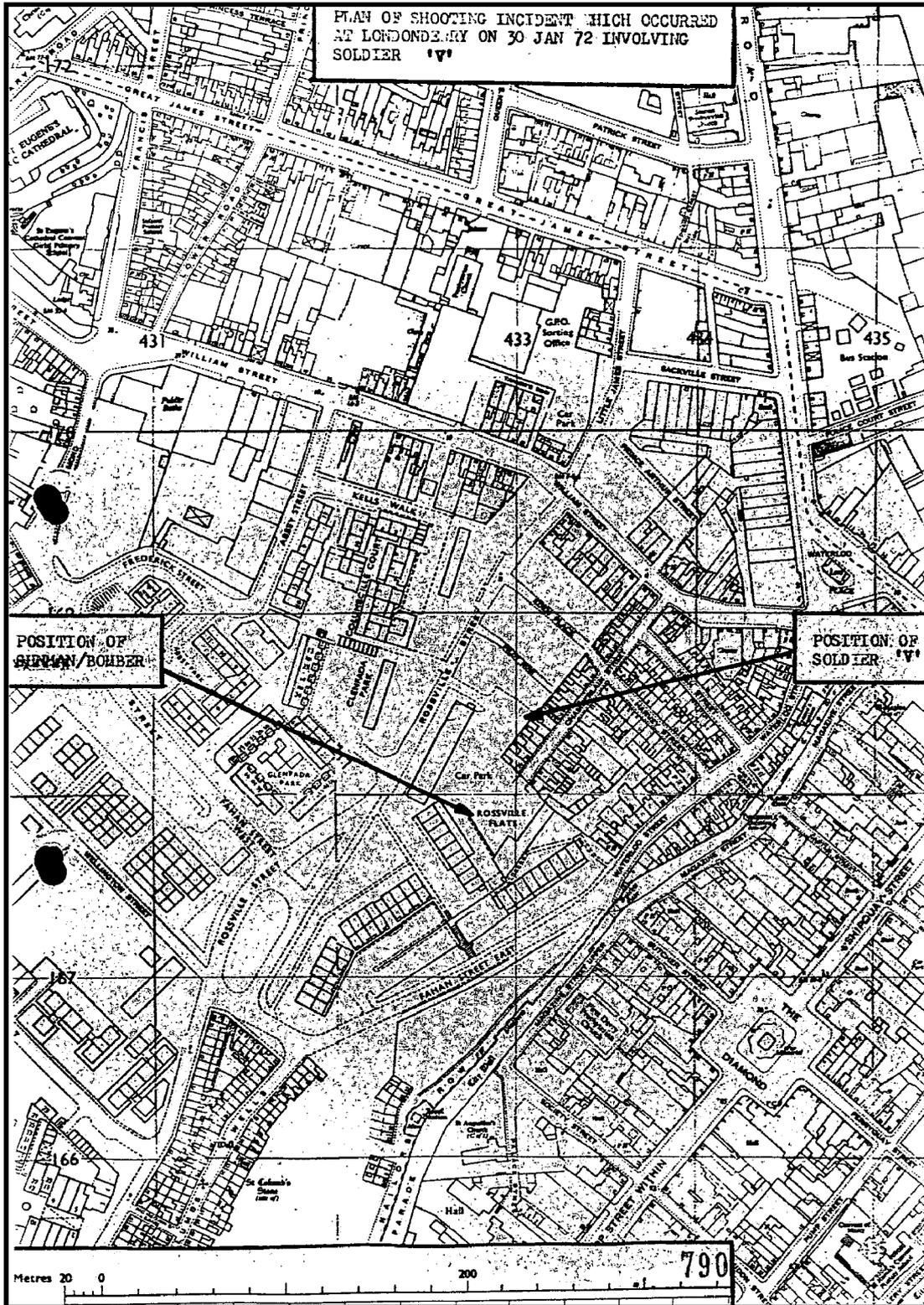
**51.88** Lance Corporal V told the Widgery Inquiry that he thought that he had hit the man in the stomach and that one of the party of people who came to take him away had been a priest in clerical clothes.<sup>1</sup>

<sup>1</sup> [WT13.22](#)

## Lance Corporal V’s Royal Military Police map and trajectory photograph

**51.89** We reproduce below the marked map that accompanied Lance Corporal V’s RMP statement,<sup>1</sup> and his trajectory photograph.

<sup>1</sup> [B790](#)





**51.90** Although in his RMP statement Lance Corporal V made no mention of where he was when he fired, the RMP map put him closer to the back wall of the Chamberlain Street houses than the trajectory photograph. Similarly, his target was shown as much further south on the RMP map than on the trajectory photograph. In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lance Corporal V said that the man at whom he fired was at the front of a crowd near the end of Chamberlain Street.

<sup>1</sup> [WT13.12](#)

**51.91** It seems to us that the compiler of the RMP map was likely to have used information supplied by Lance Corporal V, though since there is nothing in Lance Corporal V's RMP statement to indicate where he or his target was, it is not possible to tell whether or not the compiler correctly recorded on the RMP map what he had been told.

### **Comparison between the account of his firing given by Lance Corporal V to John Heritage and his evidence to the Widgery Inquiry**

**51.92** It will be observed that the account that Lance Corporal V gave the Widgery Inquiry in both his written statement and his oral evidence differed from the account that John Heritage had recorded of the circumstances in which he fired. The account recorded by John Heritage was to the effect that there was a gap in time between Lance Corporal V

seeing the man throwing the petrol bomb and shooting the man when the crowd into which the man had gone parted and gave Lance Corporal V a clear line of sight. The account that Lance Corporal V gave the Widgery Inquiry was to the effect that everything happened more or less instantaneously and that it was not until after he had fired that he realised that the man had thrown the bomb.

## The second entry in the Loden List of Engagements

51.93 The second entry in the Loden List of Engagements is as follows:<sup>1</sup>

“One petrol bomber at GR 43281679 shot from GR 43291683. Apparently killed (Car Park).”

<sup>1</sup> ED49.12

51.94 According to the grid references given in this entry, which are plotted on the map reproduced below (which was prepared for the purposes of this Inquiry by the legal representatives of one of the families), the firing soldier was in the mouth of the car park, close to the back of the second and third houses from the south end of Chamberlain Street; his target was close to the low wall on the south-western side of the car park.<sup>1</sup>

<sup>1</sup> OS2.48 (extract)



**51.95** We are sure that this entry was based on an account given to Major Loden by Lance Corporal V. No other soldier claimed to have shot at (and hit) a petrol bomber. Furthermore, the grid references correspond reasonably closely to the positions of the firer and his target that appear on Lance Corporal V's RMP map, though not with the positions shown on his trajectory photograph. However, given that the grid references in the Loden List of Engagements can only be treated as approximations, we cannot say more than that the possibility exists that when the trajectory photograph was prepared Lance Corporal V may have changed his mind on where he and his target were.

### **Lance Corporal V's evidence to this Inquiry about his firing**

**51.96** As already noted, Lance Corporal V gave written and oral evidence to this Inquiry.

**51.97** In his written statement,<sup>1</sup> Lance Corporal V told us that he did not remember the events of the day in any detail. So far as his firing was concerned, he stated: "*I no longer actually recall the act of firing.*"<sup>2</sup> He also stated that he had no recollection of the interview on which John Heritage made the note to which we have referred above, or of giving a written statement for the Widgery Inquiry.<sup>3</sup> He described the oral evidence that he gave to the Widgery Inquiry as "*The best evidence I can give*".<sup>4</sup>

<sup>1</sup> B821.003

<sup>3</sup> B821.004

<sup>2</sup> B821.004

<sup>4</sup> B821.005

**51.98** Lance Corporal V, in his oral evidence to this Inquiry, told us that he had no recollection of the reason why in his written statement for the Widgery Inquiry he had retracted his RMP account of observing petrol bombs at a stage before he had fired.<sup>1</sup> He also told us that his RMP statement did not accurately reflect the fact that "*the incident of me actually engaging the petrol bomber happened in a fraction of a second*".<sup>2</sup>

<sup>1</sup> Day 333/63-64

<sup>2</sup> Day 333/65

**51.99** Counsel to the Inquiry asked Lance Corporal V whether he recalled the preliminary interview with John Heritage and his answers to the questions asked by Major Bailey and by John Heritage. Lance Corporal V told us that he had no recollection at all either of this interview or of anything that then happened with regard to it. He said to us that it was his oral evidence to the Widgery Inquiry of which we should take note, as these were his words "*not ... juggled around by other people taking statements for me*".<sup>1</sup>

<sup>1</sup> Day 333/69-74

**51.100** It was pointed out to Lance Corporal V that on the basis of the accounts he had given in his RMP statement and to John Heritage, his shot did not comply with the Yellow Card, which only permitted firing after warning at a petrol bomber who was endangering life, since the man had already thrown a petrol bomb which had not exploded and so there was no longer such a danger. Lance Corporal V agreed that he had not shouted a warning. His answer in respect of the RMP statement was that he might have explained his account badly to the RMP; as to the note made by John Heritage he replied “*I have no recollection of making that statement*”. He insisted that he had engaged “*a legal target*”.<sup>1</sup>

<sup>1</sup> [Day 333/75-78](#)

## **Lance Corporal V’s use of his respirator**

**51.101** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lance Corporal V said that he put on his respirator when he was in the yard of the Presbyterian Church. He said that he was still wearing it when Lieutenant N’s vehicle passed through Barrier 12. He did not say for how long he continued to wear it.

<sup>1</sup> [WT13.10](#)

**51.102** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal V said that it was possible that he was still wearing his respirator when he fired a shot, but he could not remember. He said that if he had been wearing one, it would have restricted his view.

<sup>1</sup> [Day 333/146](#)

**51.103** For reasons given earlier in this report,<sup>1</sup> we are sure that Lance Corporal V was one of the two soldiers photographed by Colman Doyle after the incident involving the Order of Malta Ambulance Corps volunteer Charles McMonagle, the other being Private S. This shows that Lance Corporal V was still wearing his respirator after this incident.

<sup>1</sup> [Paragraphs 31.1–14](#)

## **Lance Corporal V’s evidence about firing by other soldiers**

**51.104** Lance Corporal V said in his oral evidence to the Widgery Inquiry,<sup>1</sup> and in his oral evidence to this Inquiry,<sup>2</sup> that he did not see any other soldier fire apart from Private S. We have already summarised above Lance Corporal V’s account of firing by Private S.<sup>3</sup>

<sup>1</sup> [WT13.22](#)

<sup>3</sup> [Paragraph 51.77](#)

<sup>2</sup> [Day 333/93](#)

## Lance Corporal V's evidence about whether he could have shot Jackie Duddy or Margaret Deery

**51.105** Lance Corporal V denied that he had shot either Jackie Duddy or Margaret Deery (two of the Sector 2 casualties), pointing out that the person he had shot was wearing a dark suit with a white shirt and had long hair.<sup>1</sup>

<sup>1</sup> [Day 333/87-92](#)

## Summary of Lance Corporal V's accounts of his shot

**51.106** On the basis of the evidence Lance Corporal V gave to the Widgery Inquiry, and his trajectory photograph, he was near the fence across the Eden Place waste ground when he observed a man with a petrol bomb quite close to the end of Chamberlain Street. If the compiler of the RMP map correctly recorded on it what Lance Corporal V had told him, Lance Corporal V's target was further south, close to the low wall running along the back of Block 2 of the Rossville Flats, while Lance Corporal V himself was closer to the back wall of the Chamberlain Street houses. Lance Corporal V gave differing accounts of the circumstances in which he fired at this man; in his first two accounts (his RMP statement and his preliminary interview with John Heritage) he said that he saw the man throw the petrol bomb and that it did not explode, after which he fired at the man. In his written statement for and oral evidence to the Widgery Inquiry, he stated that it was only after he had fired that he realised that the man had thrown the petrol bomb. He insisted in his oral evidence to this Inquiry that his oral account to the Widgery Inquiry was to be preferred and that he had shot in accordance with the Yellow Card at a man who was posing a danger to life, though he agreed that he had shouted no warning.

## The note made by John Heritage of his interview with Lance Corporal V

**51.107** John Heritage gave written and oral evidence to this Inquiry.

**51.108** In his written statement<sup>1</sup> John Heritage explained that in 1972 he was a senior legal assistant in the Treasury Solicitor's department. He had worked as a legal assistant for Lord Scarman's Inquiry into the civil disturbances that had occurred in Northern Ireland in 1969; he became the Legal Secretary to Sir Edmund Compton's Inquiry into allegations of brutality to detainees after the introduction of internment in 1971. He became involved in the Widgery Inquiry at the beginning of the second week of February 1972. Basil Hall was the Solicitor to the Widgery Inquiry.

<sup>1</sup> [KH6.1](#)

- 51.109 In this statement John Heritage described travelling to Northern Ireland towards the end of February 1972 and then, with Chris Leonard (another senior legal assistant in the Treasury Solicitor's department), being charged with taking statements from both military and civilian witnesses to enable counsel to prepare for the hearings.
- 51.110 So far as military witnesses were concerned, John Heritage told us that all statements from ranks other than commissioned officers were taken in the presence of either a regimental officer or, more often, a member of the Directorate of Army Legal Services, or, on occasions, a member of the Treasury Solicitor's staff. Major Bailey was a member of the Directorate of Army Legal Services.<sup>1</sup>
- <sup>1</sup> KH6.2
- 51.111 With regard to Lance Corporal V, John Heritage stated:<sup>1</sup>

**“Soldier V**

21. I have been asked about my recollections of my preliminary interview with Soldier V and subsequent discussions which are recorded in my three file notes of 5 March 1972. A copy of these file notes with their covering note is attached as Appendix A to this statement. I confirm that my file notes are, to the best of my belief, true and correct.

22. I remember that during the course of my initial discussions with Soldier V, I invited him to tell me his account of what had occurred on Bloody Sunday. Soon after he began telling me his account, he replied to a question I asked in a way that appeared to me would incriminate him. I clearly recall this incident, as it is the only occasion in my career when I have had to consider the possibility of giving a warning to a witness that his evidence might incriminate him.

23. I recall that Lieutenant Colonel Overbury and I had a disagreement over whether or not a warning should be given to Soldier V that he might incriminate himself. In retrospect, I believe this was based on a misunderstanding. I now know from the present Inquiry's ruling on claims for professional privilege (paragraphs 20 *et seq*) and Mr Hall's note to the Treasury Solicitor of 16 March 1972, paragraph 7 (which at the time I would not have seen) that the army team were acting on advice that a statement made in compliance with military orders could not be used against its maker in subsequent proceedings. At the time, I do not believe that I was aware of this and I simply did not understand Lieutenant Colonel Overbury's approach. It seemed to me then that as the Inquiry had statutory powers of compulsion of witnesses and was

given the powers of the High Court, any military order to give a statement would be redundant. For the same reason any such order not to give a statement could be regarded as a contempt of the Tribunal.

24. As can be seen from the covering note I referred this matter to Basil Hall, Solicitor to the Inquiry, as Lt Colonel Overbury and myself were not able to agree on the course of action that should be taken. I had no further involvement in recording Soldier V's evidence from that time onwards. I am unsure who took the final statement from Soldier V (ie SA34) but, by process of elimination, it is likely to have been Chris Leonard (or M.R. Hirst).

25. I did not discuss this matter with Mr Hall or with counsel and I do not know whether or not Lord Widgery was ever informed of it.”

<sup>1</sup> KH6.9-11

**51.112** Chris Leonard was for medical reasons unable to give any evidence to this Inquiry. We were told in a letter dated 29th March 2000 from the Head of Public Law Group in the Treasury Solicitor's department, that Michael Hirst had been taken through the notes made at the time of the episode involving Lance Corporal V, and that Michael Hirst had said that he had no recollection of the episode, but that he would have been likely to have remembered had he been asked to resume an interview commenced by someone else.<sup>1</sup> We accept that Michael Hirst could not assist on the matter under discussion.

<sup>1</sup> KH7.1

**51.113** The file note to which John Heritage referred in his statement is the document<sup>1</sup> that we have reproduced above.<sup>2</sup> The covering note is reproduced below.<sup>3</sup>

<sup>1</sup> B821.002

<sup>3</sup> B821.001

<sup>2</sup> Paragraph 51.81

Confidential

Mr. Hall  
—  
To see

BAH

Mr. Shephard

pl. file

JMA  
6/11

Mr. Stocker discussed  
with Mr. Gibbens.  
Statement to be taken  
without further delay

**51.114** Basil Hall (the Solicitor to the Widgery Inquiry) wrote the word “*Confidential*” and the words at the bottom of the covering note.<sup>1</sup> John Stocker QC was counsel to the Widgery Inquiry. Brian Gibbens QC was counsel for the Ministry of Defence at the Widgery Inquiry, but did not represent individual soldiers. Both are dead and neither gave evidence to this Inquiry.

<sup>1</sup> KH2.6

**51.115** In his oral evidence to this Inquiry, John Heritage said that he had a recollection, independent of the documents, of interviewing Lance Corporal V.<sup>1</sup> He also told us that he did not take Lance Corporal V’s formal statement for the Widgery Inquiry, explaining that

he had held the interview with Lance Corporal V on 5th March 1972 and had not been available to take further Army statements until 8th March.<sup>2</sup> The latter was the date on which Lance Corporal V gave oral evidence.

<sup>1</sup> [Day 251/62-64](#)

<sup>2</sup> [Day 251/89-92](#)

**51.116** John Heritage gave some further details in his oral evidence of why Major Bailey had intervened and had said that he wished to discuss the matter with Colonel Overbury:<sup>1</sup>

“Q. Then your note goes on to say that you asked him, that is [Lance Corporal] V: ‘... if he could see anything in the man’s hand. He replied, ‘No, sir, I cannot honestly say that I did.’”

At that point Major Bailey intervened and said he wished to discuss the position of this witness with Colonel Overbury before you proceeded.

What was your understanding of the reason why Major Bailey intervened at that point?

A. I am fairly sure that Major Bailey and I together realised that at that point it would be necessary to warn [Lance Corporal] V against self-incrimination. I recollect this part of the incident fairly clearly because it was unique and I think what happened after that sentence, ‘I cannot honestly say that I did,’ I think Major Bailey and I exchanged glances and he indicated that he would like a word with me.

We then spoke out of [Lance Corporal] V’s hearing and I confirmed that it was indeed my intention to give a warning.

I remember that Major Bailey did not disagree with me, but he asked for time to discuss the position with Colonel Overbury and I agreed to that.

This is not fully reflected in the note I wrote, but it is something which I believe is accurate, according to my recollection now.

Q. How did you manage to speak to Major Bailey out of [Lance Corporal] V’s hearing?

A. I think we went into the next room.”

<sup>1</sup> [Day 251/139-140](#)

**51.117** There was the following exchange during the course of John Heritage’s oral evidence, about the circumstances in which Lance Corporal V’s written statement for the Widgery Inquiry came to take the form it did:<sup>1</sup>

“Q. The reason I am asking these questions is to establish whether or not this was all done by arrangement, in other words, that Soldier V would change his account so as to withdraw the admission that he had made to you which caused you to give him a warning, or propose to give him a warning, and that he was then able to give his fresh account with impunity to the Inquiry, knowing that he was not going to be challenged about it?

A. Certainly I made no such arrangement.

Q. Sorry, Mr Heritage, I am not suggesting you did, but do you know whether or not such an arrangement was made?

A. I do not.”

<sup>1</sup> [Day 251/95](#)

- 51.118** Finally, at the end of his oral evidence, John Heritage was asked why he had decided to write the note about Major Bailey confirming the record he had made of his interview with Lance Corporal V:<sup>1</sup>

“MR ROXBURGH: Would it be fair to say that when you decided to write the note that, ‘Major Bailey confirms that this is a fair and accurate record of what [Lance Corporal] V said in our presence,’ you would have had in mind that this was potentially a document that might go on to the record, in the sense of being a note used to prove what [Lance Corporal] V had said to you.

A. I would go so far as to say that I believed it to be a document that would go on the record. I had not contemplated later proceedings as it were, if that was the implication of your question.

Q. No. The implication of my question was simply that, you would not have written that note if in any way you had thought of your preliminary conversation with [Lance Corporal] V as being, as it were, an entirely off-the-record conversation that could not in any circumstances be used against him?

A. Yes. No, I would not have had that opinion.

Q. We have seen the statement that was finally taken from [Lance Corporal] V, that you believe was taken by one of your colleagues and not by you?

A. Yes.

Q. Can you say whether, before your colleague (whoever it was) conducted that formal interview with [Lance Corporal] V and took that final statement from him, you would have shown this note to your colleague so that he was aware of what had happened when you saw [Lance Corporal] V?

A. I cannot be sure of that because, as I have said earlier, I submitted this note to Sir Basil Hall and I believe that subsequently on the Tuesday and the Wednesday I was not at Coleraine. So I would not have been in a position to show the note to any other colleague.

LORD SAVILLE: When you say you submitted the note to Sir Basil Hall, would that be the note together with your handwritten additions to it?

A. Yes, there is a covering paper, I have clearly torn a piece of foolscap in half and I have written a note on it, saying:

'1. Mr Hall to see.

2. Mr Shepherd, please file.'

MR ROXBURGH: We have that at KH6.13.

LORD SAVILLE: Going back to the document we have just been looking at, your note, it is pretty clear – I think I had better ask you to confirm it is your recollection – that you actually showed the typewritten part, at least, to Major Bailey?

A. Oh, certainly.

MR ROXBURGH: Whilst you may have no recollection of, and indeed you may have been doing other things on the Tuesday, there was no reason that you were aware of, was there, why this note should not have been handed to whichever of your colleagues was going to conduct the final interview with [Lance Corporal] V?

A. I am not aware of any reason, no.

Q. Indeed, it might be thought rather important that your colleague should be aware of the history of the matter before conducting that final interview; is that fair?

A. Yes.

LORD SAVILLE: Would I be right in supposing that you would have expected that to have been done?

A. Yes."

<sup>1</sup> Day 251/143-145

51.119 Basil Hall, who was the Solicitor to the Widgery Inquiry, also gave written and oral evidence to this Inquiry. In his written statement,<sup>1</sup> he told us that he had no recollection of the episode with Lance Corporal V, but he reconstructed from the documents reproduced above what he believed had happened. With regard to his own note on the covering note made by John Heritage he stated:<sup>2</sup>

“My note records that Mr Stocker QC discussed the matter with Mr Gibbens QC and it was agreed that a statement could be taken from Soldier V ‘without further warning’. Whether this was because Mr Gibbens thought that the statement would not be incriminating or because he shared the view which was held by DALs [Director of Army Legal Services] that a statement made in compliance with military orders could not be used in subsequent proceedings or for other reasons I do not know.”

<sup>1</sup> KH2.5-6

<sup>2</sup> KH2.6

51.120 During the course of his oral evidence Basil Hall was asked by counsel for the majority of the families and the wounded to explain why, in their questioning of Lance Corporal V at the Widgery Inquiry, neither John Stocker QC nor Brian Gibbens QC had asked Lance Corporal V about what he had told John Heritage.<sup>1</sup> Basil Hall told us that he had not discussed with John Stocker QC why what was described by counsel as “*this glaring and highly significant discrepancy*” had not been put to Lance Corporal V.<sup>2</sup> He then gave the following answers:<sup>3</sup>

“Q. You had been involved in this controversy concerning Soldier V?

A. I think you are putting it too high, ‘involved in controversy’. What we had – Mr Heritage, very properly in my view, had realised that there was a possibility of soldier – the soldier incriminating himself, and that that –

Q. There was not a possibility. He had actually incriminated himself.

A. Well, that is your view. It was not a matter that really would concern – I mean, what he was saying is: if you make this statement you may incriminate yourself; it is a possibility. The oral statement of such you may regard as incriminating him. But at that stage it was clear that, if he were to give that evidence before the Tribunal, Widgery had made it clear he could plead self – he could plead that to give the evidence would incriminate himself, and he would not be required to give it.

That seemed to me a proper thing to refer to, I suppose, if I remember – I do not have the paper in front of me – possibly to the Lord Chief. In fact it was resolved between Stocker and Gibbens, and he must go on, and did it.

Now, you are saying he made a different statement. It may be so. That was not the point with which I was concerned. That was a point that was to be dealt with, if it was to be dealt with, by Counsel.

Q. You must have had a view about the importance of Soldier V's previous inconsistent statements?

A. You have no idea how much burden there was falling on me. I did not have time to think of all the individual statements and sort them out.

Q. The main burden that was falling on you was to discover the truth about Bloody Sunday.

A. The main burden that fell on me was to get as much information as I could that would lead to witnesses being called before the Tribunal, and to therefore establish what had happened on Bloody Sunday within the terms of reference given.

Q. Are you saying –

A. On this particular point my concern was that the evidence that he would give might be self-incriminatory, and how to deal with that. It was dealt with.

Now, why he phrased himself differently when he made the statement to Leonard, I have no idea; and which was the correct view, I also have no idea.”

<sup>1</sup> Day 250/51

<sup>3</sup> Day 250/48-50

<sup>2</sup> Day 250/48

**51.121** Counsel for the majority of the families and the wounded then suggested to Basil Hall that Brian Gibbens did not raise Lance Corporal V's previous inconsistent statements, "*and I wonder whether or not he did not feel the need to deal with it because he knew in advance that Mr Stocker would not raise that either?*". Basil Hall's answer was: "*Well, this is attributing almost a conspiracy to Counsel, and I do not believe those two respectful members of the bar would have done anything of the kind.*"<sup>1</sup> He later said to us:<sup>2</sup>

“A. ... There is perhaps, you are saying – and I really am unable to comment on this – a conflict from what he [Lance Corporal V] had said to the SIB [Special Investigation Branch] and the final – the statement he made to Chris Leonard; and then you are saying that this – is there any explanation why this was not put by Mr Stocker?

Q. Other than the explanation I have suggested to you.

A. Which is?

Q. Which is: this was done by agreement.

A. Then you ask yourself: why were they agreeing this?

Q. In order to protect the Army.

A. If I may say so, I regard that as rubbish. I am sorry, I do not believe for a moment Stocker, who had a great – would set out to protect the Army. And it is not protecting the Army, either; it is protecting individual soldiers.

Q. Yes.

A. I simply do not accept that as a motive. It may have been better if it had been done.”

<sup>1</sup> Day 250/51-52

<sup>2</sup> Day 250/56-57

**51.122** Counsel to this Inquiry, after Basil Hall had given his evidence about Lance Corporal V, pointed out that *“It is perhaps appropriate to record, lest there be any misunderstanding, that the transcript of that inquiry shows that it was in fact Mr Underhill, rather than Mr Gibbens, who examined Soldier V in-chief. Mr Preston, rather than Mr Stocker then cross-examined on behalf of the Tribunal, and Mr Gibbens re-examined the witness.”*<sup>1</sup>

<sup>1</sup> Day 250/93

**51.123** We take the view that John Heritage gave truthful evidence on which we can rely. We also take the view that the suggestion that counsel at the Widgery Inquiry made a deliberate decision not to question Lance Corporal V about what he had said to John Heritage is unlikely to have been the case. Brian Gibbens QC did not examine Lance Corporal V in chief, nor did John Stocker QC cross-examine him, and we have found nothing to suggest that Timothy Preston, who conducted the cross-examination on behalf of the Tribunal, was told or would have known about the interview with John Heritage, or that he would have had any motive, as Basil Hall pointed out, to protect an individual soldier.

**51.124** Colonel Overbury also gave written and oral evidence to this Inquiry. He was a solicitor and Assistant Director of Army Legal Services, who arrived in Northern Ireland at the beginning of February 1972 to join the Army Tribunal Team preparing for the Widgery Inquiry. Part of his function was to liaise with counsel instructed to act on behalf of the Ministry of Defence. He told us that Major John Bailey (now deceased) was also made available to help the Army Tribunal Team and that he sat in on a number of the interviews of military witnesses conducted by members of the Treasury Solicitor's department for the Widgery Inquiry.<sup>1</sup>

<sup>1</sup> CO1.36; CO1.38-41

**51.125** Colonel Overbury was asked about John Heritage's notes. In his second written statement to this Inquiry, he told us:<sup>1</sup>

"59. This appears to relate to an incident which I remember well because I thought that it raised a serious difficulty concerning the basis on which the soldiers were to give their evidence. At this time the hearings had already started but the Tribunal staff were still re-interviewing Army witnesses and taking further statements. Although I believe that I did subsequently attend some of these interviews, I was not actually present when V was interviewed, apparently on 5 March 1972. It had, I believe been agreed that when any soldier was re-interviewed by the Tribunal staff, an officer would be present. This is normal procedure when a soldier is involved in any inquiry outside the military environment which concerns his action when on duty. As I recall, Major John Bailey ALS, the Army Legal Services officer on the staff of HQ Northern Ireland was present when V was interviewed and I certainly recall receiving a telephone call from him to tell me that the official of the Tribunal staff wished to caution V. I asked him to get the interview adjourned in order to consult with Mr Gibbens.

60. The problem which gave me concern was that I had been told that the Attorney General in London had agreed that the soldiers could not be prosecuted on the basis of any statement they made or evidence they gave to the Tribunal with regard to the events of 30 January 1972, provided that they had been ordered to give evidence. Since I had, in fact, ordered them all to give evidence, it seemed to me that a serious problem would arise if any soldier was subsequently cautioned. As a result I consulted with Mr Gibbens who said he would speak to Mr Stocker and to Mr Hall and it was agreed that I would speak to the official concerned and tell him that I intended to repeat my order to V that he was obliged to give evidence and that if he was still cautioned I would order him to stay silent. I subsequently contacted the official and

I accept his version of what was then said as recorded in his note. The manuscript notes on the previous page would seem to indicate that the matter was resolved by no warning being given.

61. The reason why I would have ordered him to remain silent was to ensure that he could not use the caution as a reason to refuse to make further statements or to answer questions when examined under oath before the Tribunal. The whole purpose of ordering the soldiers to speak was to ensure that they had nothing to fear from speaking the truth when giving evidence. In this case, soldier V was apparently to be cautioned because the official interviewing him thought that he might be admitting to firing after rather than before he said he saw a man throw a nail bomb. My concern lay not in the fact that the soldier might make an admission but that if he were cautioned, he would have the right to refuse to answer further questions on that subject and, if he acquired that right, then so might all the other soldiers who had fired. I do not believe that I was present at any time while he was being interviewed, nor do I recall talking to the soldier at that time. I certainly did not advise him as to what he should say to the Treasury Solicitor's official."

<sup>1</sup> [CO1.52-53](#)

**51.126** In his oral evidence to this Inquiry, Colonel Overbury agreed that he must have been informed of the upshot of this incident as set out in the covering note, namely that Lance Corporal V's statement would be taken without further warning.<sup>1</sup>

<sup>1</sup> [Day 243/44-45](#)

**51.127** Colonel Overbury told us that he did not think that he was present when Lance Corporal V's statement was taken, and though he said that "*in principle*" it was the practice for a member of the Army Tribunal Team to be present when a statement was taken, and that he expected that somebody would have been present, he did not know whether that had happened in the case of Lance Corporal V, though the likelihood was that Major Bailey would have been present.<sup>1</sup>

<sup>1</sup> [Day 243/45](#); [Day 243/47-48](#)

**51.128** Colonel Overbury agreed that there was a marked difference between what was contained in Lance Corporal V's statement for the Widgery Inquiry and the account initially given to John Heritage. He told us that he did not know whether or not Lance Corporal V was given advice by somebody in the Army Tribunal Team before he came to

give this statement. He said that it would have been “*most incorrect*” if Major Bailey had said to Lance Corporal V “*You do realise that the account that you have given to Mr Heritage shows that you shot a man when he was not posing any threat to you*”.<sup>1</sup>

<sup>1</sup> Day 243/46-48

**51.129** The written statement of Lance Corporal V for the Widgery Inquiry<sup>1</sup> is neither signed nor dated. However, the contents of the statement appear to be reflected in Lance Corporal V’s oral evidence to the Widgery Inquiry, which satisfies us that Lance Corporal V provided the information from which the statement was drafted. It seems to us that this statement must have been prepared after a further interview with Lance Corporal V, at some time before Lance Corporal V gave oral evidence.

<sup>1</sup> B801

**51.130** In our view someone acting for the Widgery Inquiry probably took the statement, for it follows the form that those statement takers used. We cannot be sure who this was, though it may have been Chris Leonard. It seems likely that a member of the Army Tribunal Team was present and from Colonel Overbury’s evidence this is likely to have been Major Bailey. There is nothing to suggest that Lance Corporal V was advised to change the account that he had given to John Heritage, as opposed to doing so of his own volition. Lance Corporal V told us that he had no recollection of either the interview with John Heritage or giving a later statement.

**51.131** The representatives of Lance Corporal V submitted to us that the Tribunal should not rely upon John Heritage’s note as reliable evidence of what was in Lance Corporal V’s mind at the time he opened fire:<sup>1</sup>

“In particular, before placing any reliance upon the note, the Tribunal must bear in mind its provenance. It was produced over 30 years ago. It carefully records the agreement of those present to its accuracy; all those present except, of course, Soldier V. It was not produced to the Widgery Inquiry and V was never asked whether it was an accurate record of the meeting, was never asked whether it recorded what he actually said, was never asked what he meant when he said what he is alleged to have said. Instead, Soldier V gave his account to the Widgery Inquiry, on oath, and was cross examined on it. Thirty years later, the memo surfaced. Soldier V has no recollection of the meeting, let alone of what was or was not said, or what he did or did not mean.”

<sup>1</sup> FS7.1510

51.132 These representatives drew attention to the fact that Lance Corporal V was not cautioned nor did he have legal representation when he spoke to John Heritage.<sup>1</sup> They submitted:<sup>2</sup>

“In the circumstances, the best evidence that the Tribunal has of Soldier V’s belief at the time of firing is his evidence to Lord Widgery. The evidence which appears to contradict Soldier V’s own account is too unreliable for the Tribunal to be sure that Soldier V did not hold an honest belief that he was under threat at the time he fired.”

<sup>1</sup> FS7.1510

<sup>2</sup> FS7.1512

51.133 We take the view that John Heritage accurately recorded what Lance Corporal V said. The note also records Major Bailey’s confirmation that this was the case. The fact that the note was made over 30 years ago does not in our view detract from its reliability as a record of what Lance Corporal V said; nor the fact that Lance Corporal V was not cautioned. He had previously been ordered to give a statement and told that nothing that he said would incriminate him.<sup>1</sup> He was not legally represented, but this was the case not only when he spoke to John Heritage but also when he gave oral evidence to the Widgery Inquiry; and it is apparent from the fact that John Heritage raised the point he did that he had Lance Corporal V’s interests in mind.

<sup>1</sup> CO1.3; CO1.44; Day 243/22-23

51.134 We return later in this report<sup>1</sup> to make our assessment of the reliability of the accounts given by Lance Corporal V of the circumstances in which he fired. When doing so we treat John Heritage’s note as an accurate record of one of those accounts.

<sup>1</sup> Paragraphs 64.48–61

51.135 In view of the fact that Lance Corporal V’s evidence was to the effect that he shot at a petrol bomber, it is convenient at this point to consider the evidence that other members of Mortar Platoon gave relating to petrol bombs in Sector 2.

## **Evidence of other Mortar Platoon soldiers relating to petrol bombs**

51.136 Lieutenant N said in his oral evidence to this Inquiry that apart from the nail bomber whom he shot, he had seen no evidence of civilian firing, or nail bombing, or petrol bombing.<sup>1</sup> In his first RMP statement,<sup>2</sup> Sergeant O recorded that while in the area of the car park, he and his section had stones and bottles thrown at them, and also several acid bombs and petrol bombs. However, in his statement for the Widgery Inquiry<sup>3</sup> he recorded that he did not notice any petrol bombs at the stage when shooting broke out, and his written evidence to this Inquiry<sup>4</sup> was that he neither saw nor heard petrol bombs at any

stage. In his oral evidence to this Inquiry,<sup>5</sup> he said that the reference to petrol bombs in his first RMP statement was based on information given to him by members of his platoon. Private S told us that he was not aware of any petrol bombs.<sup>6</sup> Private U told us that he did not see any petrol bombs thrown.<sup>7</sup> Private T gave accounts in 1972 of seeing bottles thrown down from the Rossville Flats that he originally thought were petrol bombs, but he said that none of them was alight, none exploded and (according to him) he then realised that they were acid bombs.<sup>8</sup> Private 006 told us that he did not see or hear any petrol bombs while he was at the north end of Block 1 of the Rossville Flats.<sup>9</sup> The remaining members of Mortar Platoon gave no evidence about petrol bombs in Sector 2.

<sup>1</sup> [Day 323/39](#)

<sup>2</sup> [B441-B442](#)

<sup>3</sup> [B467](#)

<sup>4</sup> [B575.117](#)

<sup>5</sup> [Day 335/89](#); [Day 336/56](#)

<sup>6</sup> [Day 332/82](#)

<sup>7</sup> [B787.005](#)

<sup>8</sup> [B725](#); [B735](#); [WT13.89](#)

<sup>9</sup> [Day 334/59-63](#)

## Evidence of other soldiers about Lance Corporal V's firing

**51.137** No other soldiers gave evidence of seeing Lance Corporal V firing. Private R, whose evidence was that he disembarked from Sergeant O's APC in Rossville Street and then ran across the waste ground to the entrance to the car park of the Rossville Flats, told us that he did not know about Lance Corporal V's firing.<sup>1</sup>

<sup>1</sup> [Day 337/93](#)

## Private Q

**51.138** We have referred in an earlier chapter of this report<sup>1</sup> to the accounts Private Q has given of disembarking from Lieutenant N's APC, following a baton gunner, who we are sure was Private 013, and taking up position at the north-east corner of the northern end of Block 1 of the Rossville Flats.

<sup>1</sup> [Paragraphs 26.22–26](#)

## The account of his firing given by Private Q to the Royal Military Police

51.139 In his statement to the RMP<sup>1</sup> Private Q gave this account of his firing:<sup>2</sup>

“I observed towards the junction of the two Flat blocks to the SE of my position. I saw that youths had gathered in the area between the two blocks and these youths were stoning us and throwing bottles. After a very short while someone amongst them started to throw explosive devices.

I was about 100 metres from the corner of the two blocks. There were other soldiers behind a halted APC and these men were about 50 yards or less from the corner. These men were being attacked by the bottles dropped from the flats. As I continued to observe I saw that the explosive devices were in fact nail bombs. These were being thrown so as to land near to the halted APC where the troops were sheltering.

I saw one nail bomb thrower in particular. He kept coming to the corner and then looking around the corner before he threw his nail bombs. I saw him throw one bomb which I followed and saw burst some 10 yards from the APC. This man was sheltering behind the middle block of Flats. The man was wearing a dark coloured windcheater. He was in his mid-twenties. I could not tell his build because of his clothing.

As the man again came into my view from around the corner of the block of flats I saw that he had an object in his hand. He drew his arm back as if to throw the object. He was about to bring his arm forward to throw the object when I fired 1 round from my SLR at the man's chest. I saw him fall to the ground. The object he had in his hand rolled away and I saw it was a cylindrical object. I did not see what happened to the object.

Another man came forward and pulled the man I had shot into cover behind the block of Flats. I did not see what happened to the man after that.”

<sup>1</sup> B624

<sup>2</sup> B625–626

## Private Q's evidence to the Widgery Inquiry about his firing

**51.140** In his written statement for the Widgery Inquiry,<sup>1</sup> Private Q described what he had seen and done while at the corner of Block 1 of the Rossville Flats:

“During this period the stoning from the forecourt of the flats had not ceased. During this period my attention was drawn to one man in particular who was coming backwards and forwards round the corner between the two blocks of flats opposite me on the far side of the forecourt. I saw him throwing two or three objects towards the buildings at the end of Chamberlain Street where there were some soldiers taking cover. From their shape and size, bearing in mind my previous experience, I felt sure they were nail bombs. He then reappeared round the corner and threw another of these objects which exploded in the forecourt near to the houses at the end of Chamberlain Street. I was now certain this man was throwing nail bombs and when he next appeared I saw him go to throw a similar object and I fired one aimed shot at him. He fell to the ground. I can describe this man as being of medium height wearing a baggy black windcheater and he had dark hair. Another person dragged his body from sight round this corner. The nail bomb fell to the ground and rolled away from his body. It did not explode and I did not see what happened to it. I remained in the position where I was for a further 5 minutes or so.”

<sup>1</sup> B636

**51.141** In his oral evidence to the Widgery Inquiry, Private Q described seeing a man throwing objects which he thought were nail bombs. He said he had seen nail bombs thrown in Belfast “*Eight or nine times*”.<sup>1</sup> His evidence continued as follows:<sup>2</sup>

“Q. Did you see any of these objects land?

A. Yes sir.

Q. When he threw them?

A. Yes sir.

Q. What did they do?

A. Well, he threw two or three and they just rolled and then he threw another one and it exploded.

Q. Can you tell us where it was when it exploded?

A. It was in these houses back on Chamberlain Street, round this area, sir.

Q. Did you know whether anybody was hit by that explosion?

A. Not soldiers, sir.

Q. What did you do when you saw that man throwing those objects and the one that exploded? What did you do?

A. I just watched him, sir.

Q. Eventually did you do something?

A. Yes. He came round the corner with another one and I shot him, sir.

Q. What position were you in when you shot at him?

A. In a kneeling position.

Q. Can you give us any description of him?

A. He was medium height, a black windcheater on and he had got brown hair.

Q. The moment when you shot him, you got him in the sights of your rifle and shot him, do you know what he was actually doing?

A. He was in the act of throwing the bomb, sir.

Q. What happened about that shot, did it hit him?

A. Yes sir.

Q. What happened to him?

A. He fell, sir.

Q. Did his body remain where it fell?

A. No sir, he was dragged behind the buildings by another person.

Q. By another person?

A. Yes.

Q. You said he was in the act of throwing when you shot him. Did you see what happened to the bomb?

A. He dropped it, sir, and it rolled away.”

<sup>1</sup> WT12.88

<sup>2</sup> WT12.88-89

**51.142** Later in his oral evidence Private Q said that the nail bomber at whom he fired was at the junction of the furthest two blocks, which, on the basis of his account, would have been Blocks 2 and 3 of the Rossville Flats.<sup>1</sup>

<sup>1</sup> [WT12.95](#)

**51.143** Private Q was asked to explain why he thought that the objects he had seen thrown were nail bombs:<sup>1</sup>

“Q. You saw him throw objects which just rolled on the ground?

A. Yes.

Q. That was what you noticed about him?

A. They resembled nail bombs, sir.

Q. What made you think they resembled nail bombs?

A. They looked like nail bombs.

Q. Would you tell me at that distance why they looked like nail bombs more than, for example, stones or rocks?

A. Because of the shape of them.

Q. What shape were they?

A. Round.

Q. Do you not get stones that are round, too?

A. Not perfectly round, sir.

Q. Was this a perfectly round nail bomb?

A. Just sort of round.

Q. Was it a perfectly round nail bomb?

A. I could not see from that distance.

Q. Is that not the truth of it, that you could not see what they were?

A. I saw what I thought was a nail bomb.

Q. Did you see that they were nail bombs?

A. Yes.

Q. Were you going simply on their shape when you say you thought they were nail bombs?

A. I thought they were nail bombs.

Q. And was it their shape, solely?

A. Yes.

Q. Which gave you that idea?

A. Yes.”

<sup>1</sup> WT12.95

**51.144** Private Q said that he watched the man throwing the objects and did not then fire at him because he was “*not sure*”. He saw no smoke coming from these objects. He also said that the object that exploded landed “*at these houses at Chamberlain Street*” and “*sort of banged*”. When the man threw this object there were people to the man’s left and right. Private Q said that the man he shot was the one he had already seen throwing objects.<sup>1</sup>

<sup>1</sup> WT12.96

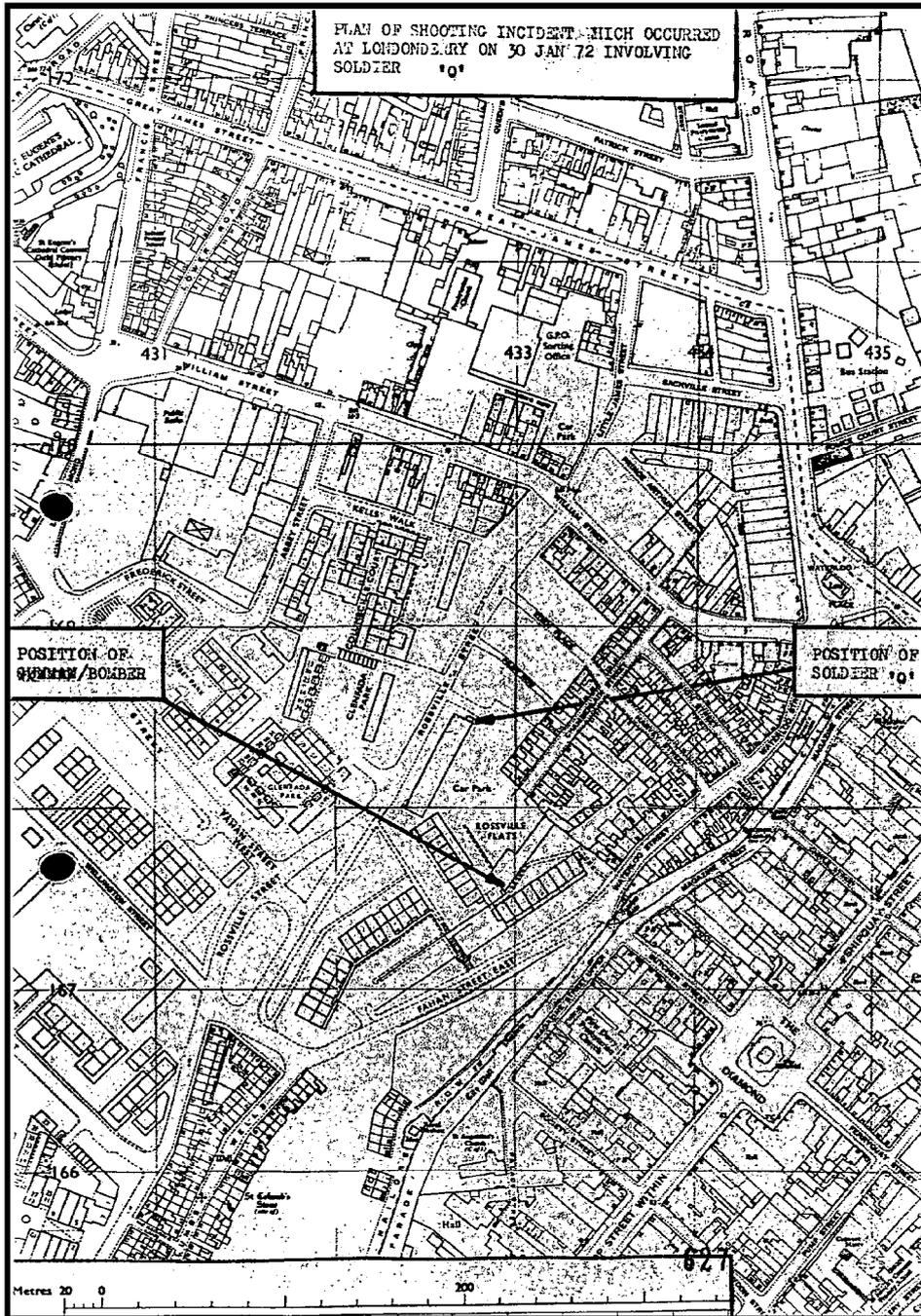
### Private Q’s trajectory photograph and Royal Military Police map

**51.145** Private Q confirmed to the Widgery Inquiry that his trajectory photograph showed him, at the position marked “X”, and his target, at the position marked “1”.<sup>1</sup> We reproduce this photograph below together with Private Q’s RMP map, which shows much the same positions.<sup>2</sup>

<sup>1</sup> WT12.100

<sup>2</sup> B627





## The sixth entry in the Loden List of Engagements

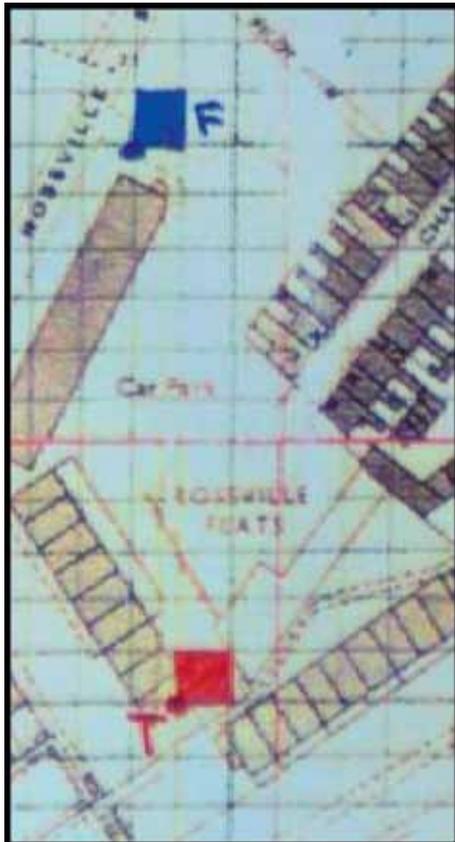
51.146 The sixth entry in the Loden List of Engagements is as follows:<sup>1</sup>

“One nail bomber at GR 43281675 (Car Park) shot from GR 43271686. Hit.”

<sup>1</sup> ED49.12

51.147 This entry refers to a nail bomber who was shot, according to the grid references, close to the gap between Blocks 2 and 3 of the Rossville Flats, by a soldier who was near the north end of Block 1. The grid reference positions are shown on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families.<sup>1</sup>

<sup>1</sup> OS2.57 (extract)



51.148 We are satisfied that the sixth entry reflects the account that Private Q gave of his firing. The positions of the firer and his target are similar to those shown on Private Q's RMP map and trajectory photograph and described in the accounts that he later gave. Although Lieutenant N and (as will be seen) Private R also claimed to have shot at nail bombers in Sector 2, their accounts put their targets in different positions.

## Private Q's evidence to this Inquiry about his firing

**51.149** Private Q gave written and oral evidence to this Inquiry. In his written statement he told us that the best evidence that he could give was by reference to his oral testimony to the Widgery Inquiry.<sup>1</sup> He told us in this statement<sup>2</sup> that his job was to cover Private 112, but in our view he was mistaken about this and the baton gunner whom he was covering was Private 013.

<sup>1</sup> B657.1

<sup>2</sup> B657.3

**51.150** In this account Private Q described what he said that he remembered about the incident. He repeated that he had seen the man throw a bomb: "*I knew it was a bomb because it went off.*" He described seeing another bomb in the man's hand before he fired at him, which he said was "*black and cylindrical in shape*".<sup>1</sup>

<sup>1</sup> B657.4-5

**51.151** In his oral evidence to this Inquiry, Private Q said that he had a vague memory of a man in the gap between Blocks 2 and 3 of the Rossville Flats. He was asked to estimate the size of the crowd that was in the vicinity, to which he had referred in his written statement to us:<sup>1</sup>

"Q. When you say that you caught sight of a man in the gap behind the crowd, can you give the Tribunal any idea of the sort of number of people who were in that man's vicinity?

A. I could not be precise, sir.

Q. Sorry?

A. I could not be precise.

Q. I do not ask you to be precise. Can you give us any idea of the sort of numbers; are we talking about ten, 20, 50, 100?

A. I cannot recall, sir."

<sup>1</sup> B657.4; Day 339/29-30

**51.152** Asked about the sort of noise the bomb he said had exploded had made, Private Q agreed with the suggestion that the sound, which was audible to him at the north end of Block 1 and which he described as "*a dull crump*", would have been audible to the

civilians in the car park and to the soldiers who were in and around the APC in the car park. He agreed that if his account was correct, the bomb must have been thrown with complete disregard for the life of civilians in the vicinity.<sup>1</sup>

<sup>1</sup> [Day 339/31-33](#)

**51.153** Private Q told us that he had a telescopic sight on his rifle, which he used to aim at the man.

**51.154** Private Q was asked about the fact that in his RMP statement he had referred to explosive devices that landed near to the APC, and the fact that his comment in that statement that he had seen one nail bomber in particular could be said to indicate that there was more than one nail bomber, while in his evidence to the Widgery Inquiry and his written account to us he had referred to one man throwing three or four nail bombs. He gave the following answers:<sup>1</sup>

“Q. Were you, in these accounts, exaggerating the number of bombs that you saw thrown?

A. Not intentionally, sir, no.

Q. Were you doing it accidentally?

A. I was giving the best of my knowledge.

Q. You agreed with me a little earlier that the way in which it is expressed in your statement to the Tribunal is that you saw this man throw one nail bomb, which exploded and then shot him as he was about to throw a second?

A. Yes, sir.

Q. Which is the evidence that the Tribunal should accept: that what you saw was limited to two nail bombs at most, or may it have been as many as five?

A. I would say two, sir.

Q. If that is what you invite the Tribunal to accept, saying that it was anything up to five must have been an exaggeration, must it not?

A. Just confusion, sir.

Q. How would you have been confused in an account that was given the very evening of the events in question?

A. It was a very confusing time, sir.

Q. The Tribunal has heard a great deal of evidence, both from people in the car park and in the flats and from a substantial number of soldiers, who say that they heard no nail bombs in the car park. Is your account, whether it be two nail bombs or five nail bombs, a truthful one?

A. Yes, sir.”

<sup>1</sup> Day 339/41-42

## Private Q’s use of his respirator

**51.155** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private Q said that he put on his respirator while he was near the Presbyterian church. He did not say for how long he wore it.

<sup>1</sup> WT12.84

**51.156** In his statement to this Inquiry,<sup>1</sup> Private Q told us that he was definitely not wearing a respirator when he fired his shot at an alleged nail bomber. He could not remember whether he had worn one at some other stage.

<sup>1</sup> B657.5

## Private Q’s evidence about firing by other soldiers

**51.157** We deal later in this chapter<sup>1</sup> with Private Q’s account of firing into Block 1 of the Rossville Flats by a soldier who may have been Private T. In his statement for the Widgery Inquiry,<sup>2</sup> Private Q said that this was the only shooting that he saw other than his own.

<sup>1</sup> Paragraphs 51.301–306

<sup>2</sup> B637

## Private Q’s evidence about whether he could have shot Jackie Duddy or Michael Bradley

**51.158** Private Q denied that he had shot Jackie Duddy, who was the only person killed in Sector 2, or that he had told anybody that he had done so.<sup>1</sup> He also denied that he could have been the soldier who shot Michael Bradley, who was wounded in Sector 2. Private Q told us that he believed that he had killed his target.<sup>2</sup>

<sup>1</sup> Day 339/53-54

<sup>2</sup> Day 339/58-60

## Summary of Private Q's accounts of his shot

**51.159** According to the accounts of Private Q, he was at the north-east corner of Block 1 of the Rossville Flats, when he saw a man in the gap between Blocks 2 and 3 throwing a number of objects towards soldiers in the area of the houses at the end of Chamberlain Street which he believed were nail bombs. One exploded about ten yards from Sergeant O's APC. When the man reappeared and was about to throw again, Private Q fired a single shot at him. He said that he believed that he had hit the man in the chest and had killed him.

**51.160** We have already stated our view that Private Q did not in fact observe a nail or blast bomb exploding in the car park of the Rossville Flats.<sup>1</sup> We return to his accounts later in this report,<sup>2</sup> when we consider what reliance to place on the evidence given by all the soldiers of firing at civilians.

<sup>1</sup> Paragraphs 47.13–17 and 47.42

<sup>2</sup> Paragraphs 64.74–80

## Evidence of other soldiers about Private Q's firing

**51.161** No other soldier gave evidence of seeing Private Q firing. Private 112, who was involved, as we described earlier in this report,<sup>1</sup> in the arrest of Charles Canning, and who then moved to the north end of Block 1 of the Rossville Flats, told us that he did not see Private Q fire.<sup>2</sup> He said that this is something that he would have remembered if he had been present when it had happened.<sup>3</sup>

<sup>1</sup> Chapter 35

<sup>3</sup> Day 320/110

<sup>2</sup> Day 320/139

# The soldiers from Sergeant O's Armoured Personnel Carrier

## Corporal P

**51.162** As we have described earlier in this report,<sup>1</sup> Corporal P went to the western side of Rossville Street on disembarking from Sergeant O's APC, when it stopped briefly near the corner of Pilot Row. He described in his accounts firing shots down Rossville Street at a nail bomber and a man with a pistol, and then firing further rounds over the heads of rioters. We deal with these incidents when considering the events of Sector 3.<sup>2</sup>

<sup>1</sup> Paragraphs 24.18–25, 24.32–36 and 29.4

<sup>2</sup> Chapter 73, paragraphs 82.8–10, 85.1–28, 89.21–32 and 89.72–74

## Private U

**51.163** We have dealt earlier<sup>1</sup> with Private U's accounts of arresting Charles Canning on the Eden Place waste ground and of then moving to the north end of Block 1 of the Rossville Flats. According to his accounts he fired one shot from there at a man with a pistol who appeared on the other side of the rubble barricade in Rossville Street. As with Corporal P we deal with this incident when considering the events of Sector 3.<sup>2</sup>

<sup>1</sup> Paragraphs 34.4–7 and Chapter 35

<sup>2</sup> Paragraphs 85.29–82 and 86.564–606

## Private R

**51.164** We have referred earlier in this report<sup>1</sup> to Private R's accounts of disembarking from Sergeant O's APC in Rossville Street and running after the vehicle when it continued into the Rossville Flats car park.

<sup>1</sup> Paragraphs 24.18–25, 24.32–36 and 32.4–5

## The account of his firing given by Private R to the Royal Military Police

**51.165** Having described in his first RMP statement<sup>1</sup> reaching the APC, hearing the sound of shots and explosions, observing rioters throwing stones at the soldiers around the vehicle and the crowd "*milling about the flats in front of the vehicle*", Private R stated:

"I then noticed a male person wearing a jumper/dark slacks with black hair about 5' 10" tall, slim built. He was running with the crowd when he stopped, the crowd gave him plenty of space. He stood at an angle to me. I saw in his left hand an object which was fizzing, he attempted to throw it at me. I fired 1 x 7.62 Rd aimed shot at this man, he was thrown to the right and backwards, he hit the ground and lay there. 4–5 persons gathered around him, they picked him up and carried him away. I didn't see this man again."

<sup>1</sup> B659

**51.166** Private R, after stating that the rioters threw acid bombs, "*one of which splattered across my legs*", continued:

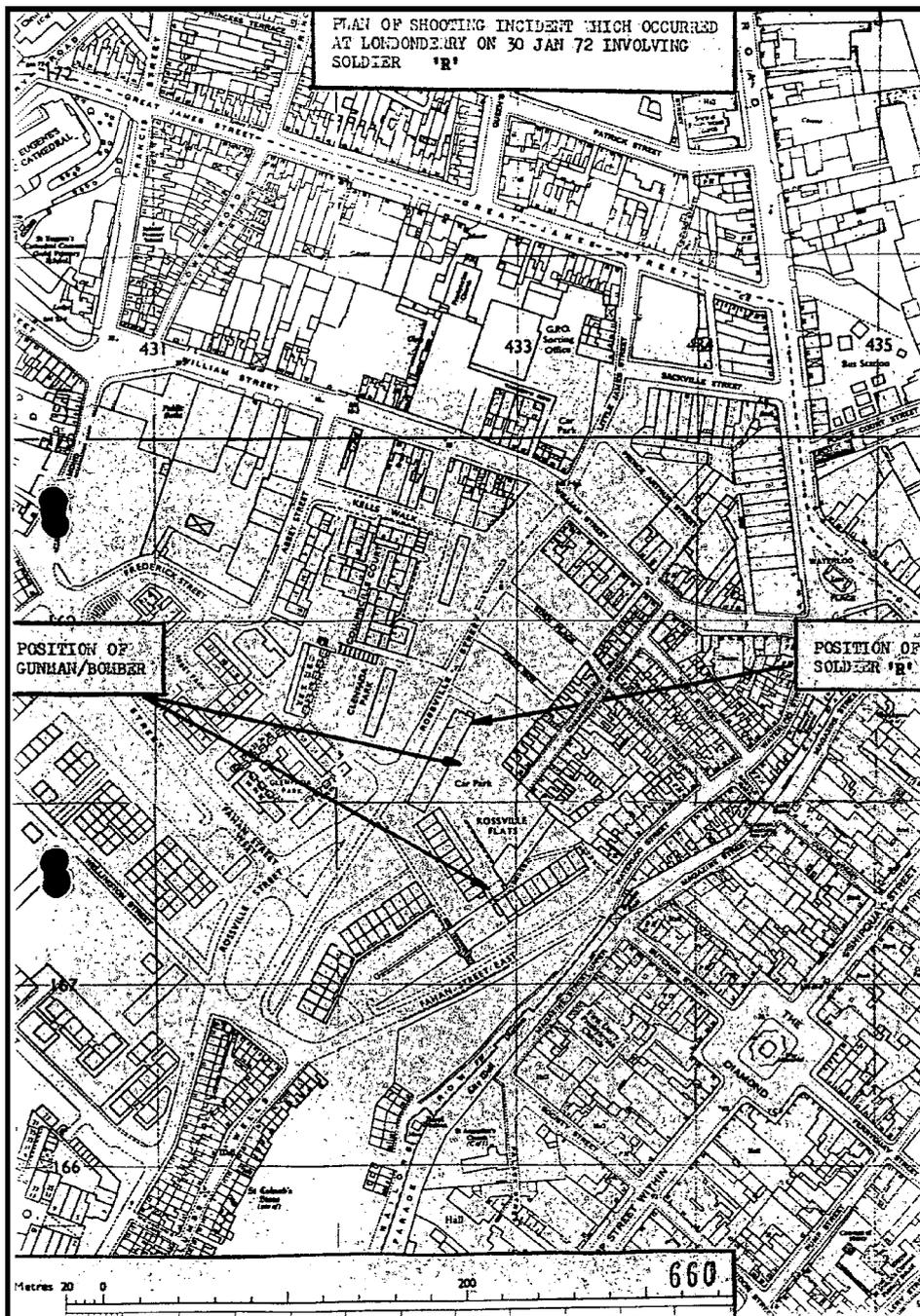
"I then saw a hand appear around the corner of No 2 Block Rossville Flats at GR 43281675, it contained a pistol. The pistol fired twice and then withdrew. It again appeared and the pistol fired again. I fired 2 x 7.62 aimed shots at the pistol. I fired 1 x 7.62 aimed shots the first time I saw the pistol. I can't say if I hit it. I didn't fire again during the incident."

## Private R's Royal Military Police map and trajectory photograph

51.167 It is convenient at this point to reproduce the RMP map that accompanied Private R's first RMP statement,<sup>1</sup> and his trajectory photograph prepared for the Widgery Inquiry. The RMP map shows Private R close up to the corner of Block 1 of the Rossville Flats, though in his first RMP statement<sup>2</sup> Private R had recorded that he had reached Sergeant O's APC.

<sup>1</sup> B660

<sup>2</sup> B659





## The account of Sergeant O's firing given by Private R to the Royal Military Police

**51.168** In his second RMP statement timed at 2130 hours on 4th February 1972,<sup>1</sup> Private R gave an account of witnessing Sergeant O firing at a man holding a pistol just after he (Private R) had had two acid bombs thrown at him from the top of Block 1 of the Rossville Flats:

“Further to my statement of 30 Jan 72 I would like to add that I was positioned between the wall of Block 1 Rossville Flats and one of our APCs which was parked about 15 feet from the wall at the south end of the block. I had just had two acid bombs thrown at me from the top of Block 1 Rossville Flats. Both of the bombs struck me on the legs, causing staining to my denims. The driver of the APC threw water over me which saved me from being burned.

I heard shooting from in front of me to my left. It sounded like a low calibre weapon. I looked across to the North East corner of the flats forecourt and saw a man crouched behind a maroon Ford Cortina. He had a pistol in his hand and was firing in our direction. I don't know how many rounds he fired. [Sergeant] 'O' was standing beside me and when he saw the gunman he fired his SLR at him. I don't know how

many rounds he fired. I saw the gunman fall from behind the car and two or three people came and dragged him away. The car was about 70 yards from where I was located. I could not recognise the gunman.”

<sup>1</sup> B666

**51.169** As will have been seen, this RMP statement was concerned with Private R’s evidence of acid bombs and what he observed Sergeant O doing, matters that we consider later in this chapter, but in the present context the relevant point is that Private R stated that Sergeant O was standing next to him when Sergeant O was firing at a man behind the Cortina.

**51.170** Private R recorded in his written statement for the Widgery Inquiry<sup>1</sup> that the reference in his second RMP statement to the north-east corner of the flats forecourt was a mistake. He had earlier in his statement for the Widgery Inquiry<sup>2</sup> described the car as “backed up against the angle of the low wall on the edge of the car park in the position I indicate on the photograph”. However, the position of the Cortina is not indicated on Private R’s trajectory photograph (although it is on Sergeant O’s<sup>3</sup>). In his written statement to this Inquiry,<sup>4</sup> Private R told us that the car was at about the point marked J on the plan attached to the statement<sup>5</sup> (by the low wall of the northern part of the recreation ground on the south-east side of the car park). In his oral evidence to this Inquiry,<sup>6</sup> on being shown Derrick Tucker Senior’s photograph (which we reproduce below), from which it appears that point J was within a fenced area, Private R said that although he was not sure, he thought that the Cortina had been roughly in an area that he marked on a photograph<sup>7</sup> (near the northern corner of the low wall around the southern part of the recreation ground). Later in his oral evidence,<sup>8</sup> he reverted to saying that the Cortina had been at point J. But it seems unlikely that the car was within the fenced area, and certainly no car is visible in the part of that area shown in Derrick Tucker Senior’s photograph. On the other hand, the area that Private R marked on the photograph<sup>9</sup> matches the description of the car, in his statement for the Widgery Inquiry, as backed up against the angle of a low wall on the edge of the car park. It is even conceivable that the car shown in the lower right corner of Derrick Tucker Senior’s photograph, albeit not a Cortina, might be the car in question, since its position would fit that description fairly precisely.

<sup>1</sup> B672

<sup>2</sup> B671

<sup>3</sup> Paragraph 51.240

<sup>4</sup> B691.004

<sup>5</sup> B691.008

<sup>6</sup> Day 337/48-51

<sup>7</sup> B691.019

<sup>8</sup> Day 337/129-130

<sup>9</sup> B691.019



## Private R's evidence to the Widgery Inquiry about his and Sergeant O's firing

51.171 In his written statement for the Widgery Inquiry, Private R gave the following account:<sup>1</sup>

"The crowd were making for the two openings between the blocks in the corners of the car park.

5. I noticed one man who was not moving in the same direction as the others. There was firing going on at this time. I could hear the sound of firing from the other side of block 1 in the area around the barricade. I also heard a couple of explosions from this area which I thought were bombs. I could also hear weapons being fired from our side of the flats, and I heard our SLR's firing. I was therefore looking out for likely snipers or bombers. The man I had noticed was about 30 yards away. He seemed to come out turning round as he did so. There were people running past crowded together and milling about. As he came out they avoided him. I could see he had something in his left hand which looked to be smoking. As he turned round he swung his arm down as if to throw a grenade. I brought my weapon into my shoulder took aim and fired 1 shot. I think I hit him in the right shoulder. Referring to the marked photograph I fired my shot from beside the right hand back door of the pig marked X on the photograph. The man was standing in the area marked 1 in the photograph."

<sup>1</sup> B670

51.172 Private R then gave an account of acid bombs being dropped near him and of seeing a soldier who he thought was Private T firing at the acid bomber, matters we return to later in this chapter.<sup>1</sup> He continued:<sup>2</sup>

“6. At the time the acid bombs went off there were no civilians in the area between the pig and the wall of block 1. Across the court yard, where I had seen the first man I fired at fall, a small group of people were gathering round him. At that moment I heard the sound of shooting from in front of me to my left. It sounded like a pistol. I looked across the car park and saw a maroon Cortina backed up against the angle of the low wall on the edge of the car park in the position I indicate on the photograph. I saw a man behind it. Through the car windows I could see him, and from time to time he came out round the rear of the car using the car as cover and fired shots with a pistol. [Sergeant] O was standing beside me and fired at this gunman. I saw the gunman fall. I think he fell over the low wall. Two or three people came up and dragged him away. I also saw an ambulance man in a white coat move along the low wall from the Chamberlain Street end of the car park and I think he helped drag this man away. I believe the car was between 50 and 60 yards from our position.

7. After this man had been dragged away Sergeant O went to the back somewhere. At the far end of block 2 in the position indicated as 2 on my photograph I saw a man’s arm holding a pistol come out and fire between 2 and 3 shots. At this time the area in front of the alley way was clear of people. I could distinguish people on the grass bank behind the alley way, but I’m sure there was no one on the ground that I could see in front of it. When the pistol appeared and fired its first shot I came into the aim and as it fired again I fired one round. The arm withdrew, then it re-appeared and the pistol fired a couple more times. This time I was ready and I fired two shots at it. I do not know if I hit it and I did not see the fall of my shot. The arm withdrew and I did not see it again.

8. After this I saw that the man I had hit in the other corner of the court yard was being picked up and carried away. There were quite a few people round him, I think more than ten. I do not know what happened to the object he was about to throw. I am sure I did not hear a bang from that direction, although I had seen the object smoking. This did not surprise me because a fair number of these home made bombs fail to go off, and if anyone had got to it in time they might have pulled the fuse out.”

<sup>1</sup> Paragraphs 51.307–308

<sup>2</sup> B671–672

- 51.173 According to this account Sergeant O had gone “*to the back somewhere*” before Private R fired at what he described as a man with a pistol. The references to his photograph appear to be to Private R’s trajectory photograph, reproduced above.
- 51.174 In his oral evidence to the Widgery Inquiry, Private R described the man he first saw as about 30 yards away along Block 1 of the Rossville Flats, “*sort of pressed against the wall*”:<sup>1</sup>

“Q. What was he doing?

A. It was obvious the crowd was running away and there were people stopping and throwing. This man ran out, took about five or six paces, not many more, then he swung round and he had a smoking object in his left hand and made to throw it like he was going to throw a grenade. At this time I took my safety catch off and I fired – I brought the weapon into the aim, took my safety catch off and fired one round. I assumed it hit him high in the shoulder, because of the way he fell.

Q. Was he still near the wall?

A. No, sir, it may be 5 yards out – not quite 5 yards; 4 or 5 yards.

Q. But there is still 30 yards down the wall?

A. Yes.

Q. How can you describe the man?

A. Well, at the time I saw him only a few seconds. It was fleeting. I would say he was roughly about 5 foot 10, slim build and dark hair, with light slacks.

Q. What happened to him?

A. At this precise moment that I fired, I put my safety catch back on, and then this acid bomb came down from the centre of No. 1 flats.

Q. An acid bomb came from above?

A. Yes.”

<sup>1</sup> [WT13.74-75](#)

- 51.175 Later in his oral evidence Private R told the Widgery Inquiry that the crowd had opened up, “*giving him room to throw the thing*”.<sup>1</sup>

<sup>1</sup> [WT13.85](#)

- 51.176 When Private R was asked whether he had seen what happened to the man at whom he had fired, he replied that at that moment he “... *was not even bothering. I got behind the vehicle itself for cover. I presumed there was people going out to him*”:<sup>1</sup>

“Q. Going back to when you saw the man you had fired at, did you see any people gather there?

A. Yes, four or five people came to him.

Q. Came to him?

A. Yes, because at this time there was still firing going on.

Q. Did you see him then lying on the ground?

A. I saw him fall, and after I saw him fall I had the safety catch back on. The acid bomb came down and I took cover behind the vehicle, and I saw my Platoon Sergeant fire at the man behind the Cortina.”

<sup>1</sup> [WT13.75](#)

- 51.177 Private R said to the Widgery Inquiry that after he had seen people carry away the person behind the Cortina whom Sergeant O had hit, the shooting started to slow down and he presumed that Sergeant O had gone “*behind*” to check whether any of his men had been wounded.<sup>1</sup> He gave a similar description to that in his written statement for the Widgery Inquiry of then seeing and firing at a man in the passageway between Blocks 2 and 3 of the Rossville Flats. He said that he could not say whether he had hit the man.<sup>2</sup>

<sup>1</sup> [WT13.76](#)

<sup>2</sup> [WT13.77](#)

## The fifth entry in the Loden List of Engagements

- 51.178 The fifth entry in the Loden List of Engagements is as follows:<sup>1</sup>

“One nail bomber (bomb had lighted fuse) at GR 43281683 (Car Park) shot from GR 43271686. Hit.”

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

- 51.179 According to the grid references given, the nail bomber was some way out from Block 1 of the Rossville Flats, as plotted on a map prepared for the purposes of this Inquiry by the legal representatives of one of the families.<sup>1</sup>

<sup>1</sup> [OS2.54](#) (extract)



- 51.180** We are satisfied that this entry reflects the account that Private R gave to Major Loden of the first shot that he said he had fired. The entry does not correspond with the RMP maps, trajectory photographs or accounts of the other soldiers of Mortar Platoon. However, the positions the grid references give for both the firer and the target must be incorrect, as they would mean that Private R was firing directly towards Sergeant O's APC, at a target implausibly close to that Army vehicle.

### The fourth entry in the Loden List of Engagements

- 51.181** The fourth entry in the Loden List of Engagements is as follows:<sup>1</sup>

“One gunman with pistol at GR 43321678 behind barricade at end of Chamberlain St shot from GR 43271686. Hit.”

<sup>1</sup> ED49.12

- 51.182** The grid references, plotted on the map reproduced below, which was prepared for the purposes of this Inquiry by the legal representatives of one of the families, show the target close to the north end of Block 3 of the Rossville Flats, some distance to the south-east of Chamberlain Street. The firing soldier was, according to the grid references, close to the north end of Block 1 of the Rossville Flats.<sup>1</sup>

<sup>1</sup> OS2.52 (extract)



**51.183** There was no form of barricade at the end of Chamberlain Street, as can be seen, for example, from one of Derrick Tucker Senior's photographs.<sup>1</sup> The positions shown for the firer and the target are some distance from those marked on Private R's RMP map and trajectory photograph. However, the position given for the firer in this entry is the same as the position given for the firer in the fifth entry. For reasons given above, we are satisfied that the fifth entry reflects the account Private R gave of shooting at a nail bomber. Private R also gave an account of firing at a gunman with a pistol. The fifth and fourth entries refer respectively to such targets. On the basis that Private R told Major Loden about both his targets, it could be expected that they would form successive entries on the list. Furthermore, of the other soldiers only Sergeant O gave an account of firing at a gunman with a pistol in the eastern or south-eastern area of the car park and, for reasons that we give below, we are sure that his firing does not feature in the Loden List of Engagements.

<sup>1</sup> [Paragraph 23.20](#)

**51.184** This fourth entry records the gunman as being hit. In his later accounts Private R stated that he did not know whether he had hit this target. While this could be said to militate against the suggestion that the fourth entry reflects the account Private R gave Major Loden, we are not persuaded that this outweighs the factors considered above, since

Private R might well on reflection have concluded afterwards that he could not be sure that he had hit this target. In our view, therefore, the fourth entry probably does reflect what Private R told Major Loden.

## Private R's evidence to this Inquiry about his and Sergeant O's firing

**51.185** In his written statement to this Inquiry,<sup>1</sup> Private R told us that he had a very limited recollection of events and that the best evidence he could give was that which he had given in 1972 when matters were relatively fresh in his mind. He told us that he recalled a group of civilians standing against the wall on the eastern side of Block 1 of the Rossville Flats, while other civilians were running towards the gaps between Blocks 1 and 2 and Blocks 2 and 3.<sup>2</sup>

"I noticed one man in particular, who was pressed against the wall, in the group I have referred to at E (grid reference K15). It was my impression that the others in the group did not want to get too close to him, and that he was up to no good. Although I only saw him briefly, I would say that I had a grand view of him he was in his 20's; and tall, with dark hair. He took a few steps forward from the wall (at right angles to the wall stepping out into the car park of the Flats) and turned in my direction, right shoulder forward, he was left handed. I saw, in his left hand, an object which was smoking and which I thought was a bomb of some description; it could have been a nail bomb, a jelly bomb, or a blast bomb. The man drew his arm back, in a position similar to a bowling action, as though he was about to throw the object. I took aim and fired a single shot from my SLR; I believe that the bullet hit him high up on the right shoulder, causing him to spin around. I do not know what happened to the man after that – although I do recall people gathering around him. I have been asked by Eversheds whether there was a priest in this group; I have no recollection of seeing one. The object was smoking heavily in the same manner as a dynamite fuse, which is what I believe was burning."

<sup>1</sup> B691.001

<sup>2</sup> B691.003

**51.186** Private R's reference to "E" was a reference to a point about halfway down the east side of Block 1 of the Rossville Flats, which he had marked on a map.<sup>1</sup> His reference to "Eversheds" is to the solicitors who took statements on behalf of the Inquiry.

<sup>1</sup> B691.008

51.187 After giving an account of being splashed by acid, Private R continued:<sup>1</sup>

“The next thing that I now recall is that a pistol was fired in my direction from the alleyway between Blocks 2 and 3 of the Flats. I saw a hand holding a pistol appear from the alleyway and heard shots being fired from the same position. The approximate position is marked F on the map (grid reference L18). I returned fire; I think I fired three shots, but I do not think I hit the gunman. If I did, I would have hit the arm. During the exchange, the hand holding the gun disappeared behind the alleyway and then reappeared, but I cannot remember how many shots were fired in our direction. As far as I can recall, there were not many civilians around by that stage.

During this incident, I think that Sergeant O appeared at the back of the Pig to check that Private T and I were okay. I have marked the approximate position of Private T and Sergeant O on the map at G and H (grid reference L14). I do not now remember any conversations taking place between us at this stage but they most probably did. The acid that had been splashed over my legs earlier was still eating away at my denims.”

<sup>1</sup> B691.004

51.188 Point F on Private R’s map was marked at the gap between Blocks 2 and 3 of the Rossville Flats. Points G and H were marked as close to where from other evidence it is clear that Sergeant O’s APC had stopped.<sup>1</sup>

<sup>1</sup> B691.008

51.189 In his oral evidence to this Inquiry, Private R told us that Bloody Sunday was the first occasion on which he had fired a live round in earnest.<sup>1</sup> He also told us that he did not believe that the first man at whom he fired could have been throwing a stone, or that he could have been mistaken in thinking that the man was throwing a bomb, but that he had not seen any attempt to light what he thought was a bomb.<sup>2</sup>

<sup>1</sup> Day 337/30

<sup>2</sup> Day 337/36

51.190 When it was pointed out to Private R that in his oral evidence to the Widgery Inquiry he had said that he saw the man as he was coming round the corner to get back to Sergeant O’s APC,<sup>1</sup> whereas in his written evidence to this Inquiry he had indicated that he was at the back of the APC,<sup>2</sup> and it was suggested to him that the former was likely to be right, his reply was “*It may be, yes*”.<sup>3</sup>

<sup>1</sup> WT13.73

<sup>3</sup> Day 337/37

<sup>2</sup> B691.003

- 51.191** Private R told us that he did not shoot Jackie Duddy (who was mortally wounded in the car park) or see him being carried from there by a group led by Fr Edward Daly; nor did he see any of those we are sure were wounded by gunfire in the car park.<sup>1</sup>
- <sup>1</sup> [Day 337/60-67](#)
- 51.192** Private R was asked how he had come to describe the man he believed had a bomb as wearing dark slacks in his RMP statement, and light slacks in his oral evidence to the Widgery Inquiry. He said: “... *I made a mistake saying that, it should have been he was wearing dark slacks.*”<sup>1</sup>
- <sup>1</sup> [Day 337/106](#)
- 51.193** Private R was asked about the fact that in his evidence to the Widgery Inquiry he had first described the incident with the acid bombs, then Sergeant O’s shots and then his own shots at a man with a pistol in the gap between Blocks 2 and 3 of the Rossville Flats, whereas in his written evidence to this Inquiry the sequence of the last two events was put the other way round. He replied that his present belief was that “*Sergeant O fired at his target and then I fired at my target and then I was acid bombed. I think that may be the order. Even then I am still not quite sure.*”<sup>1</sup>
- <sup>1</sup> [Day 337/148](#)
- 51.194** Private R denied that he had made his second RMP statement to try to justify Sergeant O’s shooting.<sup>1</sup>
- <sup>1</sup> [Day 337/126-127](#)
- 51.195** At the end of his oral evidence he gave the following answers:<sup>1</sup>

“Q. Do you remember that I was asking you questions this morning which drew attention to the similarity in some of the circumstances in which your first target was hit and in which the boy, Jack Duddy, was hit?

A. That is correct.

Q. Do you remember me asking you those questions?

I should also tell you this: the Tribunal has heard evidence from a considerable number of civilian witnesses, including a considerable number who were in the car park of the Rossville Flats, running towards one of the two alleyways between the two blocks; do you follow?

A. Yes.

Q. None of those witnesses speaks of a man falling, having been shot, at the point identified by you on your photograph or of that man having been shot, being carried away through the gap between Blocks 1 and 2; do you follow?

A. Yes.

Q. That raises the possibility that there was in fact no man with a nail bomb as you describe and that your first shot was in fact directed towards the crowd or somebody who was in the crowd running away and was fired without any justification at all; is that the position?

A. No.

Q. If that were so, that which I have been suggesting to you was so, it would follow that your account of a man with a nail bomb in a left-arm bowling position was invented; did you make that up?

A. No, I did not.”

<sup>1</sup> [Day 337/144-145](#)

## Private R's evidence about firing by other soldiers

**51.196** We have referred above to Private R's evidence about firing by Sergeant O and Private T, and we return to this evidence later. Private R did not describe firing by any other soldier, and told us that he could not now remember whether he had seen any soldier other than Sergeant O firing.<sup>1</sup>

<sup>1</sup> [Day 337/70](#)

## Private R's evidence about acid bombs

**51.197** We deal later in this chapter<sup>1</sup> with the evidence that Private R gave about acid bombs.

<sup>1</sup> [Paragraphs 51.307–317](#)

## Private R's use of his respirator

**51.198** In his statement for the Widgery Inquiry,<sup>1</sup> Private R recorded that he was putting on his respirator as Sergeant O's vehicle passed through gas near Barrier 12. Some of the other soldiers already had their respirators on. He said that, by the time he was running across the waste ground to catch up with Sergeant O's vehicle after disembarking, the majority of the soldiers had taken off their respirators.

<sup>1</sup> B670

**51.199** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that he took off his respirator just before he reached the waste ground.

<sup>1</sup> WT13.72

**51.200** If, as he accepted was possible in his oral evidence to this Inquiry,<sup>1</sup> Private R is the soldier seen in the middle of the group of three in the first of two photographs (reproduced below) taken by Robert White and if, as we consider is probably the case, he was the soldier running close to the kerb in the second, he appears still to have been wearing his respirator when these photographs were taken, though the quality of these photographs is such that it is not possible to be certain that this was the case.

<sup>1</sup> Day 337/19





## Summary of Private R's accounts of his shots

**51.201** According to the accounts of Private R, he had run to where Sergeant O's APC had stopped in the Rossville Flats car park, from where he saw a man about halfway down the eastern side of Block 1 with a fizzing or smoking object in his hand. He fired one shot at this man and believed that he had hit him in the shoulder. After acid bombs had been dropped near him he saw a man's hand with a pistol appear from the gap between Blocks 2 and 3 of the Rossville Flats. Private R fired three shots at this man but did not know whether he had hit him.

## Evidence of other soldiers about Private R's firing

**51.202** In his written statement for the Widgery Inquiry,<sup>1</sup> Private C, a member of Composite Platoon, recorded that after disembarking from his vehicle he was ordered to work his way round "*the walls at the edge of the open ground*". When he reached the south end of the back of Chamberlain Street he saw a soldier standing by the APC in the entrance to the car park fire a shot at the far corner between Blocks 2 and 3 of the Rossville Flats. He confirmed this in his oral evidence to the Widgery Inquiry.<sup>2</sup> In his written statement to this Inquiry<sup>3</sup> and in his oral evidence to this Inquiry,<sup>4</sup> he said that he did not now recall seeing this firing. The soldier whose firing he described in his evidence to the Widgery Inquiry could have been either Sergeant O or Private R.

<sup>1</sup> B52

<sup>2</sup> WT15.64

<sup>3</sup> B68.5

<sup>4</sup> Day 354/15-17

**51.203** Private 005 was a member of Machine Gun Platoon. According to his RMP statement,<sup>1</sup> he was somewhere in the area of the road leading from Rossville Street into the car park. He stated that he saw a man on “*the first floor veranda which runs between block one and block two of the flats*” fire two shots from a pistol. Private R, who was standing at the nearside wing of an APC, fired one round at the gunman, who disappeared briefly before reappearing and firing another two or three rounds in the general direction of the soldiers. Private R returned two rounds. Private 005 did not see whether the gunman was hit or not. The gunman disappeared.

<sup>1</sup> B1370

**51.204** In his written statement to this Inquiry,<sup>1</sup> Private 005 told us that he saw a soldier firing towards the Rossville Flats. He thought that it had been Private R but could not rule out the possibility that it had been Private T. He thought that the soldier had fired three shots. It seemed to Private 005 that the soldier was firing “*into the first floor of the flats because he looked to have his gun more or less on a level rather than raised*”. Private 005 could see “*puffs of smoke*” rising from the ground where the soldier was standing. This and the soldier’s firing led Private 005 to believe that acid bombs or something similar were being thrown at the soldier, but Private 005 did not see any acid being thrown. Private 005 told us that he had a vague memory of seeing a man on either the ground floor or the first floor of Block 1 of the Rossville Flats, with his arm back as if about to throw something, and with an object, possibly a nail bomb or petrol bomb, in his hand. However, Private 005 did not remember seeing the man throw anything, and was concerned that his memory might be wrong. He stated that he did not now remember seeing a man with a pistol, although he recalled hearing pistol fire at about the time when he saw the soldier firing.<sup>2</sup>

<sup>1</sup> B1374.001

<sup>2</sup> B1374.004

**51.205** In his oral evidence to this Inquiry,<sup>1</sup> Private 005 admitted that he had not been in a position to see a gunman on the walkway between Blocks 1 and 2 of the Rossville Flats, and said that he had described the gunman in his RMP statement on the basis of hearsay in the NAAFI. Later he claimed that he had heard the gossip in the NAAFI about the gunman only after making his RMP statement, and that the RMP had made up the story about the gunman.<sup>2</sup> He denied that the sequence of shots described in his RMP statement reflected what he had said to the RMP. He said that he had told the RMP that he had seen Private R fire one shot towards the passage between Blocks 1 and 2. He said that the RMP statement taker seemed already to know what had happened, and had filled in gaps in his knowledge.<sup>3</sup> Private 005 was asked what made him think that the soldier was having something thrown at him,<sup>4</sup> and replied that it was “*Just the way the*

*stuff was splashing about*". He accepted that it was possible that the man described in his written statement to this Inquiry as having had his arm in a throwing position had not had anything in his hand. He then said that he had not seen the man at all and was "*just surmising that there was somebody throwing it*". He confirmed that it was not true that he had seen this man.<sup>5</sup>

<sup>1</sup> Day 338/144-156

<sup>4</sup> Day 338/139-141

<sup>2</sup> Day 338/163-174

<sup>5</sup> Day 338/174-179

<sup>3</sup> Day 338/194-198

**51.206** In view of his evidence to this Inquiry, it is difficult to place much reliance on the account given by Private 005, though it is possible that he saw the first shot fired by Private R.

**51.207** We now turn to the soldiers who disembarked from Sergeant O's APC in the Rossville Flats car park.

## Sergeant O

### The account of his firing given by Sergeant O to the Royal Military Police

**51.208** In his first RMP statement timed at 2130 hours on 30th January 1972,<sup>1</sup> Sergeant O, after giving an account of incoming shots from about four to five weapons of mixed calibre, continued:<sup>2</sup>

"When the firing started I was positioned by the rear of the Humber. I saw a male person wearing a dark jacket and dark shirt. He had dark hair; he was behind a red Cortina car which was parked facing my location at GR 43291678.

I saw the top half of this man's body behind the car, he was holding a pistol in his right hand and pointing it at my location.

I saw the man's hand jerking with the pistol and I believed he was firing at me. My SLR had been cocked on moving forward from my position. I fired 1 x 7.62 rd well aimed shot at this gunman. I saw the round strike the car.

The gunman still appeared to be firing at me. I couldn't see the flash of the weapon but his hand was jerking as from a recoil.

I fired 2 x 7.62 rd well aimed shots at this gunman. I saw the gunman appear to be thrown backwards and disappear out of sight behind the car. I saw him being dragged away by two men, a woman, and a first aid man. They went between the flats and out of sight. I didn't see this gunman again. He was about 50 metres from my location when I fired.

The firing continued and I located a second gunman on a first floor verandah between blocks 2 and 3 Rossville Flats, Londonderry. He was firing behind the concrete flat support. I believe that his weapon was a M1 Carbine. I saw the flash of his weapon firing, I fired 2 x 7.62 rd well aimed shots at this gunman. I saw his body jerk backwards and out of sight, I think I hit this man in the head. Only his head and shoulders were exposed. He was standing behind the pillar, when I fired he was about 75 metres from my location. I didn't see this man again. I can't describe him, he didn't show enough of himself.

I kept the area under observation. I saw several persons move along the verandahs in a crouched position towards the gunmans location. They appeared to be dragging something. They then left the verandah. They reappeared on the ground floor between blocks 2 and 3 at GR 43281675.

I saw the group move out of sight and then one male person appeared and fired at my location with a carbine. I saw this man in the shoulder aiming position with the weapon, I saw the flash of the weapon firing. I fired 2 x 7.62 rds aimed shot at this gunman. He vanished from my sight. I didn't see him again. I don't know if I hit him. He was about 75 metres from my location.

I didn't fire any further rounds during the shooting incidents.”

<sup>1</sup> B439

<sup>2</sup> B449-441

**51.209** In his second RMP statement timed at 1430 hours on 1st February 1972,<sup>1</sup> Sergeant O added this:

“Further to my statement made on 30 Jan 72.

I would like to add, when I fired at the second gunman who was located on the Veranda between Blocks 2–3 Rossville Flats, Londonderry, I fired first 1 x 7.62 round, aimed shot at the gunman. I didn't observe a strike. I therefore, fired 2 x 7.62 rounds at this gunman who continued to fire at my location after I had fired at him. The second time I fired the gunman was hit and thrown from my sight.”

<sup>1</sup> B461

51.210 In this statement, therefore, Sergeant O described firing another shot, in addition to the two described in his first RMP statement, at the gunman he described being on the verandah between Blocks 2 and 3 of the Rossville Flats.

### **The account of his firing given by Sergeant O in the Thames Television This Week programme**

51.211 In the Thames Television This Week programme *Northern Ireland – Two Sides of the Story* broadcast on 3rd February 1972, Sergeant O said that he returned fire against at least three men who were firing at him.<sup>1</sup> His first gunman was a man using a pistol, while standing behind a maroon Cortina positioned “*half-left across the car park as I was looking at it*”. Sergeant O fired three rounds at him. The man went down. Sergeant O was sure that he had hit him. The man’s body was taken away by “*friends or people within that area*”.

<sup>1</sup> X1.17.11-X1.17.13. The transcript refers to Sergeant O as “Sgt 1”.

51.212 Sergeant O’s second gunman was firing a fairly light rifle, similar to an M1 carbine, from the “*first floor balcony*” between Blocks 2 and 3 of the Rossville Flats. Sergeant O fired at him. The man fell and his body was taken away by people who brought it downstairs, out of view of the soldiers, and reappeared beneath the balcony where the man had been.<sup>1</sup>

<sup>1</sup> X1.17.12-X1.17.13

51.213 Sergeant O’s third gunman then stepped “*round the corner of the stairs within that area*” and fired at Sergeant O with an M1-type carbine. Sergeant O assumed that this was the same weapon as had been used by the second gunman, and that it had been brought down with the body, and was being fired by one of that man’s colleagues or friends. Sergeant O fired at the third gunman but could not say whether he hit him.

### **The account given by Sergeant O to the Royal Military Police of ordering Private T to fire**

51.214 In his third RMP statement timed at 1510 hours on 15th February 1972,<sup>1</sup> Sergeant O described ordering Private T to fire at a man he said he had no doubt was throwing down acid bombs from the Rossville Flats. We deal in detail with this part of Sergeant O’s evidence when considering later in this chapter<sup>2</sup> Private T’s account of the shots he fired.

<sup>1</sup> B464

<sup>2</sup> Paragraphs 51.287–300

## Sergeant O's evidence to the Widgery Inquiry about his and Private S's firing

**51.215** In his written statement for the Widgery Inquiry,<sup>1</sup> Sergeant O gave a similar account of seeing a man behind a red Cortina car with a pistol in his hand, pointed in his direction, about 50m away: “... at this distance I am quite satisfied I can identify a pistol, pointing in my direction. I saw a definite kick as he fired. I do not think it was a six-shot revolver, he fired too many shots for that.”

<sup>1</sup> B467

**51.216** He continued:<sup>1</sup>

“11. I returned one shot at him. It was a deliberate aimed shot, fired through sights from the shoulder. The first missed hitting the car windows. I corrected aim and fired 2 rapid shots. The gunman was thrown backwards and fell out of sight behind the wall. A first aid man ran along the low wall from Chamberlain Street to the gunman, followed by two or three others. They were moving behind the wall. I saw them carrying him away out through the gap between Blocks 2 and 3.

12. There was shooting from my own men and from the block area at them. I saw another fall of shot, between the pig and the Chamberlain Street wall. Still by the front end of the pig, behind the mudguard, I saw the flash of a weapon on the lower of the two enclosed passageways joining Blocks 2 and 3. There was a gunman at the block 3 end with a weapon like an M1 carbine or small rifle. I fired an aimed shot at him. Again my first shot missed because (I think) the plastic stock of my SLR had broken and was throwing me out. I fired 2 more shots and think I hit the gunman in the head. This was at a range of about 75 metres. Again I have no doubt of the weapon. There is no possibility of confusion with a long lens camera or anything like that.

13. The firing was beginning to slacken off so I watched the position of gunman. I saw people moving along the verandah of block 3 crouching. They dragged something away from the gunman's position into the covered part of the passageway.

14. There was no sustained fire at us now, just pot shots at us.”

<sup>1</sup> B468

**51.217** Sergeant O then described the incident in which he ordered Private T to fire at a man throwing down bottles from the Rossville Flats.<sup>1</sup> Returning to his own shots, he stated:

“15. I moved round to the front of the pig and saw another body being taken through the alleyway where the first body had been taken. Then a man stepped out from that corner, brought a weapon (I thought it was the same weapon as before) to his shoulder and fired. I fired back two aimed shots and he either jumped or fell back. I cannot say if I hit him. These were the last rounds I fired.”

<sup>1</sup> [B468-469](#)

**51.218** In his oral evidence to the Widgery Inquiry, Sergeant O said that after what he described as incoming fire, “*The first thing that happened is we moved to the back of the pig. The prisoners were put in the pig. The blokes then spread out into fire positions and started to try and identify these targets.*” He told the Widgery Inquiry that it was about ten seconds after the initial firing that the soldiers started firing and that around his APC “*it would be either myself or Soldier S who would be one of the first two to open fire*”.<sup>1</sup>

<sup>1</sup> [WT13.27-28](#)

**51.219** Sergeant O then gave the Widgery Inquiry a similar account to that in his written statement, of firing at a man behind a red Cortina and then seeing people, including someone he described as “*a Knights of Malta, a first-aid man*”, carrying him away through the alleyway between Blocks 2 and 3 of the Rossville Flats.<sup>1</sup>

<sup>1</sup> [WT13.30](#)

**51.220** When he was asked what he did next, Sergeant O replied that he stayed where he was at the front of the APC. “*I identified a further gunman, in the lowest of the two adjoining cover, the cat-walks, in between Blocks 2 and 3*”:

“Q. You identified him as a gunman, how?”

A. He appeared standing up at the edge of the balcony firing a type of weapon which I assume was an M.1 carbine for it was a fairly short weapon and he was triggering it off fairly fast. I could distinctly see flashes at the muzzle.

Q. What did you do?

A. I returned fire on that man. Again I fired one round and missed. I fired a further two rounds and again the man went down.

Q. Did you see what happened to him on the balcony?

A. People moved along the balcony on block 3 and dragged the man into the cover in an archway, into the cat-walk, I am sorry.”

51.221 He then told the Widgery Inquiry that the only soldier he could see firing was Private S, who was standing to his left against the back wall of 32 or 34 Chamberlain Street. In his oral evidence to the Widgery Inquiry, Sergeant O gave this description of Private S firing:<sup>1</sup>

“Q. At the same time was there shooting from your own men that you were aware of?

A. The only one that I could actually see firing was Soldier S, who was standing slightly to my left against the back wall of 32 or 34 Chamberlain Street, within this area. He was firing across my front into the gap between block 1 and block 2 into that area.

Q. That would be in this direction?

A. Yes sir.

Q. The opposite corner from the one you were firing?

A. Yes.

Q. Did you see what target he was engaging?

A. Only once I got a glimpse of a man kneeling down in that area of, say, between blocks 1 and 2 firing a weapon from the shoulder.

Q. What sort of weapon was he firing?

A. It was a short-barrelled rifle of some description. Again, it is possible it was an M.1 carbine, but I couldn't say. I only got a glimpse of the man through the people milling around.

Q. It was a short barrel?

A. Yes, rifle.

Q. When you say there were people milling around, could you describe it more?

A. At this stage there were still a few people in the courtyard moving around and there was quite a bit of people moving around in that area, actually in the junction of block 2 and 1.

Q. Was there anyone very close to the man who was with the rifle?

A. No. There seemed to be a sort of gap round about him, but there were people moving round about. There was nobody actually close to him that you could say within touching distance. There seemed to be a small gap where he was himself.

Q. What about the alleyway behind between blocks 1 and 2? At that time were there any people in that alleyway, can you remember?

A. I cannot honestly say, like. I saw there were people moving around in that area. It is possible there were people in that alleyway but it just never registered.

Q. You cannot remember?

A. No.

Q. You saw the man you say with a rifle, or a short barrelled weapon, at his shoulder. Did you see whether he was doing anything? I mean, did you see the weapon used?

A. Well, there was a strike of rounds between myself and Soldier S on the ground at this stage and I assumed it had come from this man.”

<sup>1</sup> WT13.31

**51.222** Sergeant O continued his oral evidence by saying that it was “*a matter of about three or four minutes later*” that he fired at the man who appeared round the corner of the gap between Blocks 2 and 3 of the Rossville Flats.<sup>1</sup>

“Q. In what circumstances did you fire those two rounds?

A. Well, when I finished firing at the man up in the cat-walk I observed the area. I watched the body being taken away. There was nothing further came from that area. I then got back, I moved to the back of the vehicle and checked up on the blokes there. I came back round to the front of the vehicle and at this stage there was a body being taken between the gaps between blocks 2 and 3. As the body was taken away and vanished through that gap a man stepped round that corner and again started firing what I assumed to be an M.1 carbine.

Q. Pausing a moment, the body going through between blocks 2 and 3, which body was that, do you know?

A. I couldn't honestly say which body it was.

Q. Was it the first from behind the wall?

A. No, it wasn't the first one from behind the wall. The one from behind the wall that fired initially had long gone through that gap. It wasn't the same body.

Q. Then he came out and started firing?

A. He just stuck his head and shoulders, sort of thing, round the corner and started firing with a weapon. I fired two rounds. He jerked back. Whether he jerked back because I hit him or whether he jerked back because the rounds were close to him, I couldn't say.

Q. What was he firing with?

A. I believe again it was an M.1 carbine.

Q. Whether you hit him or not you do not know?

A. No, I couldn't say."

<sup>1</sup> [WT13.31-32](#)

**51.223** Sergeant O said that he did not fire from the hip at any time, nor did he see any of his soldiers doing so.<sup>1</sup>

<sup>1</sup> [WT13.33](#)

## Sergeant O's reference to his firing in his Praxis interviews

**51.224** As we have previously explained, Sergeant O was interviewed, probably in 1989, as part of the research that resulted in the Channel 4 Secret History documentary *Bloody Sunday* made by Praxis Films Ltd, and was interviewed again for the purposes of the same programme on 14th May 1991. While the transcript of the first interview appears to be incomplete, it contains no description of Sergeant O's own firing.<sup>1</sup>

<sup>1</sup> [O21.1-O21.14](#)

**51.225** In his second interview Sergeant O did not want to discuss any gunmen he might have seen, but said that he did not fire at anyone who did not have a weapon in his hand.<sup>1</sup>

<sup>1</sup> [O22.59-O22.60](#); [O22.69](#)

## The account of his firing given by Sergeant O in his Peter Taylor interview

**51.226** Peter Taylor interviewed Sergeant O on 28th November 1991 for the BBC Inside Story documentary *Remember Bloody Sunday*.

51.227 Sergeant O said in this interview<sup>1</sup> that he saw a man about 50 yards away, or perhaps a little less, firing a pistol at him. He could see the kick of the weapon as the man pulled the trigger. Sergeant O returned fire. He missed with his first shot but hit the man with his next two shots. The man was taken away by “2 nurses and another gentleman”. Sergeant O was asked what happened to the pistol, and replied: “Once he went down and I knew he was down, I was then looking for other targets.”

<sup>1</sup> I540-I541; I546-I548

51.228 Sergeant O said that his second gunman was “up in the junction of 2 of the blocks – I think block 1 and 2 up in the ... first floor ... veranda type ... area of the flats”.<sup>1</sup> He was convinced that the man had fired a shot from a shoulder-held weapon down into the area where the soldiers were. He saw the muzzle flash and fired at the man. The man fell. Sergeant O was sure that he had hit him. Sergeant O did not try to find the weapon.<sup>2</sup> The body was taken away “through one of the tunnels”.

<sup>1</sup> I549

<sup>2</sup> I550

51.229 Sergeant O said that the same type of weapon was then used to fire at the soldiers again from the area of the “tunnel” through which the body had been taken.<sup>1</sup> He did not know whether he had hit the third gunman.

<sup>1</sup> I551

## Sergeant O’s use of his respirator

51.230 As already noted, Sergeant O gave written and oral evidence to this Inquiry.

51.231 In his written account Sergeant O told us that he recalled putting on his gas mask (respirator) as his APC was driven through Barrier 12, but that he took his helmet and gas mask off before disembarking: “... from then on, I think I was bare headed.”<sup>1</sup>

<sup>1</sup> B575.111

## Sergeant O’s written evidence to this Inquiry about his and Private S’s firing

51.232 Sergeant O stated that it was a second or two after the first incoming fire that he saw a man with a pistol in the car park: “The reason that this man caught my eye was that he was stationary whereas everyone else in the car park was moving as quickly as they could to get through the gaps between Blocks 1 and 2 and Blocks 2 and 3.”<sup>1</sup> Sergeant O then gave a description, as he had in his previous accounts, of this man firing his pistol,

and of his own firing back at the man; of the Order of Malta Ambulance Corps volunteer who went to the aid of the man, followed by a woman and, Sergeant O thought, two other men; and of the man being taken through the gap between Blocks 2 and 3.

<sup>1</sup> B575.113-114

- 51.233** Sergeant O then described shooting at a man who was on the “*first balcony*” at the southern end of Block 3 of the Rossville Flats, who was partially shielded by a vertical concrete pillar and who was firing a short-barrelled rifle from his shoulder. He stated that the man was flung back against the concrete surrounding the balcony, and dropped out of sight on the balcony “*below the balustrade level*”.<sup>1</sup>

“I then saw people moving towards the gunman in a southerly direction along the first floor balcony of Block 3. I am sure there was no movement at all on that balcony while the gunman was firing at me but as soon as he went down I could see the heads popping up and down along the balcony. I could not see the body but I assumed he was being dragged away.”

<sup>1</sup> B575.115-116

- 51.234** Sergeant O stated the following in relation to where he had said that he had seen this gunman:<sup>1</sup>

“Where I describe in my first RMP statement the gunman on the verandah between Blocks 2 and 3 of the Rossville Flats firing behind the concrete flat support, this is the pillar I have described. Having now looked carefully at a photograph of the Rossville Flats, I have identified that the verandah (or balcony) was actually towards the south end of Block 3 of the Rossville Flats, not on the walkway between Blocks 2 and 3.”

<sup>1</sup> B575.123

- 51.235** In this statement Sergeant O described, in similar terms to the evidence that he had given to the Widgery Inquiry, what he said he had seen of Private S engaging a gunman in the gap between Blocks 1 and 2. He also told us:<sup>1</sup>

“My recollections of this incident are not as vivid as those I have described above where I was involved in firing, but I am confident that what I have said is accurate. Private S was a good soldier and I was confident that he would handle the incident without me needing to get involved. In an interview I gave to Thames Television in the Sergeants’ Mess at Palace Barracks a few days after 30th January 1972 (which I deal with in more detail below) I referred to a soldier ‘getting some stick’. I was referring to Private S and this incident.

Knowing Private S as I did, I knew that he would not shoot until he was able to fire a clear aimed shot at the gunman. He would not have shot wildly in the direction of the gunman and I did not continue to watch what happened in the exchange of fire between Private S and this gunman. I would only have intervened if I had seen Private S fall, which I did not. During this incident, when I looked across to the gap between Blocks 1 and 2 of the Rossville Flats, I did not notice anything on the ground in the centre of the car park.”

<sup>1</sup> [B575.116](#)

**51.236** Sergeant O also described seeing a man throwing down an acid bomb from the Rossville Flats and ordering Private T to fire at the man if he did it again. We consider this incident when dealing with Private T’s account of the shots that he fired.

**51.237** Sergeant O told us that it was about three or four minutes after he had fired at the man with a pistol (and after he had fired at his second target, seen the incident involving Private S and told Private T to fire) that he came under fire again when he was at the front passenger side of his APC. He stated that on this occasion the gunman had a weapon similar to the one used by the second gunman he had engaged and was firing at ground level from the corner of the gap between Blocks 2 and 3 of the Rossville Flats. Sergeant O told us that he fired two shots at this man, who jerked back behind the corner.<sup>1</sup>

<sup>1</sup> [B575.118](#)

**51.238** Sergeant O stated that he was sure that he had hit the first two men at whom he had fired, but thought that he had not hit the third.<sup>1</sup>

<sup>1</sup> [B575.114](#); [B575.115](#); [B575.118](#)

**51.239** He also stated that the reason he had made a second RMP statement was that when he was shown the first (which he had made when he was very tired) he realised that it was incorrect in that it referred to two shots at the man on the verandah, whereas he had fired

three at this target.<sup>1</sup> We accept that this was a genuine correction as to the number of shots fired and not one made falsely for an ulterior purpose; though whether Sergeant O was correct in his accounts of why he fired is a matter we consider further later in this report.<sup>2</sup>

<sup>1</sup> B575.123

<sup>2</sup> Paragraphs 64.32–47

## Sergeant O's trajectory photograph

**51.240** Towards the end of his written statement to this Inquiry,<sup>1</sup> Sergeant O said that John Heritage (the member of the Treasury Solicitor's department who took his statement for the Widgery Inquiry) carefully prepared a photograph showing the trajectory of his shots. In his oral evidence, Sergeant O said that the following photograph seemed to be the one that John Heritage completed.<sup>2</sup>

<sup>1</sup> B575.124-B575.125

<sup>2</sup> Day 335/122



**51.241** In our view, for the following reasons, Sergeant O was probably mistaken in his recollection that the trajectory of his shots was marked on the photograph by John Heritage. In Sergeant O's written statement for the Widgery Inquiry,<sup>1</sup> there is a reference to an aerial photograph, of which a copy was used to prepare the trajectory photograph

shown above, which to our minds shows that a copy of this photograph was in front of him and John Heritage when he made the statement. In his supplementary written statement to this Inquiry, John Heritage confirmed this.<sup>2</sup>

<sup>1</sup> B466

<sup>2</sup> KH6.17; KH6.29

**51.242** However, the trajectory photograph is marked not only with the trajectories but, in a lighter pen, with an indication of the position of the Cortina in the car park of the Rossville Flats. Although it is impossible to be sure, a comparison with John Heritage's handwriting on, for example, a document relating to Lance Corporal V<sup>1</sup> suggests to us that he may well have written the word "*Cortina*". If so, Sergeant O was probably right in recalling that he saw John Heritage writing on the photograph.

<sup>1</sup> B821.002

**51.243** However, we believe that Sergeant O was wrong in thinking that John Heritage marked the trajectories on the photograph. The script in which the trajectories are numbered does not obviously resemble John Heritage's handwriting. In his written statement to this Inquiry,<sup>1</sup> John Heritage told us that to the best of his recollection the maps and photographs to which witnesses referred in their interviews were "*prepared beforehand by the SIB [Special Investigation Branch]*", and he drew attention to the statement for the Widgery Inquiry of Private C,<sup>2</sup> in which the witness referred to markings on a map and photograph in terms that arguably indicate that the markings had been made before the interview. In his supplementary written statement to this Inquiry, Basil Hall, the former Solicitor to the Widgery Inquiry, told us that he asked that the soldiers who had fired rounds should indicate their lines of fire on photographs, and that copies of these photographs "*would have been available to members of the team taking statements*".<sup>3</sup>

<sup>1</sup> KH6.3

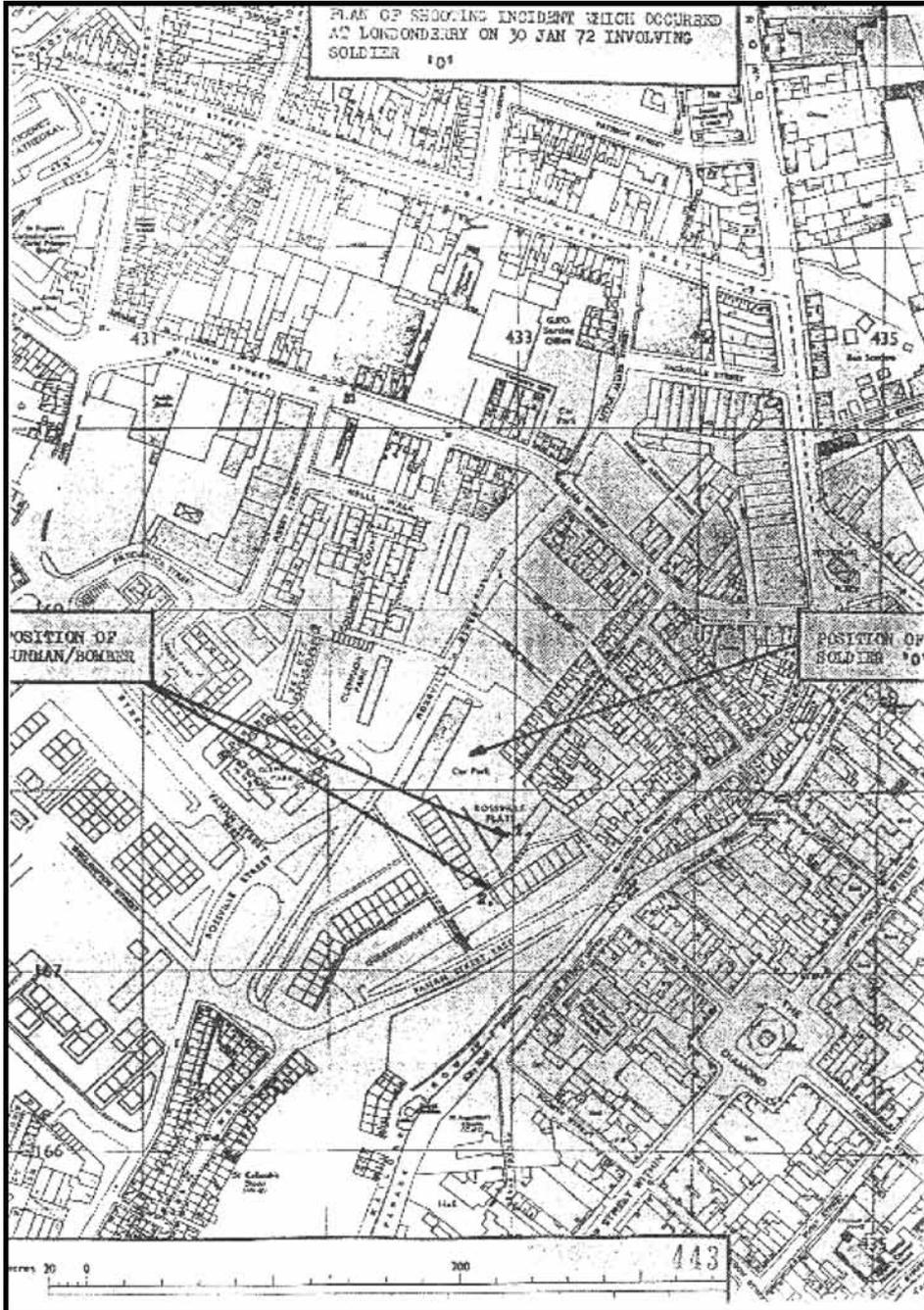
<sup>3</sup> KH2.29

<sup>2</sup> B52

## Sergeant O's Royal Military Police map

51.244 We reproduce below the map that accompanied Sergeant O's first RMP statement.<sup>1</sup>

<sup>1</sup> B443



**51.245** It will be noted that this map only shows two of Sergeant O's targets, whereas three were described in his RMP statement.<sup>1</sup> It is possible that the person who prepared this map chose only to mark the targets that Sergeant O said that he had hit. It is also possible that the third gunman described by Sergeant O was omitted from the RMP map because the RMP statement does not clearly indicate the position of that gunman.

<sup>1</sup> [B439-442](#)

## **The absence of reference to Sergeant O's firing in the Loden List of Engagements**

**51.246** The Loden List of Engagements records nothing that appears to relate to the accounts of shooting given by Sergeant O. We are satisfied that this is because Sergeant O was at Altnagelvin Hospital at the time when the list was being compiled. As is discussed elsewhere in this report,<sup>1</sup> Sergeant O, together with a number of soldiers, including Corporal P, escorted the bodies of three of the rubble barricade casualties from the Bogside to the hospital.<sup>2</sup> They left at about 1645 hours,<sup>3</sup> arrived at the casualty department by 1730 hours<sup>4</sup> and were still present at the mortuary at 1815 hours.<sup>5</sup> Sergeant O told this Inquiry, and we accept, that after completing their duties at Altnagelvin, the soldiers drove directly to the base at Drumahoe, outside Londonderry, where they stayed that night.<sup>6</sup> The Loden List of Engagements was, as we explain elsewhere in this report,<sup>7</sup> compiled at some point after 1730 hours in Clarence Avenue, Londonderry, before 1 PARA withdrew to Drumahoe.

<sup>1</sup> [Chapter 122](#)

<sup>2</sup> [B442; B469; B593; B603; B623.0027](#)

<sup>3</sup> [B442; B469](#)

<sup>4</sup> [ED40.6](#)

<sup>5</sup> [WT5.37](#)

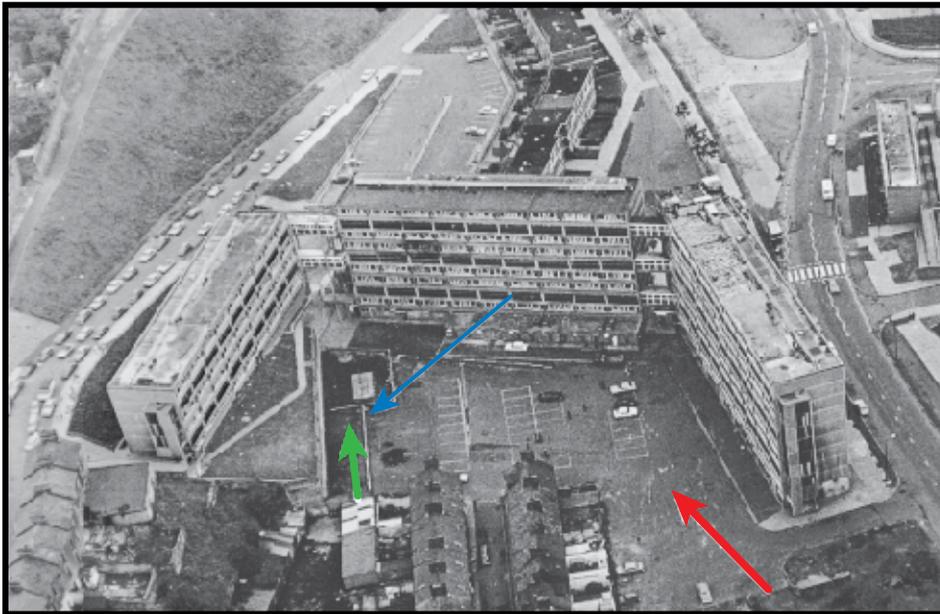
<sup>6</sup> [B575.120; B575.125; Day 336/84](#)

<sup>7</sup> [Paragraphs 165.1–2](#)

## **Sergeant O's oral evidence to this Inquiry about his firing**

**51.247** In his oral evidence to this Inquiry, Sergeant O marked a photograph with a blue arrow to show where he said the Cortina had been, and told us that the man at whom he fired had been at the rear of the car.<sup>1</sup>

<sup>1</sup> [B575.169; Day 335/56-57](#)



**51.248** Sergeant O said that the gunman was firing in his direction: *“It could have been me; it could have been one of the other men; it was just in my direction.”*<sup>1</sup> He marked with a green arrow on the photograph shown above the area *“behind the low wall”* from which he said that he recalled that the Order of Malta Ambulance Corps volunteer had come, and with a red arrow approximately where he thought he was himself standing (ie at the front edge of the APC) when he fired at the man, which he said was the same position from which he fired at his second target.<sup>2</sup>

<sup>1</sup> Day 335/58

<sup>2</sup> Day 335/60-61; Day 335/70

**51.249** In his first RMP statement Sergeant O had given a grid reference for the position of the red Cortina car behind which he said there was a man firing a pistol.<sup>1</sup> In the course of his oral evidence to this Inquiry he was disposed to agree that this showed that the car was further south than the position he had marked; and that accordingly when he fired in the direction of this car his shots went towards the gap between Blocks 2 and 3 of the Rossville Flats.<sup>2</sup> However, although he accepted the point put to him, it was a bad one. It was suggested to him that the grid reference given in his first RMP statement (GR 43291678) corresponded to the position marked by Martin Tucker with a red arrow on a photograph.<sup>3</sup> That was wrong. The grid reference indicates a position further north, and more nearly consistent with the positions indicated on Sergeant O’s RMP map,<sup>4</sup> on his

trajectory photograph, and on the photograph<sup>5</sup> that he marked in his oral evidence to this Inquiry. Those positions are also close to the position suggested by much of Private R's evidence.

<sup>1</sup> B440

<sup>2</sup> Day 336/27-28

<sup>3</sup> AT17.18

<sup>4</sup> B443

<sup>5</sup> B575.169

**51.250** With regard to this incident, there was the following series of answers in the course of Sergeant O's oral evidence:<sup>1</sup>

"Q. If we go back to your statement at B575.138, you say you saw this man's hand jerking with the pistol: 'and I believed he was firing at me'.

A. Yes.

Q. Why did you not take cover at that stage just to protect yourself?

A. I did not think about taking cover.

Q. You what?

A. I did not think about taking cover.

Q. Was it not a natural reaction to take cover so that you are in a better position to fire back from a position of safety?

A. Not necessarily.

Q. At this stage you were standing at the front passenger door of this Pig, on the left side?

A. Yes.

Q. Totally exposed –

A. Yes.

Q. – to this gunman?

A. Yes.

Q. Is there any problem with you taking cover on the other side and firing back from cover?

A. Only the length of time it would have taken me to get round the Pig. I preferred to stand my ground and return the fire.

Q. When you did return the fire, you fired a shot at him which you say missed, it hit the car?

A. Yes.

Q. The gunman did not take cover or duck behind the wall or do anything else to avoid being shot; did he?

A. He must have made the same decision as me, then.

Q. There you were standing toe to toe so to speak, shooting at each other until the first man went down; was that the picture?

A. I think the odds were on my side, yes.

Q. He was standing there exposed himself?

A. Yes.

Q. Firing his handgun at your SLR?

A. Yes.

Q. Is this another example of the sort of stupid gunmen that were there?

A. I think so. I do not know where the 'stupid' come in, but it was an example of the gunman who was there."

<sup>1</sup> [Day 336/35-36](#)

**51.251** With regard to his second target, Sergeant O marked on another photograph (reproduced below) two places where, though his mind was "*not 100 per cent clear*", the gunman he saw could have been, with the concrete pillar shielding half his body.<sup>1</sup>

<sup>1</sup> [B575.170; Day 335/62-63](#)



**51.252** Sergeant O said that this gunman did not appear to notice his first shot, which Sergeant O thought had hit the concrete “round about” the gunman, and that the gunman continued firing. Sergeant O disagreed with the suggestion that it was odd that the man had not noticed this shot, on the ground that “*He was probably focused the same way I was*”. Sergeant O said he was sure that he had hit the man when he shot again, because the man was thrown backwards.<sup>1</sup>

<sup>1</sup> [Day 335/64-66](#)

**51.253** Sergeant O's attention was drawn to the fact that he had described his second target in his first and second RMP statements<sup>1</sup> as being on a first floor verandah between Blocks 2 and 3 of the Rossville Flats, in his written statement for the Widgery Inquiry<sup>2</sup> as being at the Block 3 end of the lower of the two enclosed passageways joining Blocks 2 and 3, and in his oral evidence to the Widgery Inquiry as being in the lowest of the two "cat-walks" between Blocks 2 and 3,<sup>3</sup> whereas in his written statement to this Inquiry he had described his target as being on the "first floor balcony" at the southern end of Block 3.<sup>4</sup>

<sup>1</sup> B441; B461

<sup>3</sup> WT13.30

<sup>2</sup> B575.147

<sup>4</sup> B575.115

**51.254** It was suggested to Sergeant O that photographs showed that the walkway between Blocks 2 and 3 was enclosed, so that a gunman would be unlikely to have fired through windows from there; and that the balconies running along Block 3 were fitted with railings rather than a solid wall, so that it would have been possible to see more than the heads of people running along the balcony.<sup>1,2</sup> It was suggested to Sergeant O that these alleged discrepancies demonstrated that he had invented his account of firing at a gunman. Sergeant O agreed, as he had recorded in his written statement, that he had obviously been mistaken in putting the gunman on the walkway. He said "*I think the gunman was on the balcony, on the corner*",<sup>3</sup> and denied that he had invented his account.<sup>4</sup>

<sup>1</sup> We are doubtful whether someone moving along the back of the balcony would have been continuously visible to someone at ground level.

<sup>3</sup> Day 336/43

<sup>4</sup> Day 336/37-46

<sup>2</sup> FR7.426

**51.255** In our view there are indications that even in 1972 Sergeant O intended to say that the gunman had been on the balcony in Block 3. The references in his first RMP statement<sup>1</sup> to the "concrete flat support" and the "pillar" are most easily understood as references to one of the supporting pillars on the balcony. His trajectory photograph places the gunman on the balcony. In his written statement for the Widgery Inquiry,<sup>2</sup> he recorded that he saw people dragging something "*away from the gunman's position into the covered part of the passageway*". If the last phrase refers to the connecting walkway, as to our minds it does, this implies that, on the basis of Sergeant O's account, the gunman was not in it when he fell. In his oral evidence to the Widgery Inquiry,<sup>3</sup> Sergeant O said that the gunman was "*standing up at the edge of the balcony*" and that after the shooting he was dragged "*into the cat-walk*".

<sup>1</sup> B441

<sup>3</sup> WT13.30

<sup>2</sup> B468

51.256 It was suggested to Sergeant O that the reason for which he had refused to talk to the Praxis interviewers about his firing on Bloody Sunday was that he had participated in the shooting of innocent civilians and had supervised his men as they shot innocent civilians. He denied this and said that, as he had indicated to Praxis, he had had concerns for his safety.<sup>1</sup>

<sup>1</sup> [Day 336/76](#); [Day 336/130-131](#)

## Sergeant O's evidence about firing by other soldiers

51.257 We noted earlier that in his oral evidence to the Widgery Inquiry Sergeant O said that Private S was the only soldier he saw firing. Sergeant O confirmed this in his written and oral evidence to the present Inquiry.<sup>1</sup>

<sup>1</sup> [B575.125](#); [Day 335/92](#); [Day 336/62](#); [Day 336/72-73](#); [Day 336/86-89](#); [Day 336/96-97](#)

## Summary of Sergeant O's accounts of his shots

51.258 According to the accounts given by Sergeant O, therefore, while he was near his APC and soon after he had arrested William John Doherty he fired three shots at a man with a pistol who was behind a Cortina car on the south-east side of the car park; then three shots at a man with an M1 carbine or similar weapon towards the south-west end of the lower balcony of Block 3 of the Rossville Flats; and finally two shots at a man with an M1 carbine or similar weapon at ground level on the corner of the gap between Blocks 2 and 3. He was sure he had hit his first two targets, but said he thought that he had not hit his third. He estimated the time between firing at his first target and firing at his third as about three to four minutes.

## Evidence of other soldiers about Sergeant O's firing

51.259 Three or perhaps four other soldiers described Sergeant O's firing. We have already referred to Private C,<sup>1</sup> though whether he saw Sergeant O or Private R remains uncertain. The others were Private S, Private R and Private T.

<sup>1</sup> [Paragraph 51.202](#)

### **Private S**

51.260 Private S gave accounts of firing by Sergeant O, which we have considered earlier in this chapter.<sup>1</sup> He told the RMP that he saw Sergeant O firing at a gunman who was at a "ground floor window" towards the southern end of Block 1 of the Rossville Flats,<sup>2</sup> while

he told the Widgery Inquiry that he saw Sergeant O firing shots at a target out of his sight at the other corner of the car park.<sup>3</sup> He told us that the account he had given to the RMP of seeing a gunman was untrue, but he stood by his evidence that he had seen Sergeant O firing.<sup>4</sup>

<sup>1</sup> Paragraphs 51.47–49 and 51.64–70

<sup>3</sup> B708

<sup>2</sup> B703

<sup>4</sup> B724.003; Day 331/75; Day 331/14-21; Day 332/71-74

## **Private R**

**51.261** We have already referred<sup>1</sup> to the description of Sergeant O's firing given by Private R in his second RMP statement<sup>2</sup> and in his written statement for the Widgery Inquiry.<sup>3</sup> In these statements, Private R recorded that after he had been hit by two acid bombs thrown from Block 1 of the Rossville Flats, he saw a man firing a pistol towards the soldiers from behind a maroon Cortina in the car park. Sergeant O, who was standing beside Private R, fired at the gunman, who fell and was dragged away by two or three people. Private R said that he did not know how many rounds were fired either by the gunman or by Sergeant O.

<sup>1</sup> Paragraphs 51.168–173

<sup>3</sup> B671

<sup>2</sup> B666

**51.262** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that he was standing behind Sergeant O's APC, shaking his legs because of the acid, when he saw Sergeant O fire.

<sup>1</sup> WT13.76

**51.263** Private R also described this incident in his written statement to this Inquiry.<sup>1</sup> Although he no longer remembered the make or colour of the car, he said that he had seen Sergeant O firing at a gunman behind a car, and that he had seen the gunman fall, and a group of civilians taking him away. Private R initially told us that he did not now recall how close he had been to Sergeant O when this firing took place.<sup>2</sup> Later in his evidence,<sup>3</sup> he said that Sergeant O was probably only four or five feet away. Private R believed that he had been at the back of the APC, but was not sure whether Sergeant O had been at the back or the front. As we have noted above,<sup>4</sup> Private R told us that his present recollection was that he saw Sergeant O firing before he, Private R, was hit by acid bombs.<sup>5</sup>

<sup>1</sup> B691.004

<sup>4</sup> Paragraph 51.193

<sup>2</sup> Day 337/52

<sup>5</sup> Day 337/148

<sup>3</sup> Day 337/126-128

51.264 It seems clear that this evidence relates to the first of the three incidents in which Sergeant O said that he opened fire. Private R did not describe either of the two later incidents.

### **Private T**

51.265 In his written statement for the Widgery Inquiry,<sup>1</sup> Private T recorded that at one point Sergeant O shouted “*There’s one over there behind the wall*” and fired across the car park. Private T stated that he thought that Sergeant O had fired two or three shots. In Private T’s oral evidence to the Widgery Inquiry,<sup>2</sup> he said that Sergeant O fired two or possibly three shots in the direction of the flats. Private T said that he did not know where Sergeant O meant by “*over there*”. Private T also said that he could not see into the car park. When Sergeant O fired, he was standing at the back of his APC about three feet away from Private T.

<sup>1</sup> B736

<sup>2</sup> WT13.91; WT13.93

## **Private T and acid bombs**

### **The account of his firing given by Private T to the Royal Military Police**

51.266 In his RMP account,<sup>1</sup> Private T stated that after assisting in making arrests he moved back to Sergeant O’s APC. He became aware of people on the balconies of the flats dropping bottles and other missiles onto the soldiers’ position:

“I noticed that the bottles contained a liquid and I thought they were petrol bombs. However, none of the bottles was alight and none went on fire when they smashed. After a couple had broken as they fell I smelt a strong acid smell and realised that the bottles contained acid.

[Sergeant] ‘O’ was behind me and told me to fire at whoever was dropping the acid bombs if I saw him about to throw any more. One of the bottles bounced very close to me and broke. I was splashed with the liquid in the bottle. It covered the front of my trousers from the waist to the knee. I saw that it had been dropped from a balcony almost directly above me. This balcony was some 20 to 30 feet above me. I saw a man step back from the edge of the balcony as I looked up.

I continued to watch the balcony and saw the man again come to the front edge of the balcony. I could see that he had a white shirt on with a blue tie and jacket. I saw that he had a bottle in his hand and, as I watched, the man threw the bottle at me.

I then fired one round from my SLR at the man. I came to the aim after he drew his arm back and fired as he let go of the bottle. I did not see the result of the shot. The man seemed to freeze and I then fired a second shot at him. This did not hit him.

The man went away from the balcony and no more acid bombs were thrown at us. Also, after I fired, there were no more bottles or stones dropped or thrown at us from the balconies of the Flats.”

<sup>1</sup> B725-726

## Private T’s evidence to the Widgery Inquiry about his firing

**51.267** In his written statement for the Widgery Inquiry,<sup>1</sup> Private T recorded that after hearing a burst of low velocity gunfire, he took cover behind Sergeant O’s APC. He was watching the windows of the flats on his right to keep a lookout for anyone intending to fire at the soldiers. Bottles started to be thrown from this part of the flats. He noticed that one in particular contained liquid. He thought that it was a petrol bomb but it did not explode. After a few more bottles had been thrown in his direction, he noticed a distinctive smell, which he recognised from experience in the Falls Road in Belfast as the smell of acid. Until this point he had not seen any of those who were throwing bottles containing acid. Sergeant O told him to open fire if he saw anyone throwing acid from the flats. A bottle broke very close to him and splashed his trousers up to the waist. He was sure that the bottle had come from one of the balconies very close to his position. He then saw the man who had thrown it go back into the flats. He waited for him to come out again. The man was wearing a white shirt “*with a dark suit and a tie the same colour*”. The man emerged again, came quickly to the wall of the balcony, and threw the bottle with a sideways movement of the arm. Before the bottle hit the ground, Private T fired an aimed shot at the man. The man was standing by a pillar, apparently waiting to see where the bottle would land, when Private T fired a second aimed shot at him, which “*hit the wall a few feet above his head*”. The bottle landed very close to Private T at the back of the APC, and splashed him with acid. As a result of the shooting, the man disappeared.

<sup>1</sup> B735-B736

51.268 In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private T said that when he moved to the back of the APC, he saw “*quite a lot of rubbish coming out of the window – stones, bottles, anything that could be thrown*”. He noticed that one of the bottles had a substance inside it. He thought that it was a petrol bomb but it did not explode. A bottle then landed very close to him “*on the other side of an armoured door*” and after a time he noticed an acidic smell. He recognised the smell from school, and from previous experience of acid bombs in Belfast. He had not yet seen any of the people who were throwing missiles.

<sup>1</sup> [WT13.88-WT13.89](#)

51.269 Private T said that Sergeant O had also noticed the smell.<sup>1</sup> Private T told him that the acid had come from the flats. Sergeant O said that if anyone else threw acid bombs at the soldiers, Private T was to shoot him. Another bottle then landed quite close to Private T and covered him with acid from the waist downwards. After it had been thrown, he saw the man who had thrown it, who was beside a pillar on a balcony about three storeys up. The man was wearing a white shirt “*with a dark-coloured jacket ... I presumed it to be a suit – with a tie the same colour*”. The man threw another bottle, which landed very close to Private T and splashed him. Private T fired at the man when he had just thrown the bottle and seemed to be waiting to see where it landed. It was an aimed shot fired from a standing position over the back of the APC. Private T saw that his shot had missed, and fired a second shot at the man, but the man had stepped back and the second shot hit “*the roof of the building*”. Private T did not see the man come out again. He said that the liquid in the bottles was greenish in colour.<sup>2</sup> It was the same colour as the liquid in the acid bombs that he had seen in Belfast, which had been found lying in a crate. He said that he did not see any window cleaning liquid being thrown.

<sup>1</sup> [WT13.89-WT13.90](#)

<sup>2</sup> [WT13.92](#)

## **Private T’s evidence to the Widgery Inquiry about the effect of the liquid with which he was splashed**

51.270 As to the effect of the liquid, in his RMP account,<sup>1</sup> Private T stated that very soon after his trousers had been splashed, he felt a tingling on his legs. Other soldiers poured water onto his legs. He changed his trousers and soaked them in water. Before signing this statement at 0200 hours on 31st January 1972, he had passed the trousers to Warrant Officer Class I Wood of the Special Investigation Branch of the Royal Military Police.

<sup>1</sup> [B726](#)

**51.271** In his written statement for the Widgery Inquiry,<sup>1</sup> Private T gave a similar account, although he referred only to a tingling in one leg. He said that Sergeant O had told him that he should pour water onto his trousers to weaken the acid, and then change them.

<sup>1</sup> B736

**51.272** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private T said that the only place in which he felt anything after he had been splashed was in a cut above his left knee, into which the liquid began to seep. As soon as the main shooting had died down, he wet his denims with water from a water carrier on the side of Sergeant O's APC. He said that he did not consider that he had been seriously injured.<sup>2</sup>

<sup>1</sup> WT13.90-WT13.91

<sup>2</sup> WT13.92

**51.273** In his written statement for the Widgery Inquiry,<sup>1</sup> Private T recorded that when he left the area of the Rossville Flats he went to William Street to complete a form in relation to the arrest he had witnessed (which was the arrest of William John Doherty), and thereafter he rejoined his platoon.

<sup>1</sup> B736

### **Private T's use of his respirator**

**51.274** In his written statement for the Widgery Inquiry<sup>1</sup> and in his oral evidence to the Widgery Inquiry,<sup>2</sup> Private T recorded that he put on his respirator while on a roof behind the sorting office, and that he warned members of his platoon who were standing by the Presbyterian church to do the same. He did not say for how long he wore his respirator.

<sup>1</sup> B734

<sup>2</sup> WT13.87

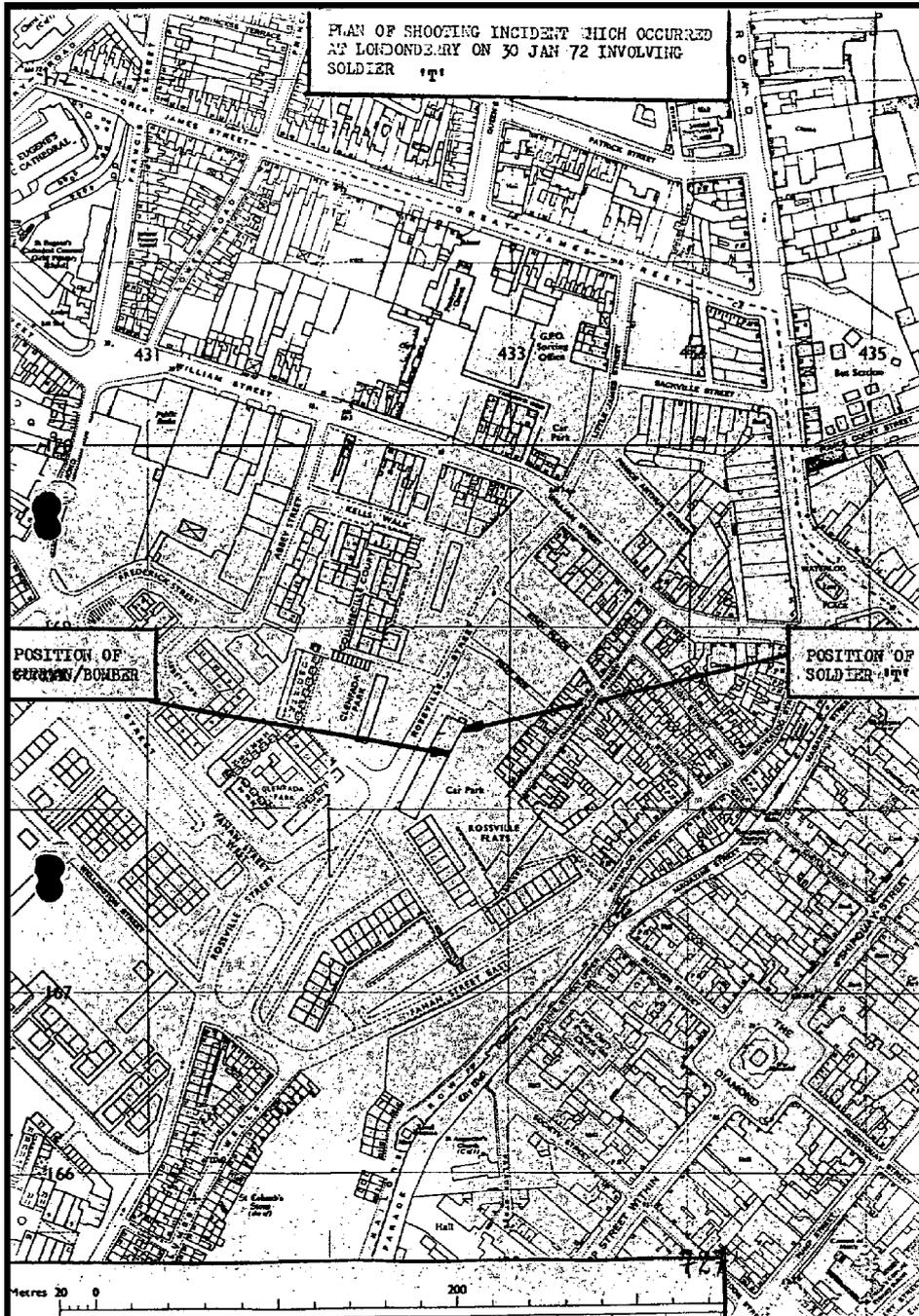
### **Private T's death before this Inquiry was established**

**51.275** As we have previously explained, Private T is dead and gave no evidence to this Inquiry.

### **Private T's Royal Military Police map and trajectory photograph**

**51.276** We reproduce below Private T's RMP map and trajectory photograph.<sup>1</sup>

<sup>1</sup> B727





## The third entry in the Loden List of Engagements

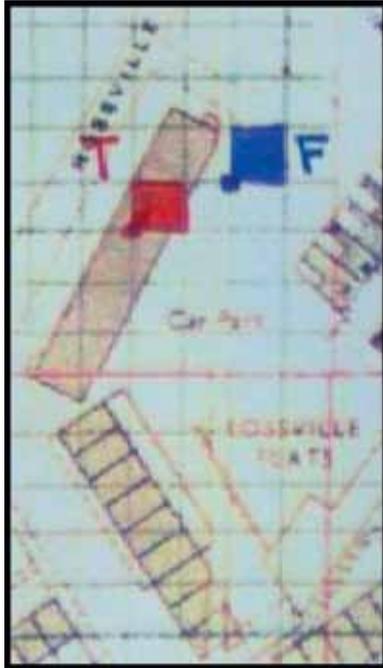
51.277 The third entry in the Loden List of Engagements is as follows:<sup>1</sup>

“One bomber at GR 43261683 (top floor of flats) shot from GR 43281684. Apparently killed.”

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

51.278 This entry refers to a bomber on the “*top floor of flats*” who was apparently killed by a soldier. The grid references, plotted on the map below, which was prepared for the purposes of this Inquiry by the legal representatives of one of the families, show that the target was in or on Block 1 of the Rossville Flats, just to the north of the halfway point, while the soldier was in the car park, a little further to the north.<sup>1</sup>

<sup>1</sup> [OS2.50](#) (extract)



- 51.279** The reference in the list to a bomber on the “*top floor of flats*” contrasts with Private T’s RMP statement, in which he refers to the bomber being on a balcony “*some 20 to 30 feet above me*”.<sup>1</sup> In his oral evidence to the Widgery Inquiry,<sup>2</sup> Private T described his target as “*about three storeys up*”. Private T’s trajectory photograph showed a position on the fifth floor balcony of Block 1 of the Rossville Flats.

<sup>1</sup> B725-726

<sup>2</sup> WT13.89

- 51.280** The entry in the list records that the bomber was “*Apparently killed*”. In his RMP statement, Private T recorded that he did not see the result of his first shot, although “*The man seemed to freeze*”; Private T then fired again but this shot did not hit his target.<sup>1</sup> In his written statement for the Widgery Inquiry, Private T recorded that after his first shot “*The man stood by a pillar apparently waiting to see where the bottle would land when I fired the second aimed shot at him which hit the wall a few feet above his head*”.<sup>2</sup> In his oral evidence to the Widgery Inquiry, Private T said that his first shot missed the target, and that his second struck the “*roof of the building*”.<sup>3</sup>

<sup>1</sup> B726

<sup>3</sup> WT13.90

<sup>2</sup> B736

- 51.281** Private T was the only soldier of Mortar Platoon who claimed to have fired at a bomber up in Block 1 of the Rossville Flats. The grid references correspond roughly with the positions of the firer and the target according to the accounts given by Private T and his RMP map and trajectory photograph. However, Private T never claimed in those

accounts either that his target was on the top floor or that he thought that he had killed the person at whom he had fired. Nevertheless it seems to us probable that this third entry does reflect what Private T told Major Loden. It may be that, out of bravado or for a similar reason, Private T claimed an apparent hit when giving his account to his Company Commander, but later after further thought withdrew this claim; or that Major Loden had mistakenly assumed that Private T had hit his target. It may also be that he told Major Loden (as he later told the Widgery Inquiry) that one of his shots hit the roof of the building, leading Major Loden to suppose that the target was on the top floor.

## Other evidence relating to acid bombs and Private T's accounts

**51.282** Sergeant O said that he heard, and Private R that he saw, Private T firing. Private Q gave an account of firing into Block 1 of the Rossville Flats by a soldier who may have been Private T. In the following section we deal with the accounts of these witnesses, and of others who did not claim to have seen or heard Private T firing, but whose evidence relates to the throwing of acid bombs at the soldiers.

## Evidence from Mortar Platoon soldiers

### Lieutenant N

**51.283** In his written account for the Widgery Inquiry,<sup>1</sup> Lieutenant N stated that when he reached Sergeant O's vehicle it was reported to him that two men had been hit by acid bombs. Perhaps two minutes later, he saw two soldiers whose clothes had been affected by acid burns. One had some physical discomfort but neither was in serious pain.

<sup>1</sup> B399

**51.284** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lieutenant N said that he was told that the acid bombs had come from the flats. He saw one of the soldiers concerned gingerly holding the front of his trousers away from his legs because the acid on the trousers was stinging him.

<sup>1</sup> WT12.69

**51.285** In his written statement to this Inquiry,<sup>1</sup> Lieutenant N told us that either just before or just after he had fired at a suspected nail bomber, two of his men walked towards him in a northerly direction from the point he had marked F on a plan<sup>2</sup> (the east side of Block 1).

One of them, who was being led by the other, appeared to have had acid thrown over him. There were “*little holes with jagged edges down the front of his gear*”. Lieutenant N thought that the acid had burned through to the skin. It was not uncommon for battery acid to be thrown. Lieutenant N was not surprised to see that one of his men had been burned.

<sup>1</sup> [B438.013](#)

<sup>2</sup> [B438.056](#)

**51.286** In his oral evidence to this Inquiry,<sup>1</sup> Lieutenant N accepted that he must have seen the men affected by acid after he had reached Sergeant O’s vehicle, since that is what he said in his statement for the Widgery Inquiry. He said that he had a “*very clear picture*” of seeing the two soldiers.<sup>2</sup>

<sup>1</sup> [Day 322/102](#)

<sup>2</sup> [Day 323/110-111](#)

## Sergeant O

**51.287** In his first RMP statement,<sup>1</sup> Sergeant O recorded that while in the area of the car park, he and his section had several acid bombs thrown at them.

<sup>1</sup> [B441-B442](#)

**51.288** In his third RMP statement,<sup>1</sup> Sergeant O said that he saw a man wearing a white shirt, dark tie and suit jacket on a balcony on about the second floor of Block 1. The man appeared at intervals and on each occasion dropped a bottle onto members of Sergeant O’s section below him. When the first bottle broke, about three or four feet from Sergeant O and almost on top of Private T, Sergeant O smelled acid. He ordered Private T to shoot at the man should he throw another acid bomb. Shortly afterwards, the man reappeared and threw another bottle. Sergeant O shouted a warning to Private T and heard him fire two shots. Sergeant O did not see the strikes of these shots. No further acid bombs were thrown.

<sup>1</sup> [B464](#)

**51.289** In his written statement for the Widgery Inquiry,<sup>1</sup> Sergeant O gave a similar account, adding that acid from the first bomb splashed Private T. He placed the episode chronologically between his engagement of his second gunman and his engagement of his third gunman.

<sup>1</sup> [B468](#)

- 51.290** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Sergeant O said that he smelled acid, and an acid bomb had apparently already been thrown, before he saw the bomb that splashed Private T on the legs. He also said that at the same time as Private T fired he heard the breaking of a bottle. He said that acid bombs could be distinguished by their “*creamy colour*”, and that the bottles containing the acid always had screw tops.
- <sup>1</sup> [WT13.32](#)
- 51.291** In Sergeant O’s first Praxis interview<sup>1</sup> he said that Private R was hit by acid dropped from the top of the Rossville Flats. Sergeant O told Private T to “*watch and shoot*” at the acid bomber. Private T watched and fired two rounds in return. “*Colonel Wilford turned up and said what’s happening. I told him about that, and I says we’ve got one bloke up on the roof firing acid bombs, he said have you returned fire, I says we fired two rounds back, there’ve been no hits. He says OK no more unless he drops more bombs, which he didn’t do.*” The soldiers then had to remove Private R’s denims and pour water onto him.
- <sup>1</sup> [O21.4](#)
- 51.292** In his second Praxis interview,<sup>1</sup> Sergeant O said that Private T was not splashed with acid but “*fired at the man that got splashed with acid*”. It would seem that he meant to say that Private T fired at the acid bomber but was not the soldier who was hit by the acid.
- <sup>1</sup> [O22.89](#)
- 51.293** In his written statement to this Inquiry,<sup>1</sup> Sergeant O told us that before he saw an acid bomb himself, Private T had told him that acid bombs had been thrown, and had splashed Private T’s and Private R’s legs. The man wearing a white shirt and dark tie who threw an acid bomb had been on the second or possibly third balcony up in Block 1 of the Rossville Flats, as illustrated on a photograph attached to his statement.<sup>2</sup> The acid bomb landed in the gap between Sergeant O’s APC and Block 1. Sergeant O did not see it land, but “*heard the distinctive bang and spread of vapour*”. In his experience, acid bombs usually consisted of a screw top bottle containing a creamy or light yellow mixture of acid and paint, with a pungent and disgusting smell. He stated that he did not now recall seeing more than one acid bomb being thrown, or shouting a warning to Private T, but that his memory of the incident is likely to have been clearer when he made his third RMP statement.<sup>3</sup> On the other hand, in his oral evidence to this Inquiry,<sup>4</sup> Sergeant O said that it was possible that his third RMP statement contained information related by other soldiers as to the number of acid bombs thrown.

<sup>1</sup> [B575.117](#)

<sup>2</sup> [B575.136](#)

<sup>3</sup> [B575.124](#)

<sup>4</sup> [Day 335/88](#)

**51.294** Sergeant O also told us that after he had fired at his third gunman, Colonel Wilford appeared and asked him what had happened. Sergeant O gave him a quick description and told him about his order to Private T to fire at the acid bomber. Colonel Wilford reminded Sergeant O about following the Yellow Card, and Sergeant O “*confirmed to him what I had done*”. Sergeant O told us that Colonel Wilford seemed satisfied with what he had been told and left.<sup>1</sup>

<sup>1</sup> B575.118

**51.295** In his oral evidence to this Inquiry,<sup>1</sup> Sergeant O said that Colonel Wilford had come up and asked for a quick snapshot of what had happened. Sergeant O told him that the soldiers had come under fire and returned fire, and as far as he knew they had some hits. Sergeant O told Colonel Wilford that acid bombs had been thrown at the soldiers from Block 2,<sup>2</sup> and that he had told one of the men to fire back. He did not tell Colonel Wilford which soldier this was. Colonel Wilford told Sergeant O not to forget the Yellow Card. Sergeant O told Colonel Wilford that he had ordered the soldier to fire, and “*I was quite happy with that and he seemed quite happy with it*”.

<sup>1</sup> Day 335/93

<sup>2</sup> This may have been a slip of the tongue for Block 1.

**51.296** While Colonel Wilford did not refer specifically to a conversation with Sergeant O, he said in his oral evidence to the Widgery Inquiry<sup>1</sup> that before he joined Major Loden he spoke to one or two soldiers near a vehicle who said that there had been shooting from the flats. He also said that at the stage when he spoke to Major Loden he heard that acid bombs had been thrown at the soldiers, as he took it, from the top of the Rossville Flats.<sup>2</sup>

<sup>1</sup> WT11.45

<sup>2</sup> WT11.46

**51.297** In his written statement to this Inquiry,<sup>1</sup> Colonel Wilford said that he met Major Loden at the north end of Block 1 of the Rossville Flats and asked him what the situation was. Colonel Wilford could no longer remember the detail of what Major Loden had told him, but noted from his own oral evidence to the Widgery Inquiry that Major Loden had said, among other things, that there had been acid attacks. Colonel Wilford said that he could not remember any Platoon Commanders or Sergeants being present, although they might well have been. In his oral evidence to this Inquiry Colonel Wilford was not asked about the conversation that Sergeant O had said that he had had with him.

<sup>1</sup> B1110.035

**51.298** In his oral evidence to this Inquiry,<sup>1</sup> Peter Taylor commented on a passage in the transcript of his notebooks.<sup>2</sup> As elucidated by him, this note meant that one of his sources had described how Colonel Wilford had arrived and asked the source how things were

going. The source said, and Colonel Wilford agreed, that everything was under control. Either the source or Colonel Wilford then said “*don’t fire until [you] can definitely identify acid bomber*”. Peter Taylor refused to confirm that his source was Sergeant O, but in a letter dated 13th November 2002 Sergeant O’s solicitor said that his client accepted that the majority of the notes in the relevant section of the transcript<sup>3</sup> related to Peter Taylor’s interview of him.

<sup>1</sup> Day 218/100-103

<sup>3</sup> M76.192-M76.197

<sup>2</sup> M76.195

**51.299** In his written statement to this Inquiry,<sup>1</sup> Sergeant O told us that when he was at the north end of Block 1 of the Rossville Flats after things had calmed down, he was able to check exactly what had happened to Private R and Private T. Both had acid on their legs. He believed that the hairs on Private R’s legs had been burned off by the acid. Several soldiers including Sergeant O removed Private R’s trousers because they were “*steaming*”, and threw water onto him. Sergeant O could not remember how badly the acid had affected Private T.

<sup>1</sup> B575.119

**51.300** In his oral evidence to this Inquiry,<sup>1</sup> Sergeant O was asked whether he accepted that Private T’s firing was not in accordance with the Yellow Card. He replied that he took responsibility for having ordered Private T to fire, and that as far as he was concerned Private T had to fire because his life was in danger.

<sup>1</sup> Day 335/84-86

## Private Q

**51.301** In his RMP account,<sup>1</sup> Private Q stated that when he moved to the north-east corner of Block 1 of the Rossville Flats, people were dropping bottles from “*various verandahs*”. Private Q saw that the majority of the bottles contained a liquid, and noticed “*an acid smell*” from the bottles when they broke.

<sup>1</sup> B624

**51.302** In his statement for the Widgery Inquiry,<sup>1</sup> and in his oral evidence to the Widgery Inquiry,<sup>2</sup> Private Q said that he saw the bottles landing by Sergeant O’s APC. When they broke, he saw liquid coming from them and recognised the smell of acid. One of the soldiers taking cover behind the APC had acid on his trousers.

<sup>1</sup> B636

<sup>2</sup> WT12.87

**51.303** In his written statement to this Inquiry,<sup>1</sup> Private Q said that one or two acid bombs were thrown from a balcony in the Rossville Flats. They landed somewhere in the area marked D on a plan attached to the statement<sup>2</sup> (near the north end of the east side of Block 1). *"I did not see the bombs being thrown and I did not see them land. I just saw the reaction to them from the men in the area."* He saw Private T jumping about, having been splashed by the acid, and he smelled the acid.

<sup>1</sup> [B657.5](#)

<sup>2</sup> [B657.42](#)

**51.304** Later in this statement,<sup>1</sup> Private Q told us that he could not now remember seeing bottles falling from the Rossville Flats, but believed his RMP statement to be accurate. He did not now remember seeing the acid bombs being dropped, but recalled the smell of acid and *"seeing T hit by acid"*.

<sup>1</sup> [B657.7](#)

**51.305** In his oral evidence to this Inquiry,<sup>1</sup> Private Q was challenged about whether he had seen the acid bombs landing, as he had said in his evidence to the Widgery Inquiry, or whether he had not seen them being thrown or landing, as he had said in his written statement to this Inquiry. At first, he said that he *"saw them"* and *"saw the acid incident"*. When pressed further, he said that he *"just cannot recall it"*. He maintained that he had seen Private T with acid on his trousers, and said that he did not know why he had not mentioned this in his RMP statement.

<sup>1</sup> [Day 339/77-81](#)

**51.306** In his written statement for the Widgery Inquiry,<sup>1</sup> Private Q said that when he was at the north-east corner of Block 1 he saw a soldier fire from beside Sergeant O's APC at the *"western"* (presumably a mistake for *"eastern"*) side of Block 1. He confirmed this in his oral evidence to the Widgery Inquiry.<sup>2</sup> In his oral evidence to this Inquiry,<sup>3</sup> he said that he did not remember seeing Private T fire, and could not say whether this firing had occurred at the same time as the acid bombs were thrown or later.

<sup>1</sup> [B637](#)

<sup>2</sup> [WT12.90](#)

<sup>3</sup> [Day 339/45-48](#)

## Private R

**51.307** In his first RMP statement,<sup>1</sup> Private R recorded that the rioters threw acid bombs, one of which splattered across his legs. In his second RMP statement,<sup>2</sup> he recorded that two acid bombs were thrown at him from the top of Block 1 of the Rossville Flats. Both struck his legs, causing staining to his denims.

<sup>1</sup> B659

<sup>2</sup> B666

**51.308** In his written statement for the Widgery Inquiry,<sup>1</sup> Private R recorded that the acid bombs were dropped from the “*middle floor*” of Block 1 above him, just after he had fired his first shot at a man who was throwing a smoking object. The first acid bomb was a bottle that hit the ground about a yard from Private R. The acid splashed onto his trousers. Sergeant O shouted something like “*that’s acid, look out*” and Private R stepped back. Then a second bomb came down and Private R was splashed again. As this bomb was thrown, Private R saw another member of the platoon take aim and fire at the bomber. He thought that this was Private T. After this, according to Private R,<sup>2</sup> Sergeant O engaged the man who was firing a pistol from behind a maroon Cortina (his first target). Private R clarified and corrected<sup>3</sup> his first RMP statement, saying that he did not see anyone throwing acid bombs from ground level, that the bombs were thrown or dropped from above, and that he thought that acid from both bombs had hit him, not from just one. He recorded that the mistakes in his first RMP statement were due to the conditions in which it was taken.<sup>4</sup>

<sup>1</sup> B671

<sup>3</sup> B672

<sup>2</sup> B671

<sup>4</sup> B672

**51.309** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that after he had fired his first shot, an acid bomb came down from the centre of Block 1 and “*struck me across the leg*”. He stepped back for cover. Sergeant O gave a warning that it was acid. Private T turned round and took aim. Another acid bomb came down. Private R was again splashed on the leg by acid. Private R told the Widgery Inquiry that he had seen Private T fire. He was asked whether he was struck by the bottle or its contents when “*the acid bomb*” hit him,<sup>2</sup> and replied that the bottle had smashed perhaps a yard away, and the liquid had splashed up onto him. The liquid had come into contact with his skin. He was asked from where “*that acid bomb*” had come, and said that he thought that it had come from the centre of Block 2 (but we consider he must have meant Block 1), about 30 to 35 feet from the APC. He said that he estimated that Private T had fired two rounds.<sup>3</sup> Private T had fired at a man holding an object, presumed to be an acid bomb, who was on the “*middle floor*” or “*half-way up the actual flats itself, the second storey*”. The man’s position was on

“the opposite side of this house, the end house, these flats”, which presumably meant that he was opposite the south end of Chamberlain Street. Private R at first said that Sergeant O had ordered Private T to fire, and then said that Sergeant O had told Private T that he was entitled to fire at the man if he emerged again.

<sup>1</sup> WT13.75

<sup>3</sup> WT13.83-WT13.84

<sup>2</sup> WT13.81-WT13.82

**51.310** In his written statement to this Inquiry,<sup>1</sup> Private R told us that he believed that some of the bottles thrown from the Rossville Flats into the car park were acid bombs, because two of them smashed near him and acid splashed onto his denim trousers. Within a few seconds, there were holes in his denims and he felt a burning sensation on the skin of his legs. He and Private T took cover behind the APC. Private R stated that during the incident in which he fired at a man firing a pistol from between Blocks 2 and 3 of the Rossville Flats (his second target) Sergeant O appeared at the back of the APC to check whether he and Private T were all right.<sup>2</sup> At this stage the acid was still eating away at his denims. According to this account<sup>3</sup> he no longer remembered Sergeant O giving a warning about the acid, or Private T taking aim or firing at the acid bomber.

<sup>1</sup> B691.003

<sup>3</sup> B691.007

<sup>2</sup> B691.004

**51.311** In his oral evidence to this Inquiry,<sup>1</sup> Private R said that he no longer remembered Sergeant O telling Private T that he would be entitled to shoot the acid bomber. He also said that when he made his first RMP statement he had believed that he was splashed by acid from only one bomb, but that he thought that later on someone had told him that he had been splashed by acid from two.<sup>2</sup> He could not remember who had told him this. He therefore came to believe that he had been splashed by acid from two bombs. He could not say this “*exactly from my own knowledge*”, although he accepted that in evidence later than his first RMP statement he had given the impression that it was his personal recollection that he had been splashed by acid from two bombs.

<sup>1</sup> Day 337/42

<sup>2</sup> Day 337/111-115

**51.312** Later in his oral evidence,<sup>1</sup> as we have already noted, Private R said that he now believed that Sergeant O fired at the man behind the Cortina (his first target) before Private R fired at the man firing a pistol from between Blocks 2 and 3 (his second target), and that only after that were the acid bombs thrown. However, he said that he was “*still not quite sure*” about the sequence of events.

<sup>1</sup> Day 337/147-148

- 51.313** In his second RMP statement,<sup>1</sup> Private R had recorded that after he had been splashed with acid, the driver of Sergeant O's APC threw water over him, which saved him from being burned. In his written statement for the Widgery Inquiry,<sup>2</sup> he explained that this did not happen immediately. Initially his denims had kept most of the acid off his legs, but by the time he had fired at his second target, his legs were beginning to burn and tingle. He moved to the gable end of Block 1 of the Rossville Flats, where someone splashed his legs with water from one of the jerricans in the APC.
- <sup>1</sup> B666 <sup>2</sup> B672
- 51.314** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private R said that the water was provided by "One of the drivers" at a time when "the rest of the vehicles were starting to pull away". He said that after he was splashed by acid he had to wait four or five minutes for the water.<sup>2</sup>
- <sup>1</sup> WT13.77 <sup>2</sup> WT13.81
- 51.315** In his written statement to this Inquiry,<sup>1</sup> Private R told us that he went to the back of Major Loden's vehicle to be treated for the burns to his legs. He dropped his trousers and saw that the tops of his thighs and the lower parts of both legs were red and sore, but there were no blisters. Someone opened a jerrican of water to wash his legs and soak his denims. Someone also gave him some long johns to wear. He told a reporter about the acid. The reporter asked whether he was all right and offered him a sweet. The acid burned the hair off his legs, which never grew back. In his oral evidence to this Inquiry,<sup>2</sup> Private R said that the reporter was English. We have been unable to identify this reporter.
- <sup>1</sup> B691.004 <sup>2</sup> Day 337/56
- 51.316** In his written statement to this Inquiry,<sup>1</sup> Private R told us that he left the area in Sergeant O's APC. In his oral evidence to the Widgery Inquiry,<sup>2</sup> he said that he did not think that he needed to go to hospital, but he went to the Medical Inspection (MI) room on the following day to see whether he could be given some treatment. However, by that stage any treatment would have been too late, because he had already lost quite a lot of hair from his legs. Private R told us that he had since developed sweat gland fatigue, a condition that makes him unable to sweat enough.<sup>3</sup> He did not say in specific terms that this condition had been caused by the acid, but that seems to have been the implication. He stated that he was fully fit before the acid incident and that he believed that it was as a result of the effects of the acid that he had gone "from being a grade A1 soldier to a grade 7".
- <sup>1</sup> B691.005 <sup>3</sup> B691.004  
<sup>2</sup> WT13.86

**51.317** In his written statement to this Inquiry,<sup>1</sup> Private 005 had told us that he saw Private R afterwards in Belfast. Private R did not say that he had been the victim of an acid bomb attack or that his clothes had been burned. However, there was some talk after the event to the effect that acid bombs had been thrown from the Rossville Flats. Private R was asked about what Private 005 had told us. Private R admitted to having been a good friend of Private 005, but told this Inquiry that he had no recollection of recounting the incident at all, except when making his statement.<sup>2</sup>

<sup>1</sup> [B1374.001](#)

<sup>2</sup> [Day 337/117-118](#)

## Private S

**51.318** In his first RMP statement,<sup>1</sup> Private S gave an account of nail and acid bombs being thrown from the top of the Rossville Flats at the soldiers who were making arrests, and in his second RMP statement<sup>2</sup> he recorded that while he was at the back of 34 Chamberlain Street he saw people throwing nail bombs and acid bombs from the balconies of Block 1.

<sup>1</sup> [B692](#)

<sup>2</sup> [B703](#)

**51.319** In his written statement for the Widgery Inquiry,<sup>1</sup> Private S recorded that he saw acid bombs and a hail of bottles being thrown at the soldiers from the upper part of the Rossville Flats. However, it was "*not really correct*" to say that nail bombs were thrown as well. He stated specifically that acid bombs were being thrown from Block 1 during the incident in which he opened fire.<sup>2</sup>

<sup>1</sup> [B707](#)

<sup>2</sup> [B708](#)

**51.320** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private S said that "*a hail of bottles with acid in them, Windolene bottles, more or less every kind of bottles*" descended towards Sergeant O's APC. He said that he knew that some of the bottles were acid bombs because "*One of our men got one*".<sup>2</sup> He also said that he was aware that there were bottles coming from Block 1 of the Rossville Flats "*because they were falling short of me*".<sup>3</sup> He was not suggesting that he saw anyone on the roof of Block 1.

<sup>1</sup> [WT12.103](#)

<sup>3</sup> [WT13.7](#)

<sup>2</sup> [WT13.4](#)

**51.321** In his written statement to this Inquiry,<sup>1</sup> Private S told us that he did not now remember any acid bombs or other objects being thrown from the Rossville Flats into the car park, but might simply have forgotten about them.

<sup>1</sup> [B724.005](#)

**51.322** In his oral evidence to this Inquiry,<sup>1</sup> he was asked whether it had been accurate to say in his statement for the Widgery Inquiry that he had seen acid bombs and a hail of bottles from the upper part of the Rossville Flats. He replied: *“I would say ‘a hail of bottles’ would be more of a truthful description now, I would say. But, again, I have no recollection of that.”* He said that he had not seen any nail bombs or acid bombs.<sup>2</sup> Although he had no recollection of how the inaccuracy arose, it was a *“fair assumption”* that the RMP had told him to say that nail bombs had been thrown. However, as noted above, while in his written statement for the Widgery Inquiry he had withdrawn his claim to have seen nail bombs, he had in that statement repeated his claim to have seen acid bombs. We have also recorded earlier<sup>3</sup> that we have found nothing to suggest that the RMP had told him to say these things.

<sup>1</sup> Day 331/68-69

<sup>3</sup> Paragraphs 47.7–9

<sup>2</sup> Day 332/36-41; Day 332/82

## Private U

**51.323** In his written statement to this Inquiry,<sup>1</sup> Private U told us that he saw bottles and stones being thrown from a high level in Block 1. He was told later that there was acid in some of the bottles, but he did not see the acid himself.

<sup>1</sup> B787.005

## Lance Corporal V

**51.324** In his RMP statement,<sup>1</sup> Lance Corporal V recorded that after he disembarked, rioters threw petrol and acid bombs. In his written statement for the Widgery Inquiry,<sup>2</sup> he withdrew this claim in relation to petrol bombs, but not in relation to acid bombs.

<sup>1</sup> B788

<sup>2</sup> B802

**51.325** In his written statement for the Widgery Inquiry,<sup>1</sup> Lance Corporal V recorded that by the time he reached the entrance to the car park, bottles containing liquid were being thrown from Block 1. He stated that after he had fired at a man who had thrown a petrol bomb, he moved behind Private S, who was standing at the corner of the buildings at the end of Chamberlain Street, returning fire towards the passage between Blocks 1 and 2.<sup>2</sup> At this stage bottles were still coming down from the flats.

<sup>1</sup> B801

<sup>2</sup> B802

- 51.326 In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lance Corporal V said that when he moved behind Private S there was “*still bottling going on from Block 1*”. The bottling was heavy. The bottles were landing by Sergeant O’s APC and by Lance Corporal V and Private S. He did not say whether they contained liquid.
- <sup>1</sup> [WT13.13](#)
- 51.327 In his written statement to this Inquiry,<sup>1</sup> Lance Corporal V told us only that he had a recollection of “*lots of debris and missiles*” being thrown down from Block 1 of the Rossville Flats at the APC.
- <sup>1</sup> [B821.004](#)
- 51.328 In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal V said that although he did not recall why he had said in his RMP statement that rioters threw petrol bombs after he disembarked, he could suggest the following possible explanation: “*Maybe it was my perception at the time that there were petrol and acid bombs thrown, but later on, on reflection, there was only one petrol bomb thrown in my sight, and so ‘bombs’ would have been inaccurate, I was trying to make it accurate; that is all I can offer you.*” He said that he would not have told a lie to the RMP or tried to justify the soldiers’ firing by giving the impression that they had come under a hail of acid and petrol bombs. It is not entirely clear whether in offering this explanation Lance Corporal V was either assuming or accepting that he had not seen any acid bombs being thrown after he disembarked, or at any later stage, but on the whole we consider that what he said was probably intended only to refer to petrol bombs.
- <sup>1</sup> [Day 333/107-109](#)

## Private 006

- 51.329 In his written statement to this Inquiry,<sup>1</sup> Private 006 told us that he saw Private T standing on the driver’s side of Sergeant O’s vehicle. Private T had acid on his legs. His legs looked wet. Private 006 did not remember Private T being in pain. Private T did not say where he had been or “*what he had done to get the acid on him*”, although Private 006 was told that the acid had been thrown from the flats. Private S put water over Private T, which he had obtained from Lieutenant N’s vehicle. Private 006 could not remember whether he had seen this happen.
- <sup>1</sup> [B1377.008](#)

**51.330** In his oral evidence to this Inquiry,<sup>1</sup> Private 006 said that Private T had told him that he (Private T) had acid on his legs. Private 006 was fairly sure that Private T had said that the acid had been thrown from the flats. Private 006 could not remember whether Private T had been in pain, but said that he must have been in some distress in order to realise that the liquid was acid.

<sup>1</sup> [Day 334/70-72](#)

## Private 013

**51.331** In his RMP statement,<sup>1</sup> Private 013 recorded that he saw people throwing bottles and acid bombs from a balcony in Block 1 of the Rossville Flats.

<sup>1</sup> [B1406](#)

**51.332** In his written statement to this Inquiry,<sup>1</sup> Private 013 told us that he could remember missiles being thrown from Block 1 of the Rossville Flats. He also told us that he remembered having to cut Private T's boot off in an APC. Something thrown from the Rossville Flats had landed on Private T's foot and there was liquid all over the boot. The soldiers did not know what the liquid was but thought that it might be acid. In fact it was probably urine. Private 013 was not with Private T when the liquid was thrown.

<sup>1</sup> [B1408.006](#)

## Private 019

**51.333** According to a note of Neil Davies, one of the Praxis interviewers,<sup>1</sup> a soldier told him that it had been necessary for him to cut off Private T's trousers, which had been covered in acid from an acid bomb, and that "*Loads of acid bombs*" had been thrown at the soldiers. For reasons given earlier in this report,<sup>2</sup> it seems to us that this soldier was Private 019.

<sup>1</sup> [O27.1](#)

<sup>2</sup> [Paragraphs 30.58–69](#)

**51.334** In his written statement to this Inquiry,<sup>1</sup> Private 019 said that at one stage he saw Private T and Private R. Someone was cutting off Private T's denims. Private 019 was not sure who this was. Private 019 thought that Private T had been hit by some sort of substance, and that he had asked whether Private T needed any help.

<sup>1</sup> [B1494.004](#)

51.335 In his oral evidence to this Inquiry,<sup>1</sup> Private 019 said that he had not cut off Private T's trousers. He said that he had seen someone cutting them off and so had assumed that they had been hit by a substance.<sup>2</sup> He did not know anything about the substance.

<sup>1</sup> [Day 343/98](#)

<sup>2</sup> [Day 343/174-175](#)

## Private 112

51.336 In his written statement to this Inquiry,<sup>1</sup> Private 112 told us that he had seen Private R with his uniform in tatters. It seemed to him that Private R had been struck by an acid bomb. Private 112 did not remember seeing Private R being struck, and could not remember where he had been when he saw Private R.

<sup>1</sup> [B1732.005](#)

## Lance Corporal INQ 768

51.337 In his written statement to this Inquiry,<sup>1</sup> Lance Corporal INQ 768 told us that he did not remember seeing any objects thrown from the flats, nor did he recall any of the other soldiers being splashed with acid.

<sup>1</sup> [C768.5](#)

## Private INQ 1579

51.338 In his written statement to this Inquiry,<sup>1</sup> Private INQ 1579 said that after he disembarked he became aware of the smell of acid bombs. He knew that the denims of one soldier were burned, but could not recall the identity of the soldier. He thought that he had seen the soldier, and not just heard about him. In his oral evidence to this Inquiry,<sup>2</sup> he was asked whether he had seen any acid bombs splashing or exploding, and said that he had seen the result in the form of the burns on the soldier's clothing. He was asked where he had seen this,<sup>3</sup> and said that he thought that he had been "*in the area to the rear of the Pig*". However, he said that he could not recall whether he had seen it in the immediate aftermath of the operation or later in the evening.<sup>4</sup>

<sup>1</sup> [C1579.4](#)

<sup>3</sup> [Day 336/194-195](#)

<sup>2</sup> [Day 336/168](#)

<sup>4</sup> [Day 336/203-204](#)

## Private INQ 1918

**51.339** In his written statement to this Inquiry,<sup>1</sup> Private INQ 1918 told us that bottles of battery acid were thrown from one of the buildings. He recalled that Private R was screaming because his legs had been splashed with acid. Soldiers including Private INQ 1918 rolled Private R in a puddle to dilute the acid, and then cut his denims off. Private INQ 1918 was not sure who else was present or involved in helping Private R.

<sup>1</sup> [C1918.3](#)

**51.340** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 1918 was asked whether an aerial photograph of the Rossville Flats helped him to identify the building from which the bottles of acid were thrown. He replied: “*No, all this is doing for me is making me wonder if I have imported this from another operation.*” He said that he had a recollection of Private R being rolled in a puddle, and of cutting off his denims, but he then accepted that it was possible that he had not been involved in the incident and had learned about it from other members of his platoon.

<sup>1</sup> [Day 342/103-104](#)

## Evidence from other soldiers

### Captain 028

**51.341** Captain 028 was a Royal Artillery officer. He recorded in his RMP statement<sup>1</sup> that he met two soldiers whose clothes bore acid burns at the north end of Block 1 of the Rossville Flats.

<sup>1</sup> [B1568](#)

**51.342** In his statement for the Widgery Inquiry,<sup>1</sup> he recorded that he saw two soldiers lying on the ground. He was told that acid had been thrown at them. He could see acid burns on their trousers. In his oral evidence to the Widgery Inquiry<sup>2</sup> he said that the two soldiers were lying on the ground leaning against Block 1. An officer told him that someone had thrown an acid bomb on them. In his evidence to this Inquiry, he told us that he did not remember the soldiers with the acid burns.<sup>3</sup>

<sup>1</sup> [B1569.002](#)

<sup>3</sup> [B1582.7; Day 356/47](#)

<sup>2</sup> [WT17.57-WT17.58](#)

## Lance Corporal 033

**51.343** Lance Corporal 033 was a member of Support Company and was one of Major Loden's signallers. In his written statement to this Inquiry,<sup>1</sup> Lance Corporal 033 told us that he saw Private T on the ground with his back against the north wall of Block 1, complaining quite loudly of having had acid thrown at him. Lance Corporal 033 saw that Private T's trousers were damaged. A couple of other soldiers were looking after Private T. Lance Corporal 033 did not know how badly Private T had been burned. Water was poured over Private T's leg. Lance Corporal 033 gave his water bottle either to Private T or to someone else to pour over Private T. He added that he was sure that he had told the RMP about seeing Private T after acid had been thrown on him,<sup>2</sup> although the matter is not mentioned in his RMP statement.<sup>3</sup>

<sup>1</sup> B1621.005

<sup>3</sup> B1617

<sup>2</sup> B1621.009

**51.344** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal 033 said that he had a very confident recollection that at the time when he saw Private T, both military and other firing was continuing, with shots being fired maybe every one or two seconds.

<sup>1</sup> Day 324/66

## Captain 219

**51.345** Captain 219 was the Medical Officer attached to 1 PARA. In his RMP statement,<sup>1</sup> he recorded that while in the area of the Rossville Flats he treated a paratrooper for acid burns. He later withdrew from the area in his ambulance (which was a converted APC marked with a red cross) with an "*injured paratrooper*". It is not clear from this statement whether he was referring to the soldier with acid burns or another soldier who he recorded had concussed himself.<sup>2</sup>

<sup>1</sup> B2160

<sup>2</sup> The latter was Private INQ 455, who fell when climbing into Abbey Taxis as described in our consideration of the events in Sector 1 ([paragraph 17.9](#)).

**51.346** In his written statement to this Inquiry,<sup>1</sup> Captain 219 told us that he remembered treating a soldier for burns. He could no longer recall their cause but said that his RMP statement would be accurate. He could not remember the name of the soldier. An acid burn would have been significant. If the burns had been significant the soldier would have been withdrawn in the ambulance and sent to hospital. However, he did not think that the soldier with the burns had been withdrawn in the ambulance. He thought it more likely that the "*injured paratrooper*" mentioned in his RMP statement was a soldier who was

concussed as a result of a fall. Captain 219 would probably have seen the soldier with the burns again at a later stage but did not remember doing so. The usual treatment for an acid burn would be to remove any residual acid with saline fluid and apply a dressing. The fabric of the soldier's uniform around the area of the burn would have been cut.

<sup>1</sup> [B2162.005](#)

**51.347** Captain 219 also told us that all fit soldiers were classified as PULHEEMS 2.<sup>1</sup>

<sup>1</sup> PULHEEMS (an acronym for Physique, Upper limbs, Lower limbs, Hearing, Eyesight (left), Eyesight (right), Mental function, Stability) was the name then given to the system of fitness assessment in the Armed Forces.

**51.348** This might drop to PULHEEMS 7 if the soldier became temporarily or permanently unfit. A drop to PULHEEMS 8 would lead automatically to discharge. For a soldier to drop to PULHEEMS 7 following a burn suggests that the burn was significant.<sup>1</sup> There is no evidence to suggest that Private T's PULHEEMS classification was changed as the result of acid burns.

<sup>1</sup> [B2162.007](#)

**51.349** Captain 219 did not give oral evidence to this Inquiry.

## Private INQ 290

**51.350** Private INQ 290 was the driver of the Medical Officer's ambulance. In his written statement to this Inquiry<sup>1</sup> he told us that he recalled picking up a "*corporal from support company*" in the ambulance. The corporal came out of a derelict building, the location of which Private INQ 290 could not recall. The corporal was limping and cursing. The gist of his words was "*they were ready for us*". Private INQ 290 could not see his leg, but heard him say that he had been hit by an acid bomb. Private INQ 290 did not recall his name. The name of Private T meant nothing to him. Either an unidentified Lance Corporal or Sergeant INQ 2100 (UNK 324) looked over the soldier. Private INQ 290 said that acid bombs had not been encountered for a long time.

<sup>1</sup> [C290.1-2](#)

## Lance Corporal INQ 366

**51.351** Lance Corporal INQ 366 was Colonel Wilford's driver. In his evidence to this Inquiry he told us that he recalled hearing a radio message, on what he assumed was the battalion net, that someone in the Rossville Flats was throwing acid bombs.<sup>1</sup>

<sup>1</sup> [C366.4](#); [Day 288/18](#)

## Corporal INQ 444

**51.352** In his written statement to this Inquiry<sup>1</sup> this soldier, who at the time of Bloody Sunday was a member of C Company, 1 PARA, said that he saw someone on the roof of Block 1 of the Rossville Flats throw a bucket of liquid at some soldiers near an APC beneath the flats. He initially thought that water or excrement was being thrown, but then saw a couple of soldiers jumping about and other soldiers dousing their bodies with water, and so knew that it was acid. The person on the roof was at the point he marked as D on a plan<sup>2</sup> (the north end of Block 1).

<sup>1</sup> [C444.5](#)

<sup>2</sup> [C444.9](#)

**51.353** In his oral evidence to this Inquiry,<sup>1</sup> Corporal INQ 444 said that he probably only realised that the soldiers had been hit by acid through subsequent talk in the battalion. He was asked how sure he was that the liquid was thrown from the roof,<sup>2</sup> and said that this was his memory, but that a photograph of Block 1 looked totally different from what he remembered. He said that he saw the soldiers jumping around immediately after he had seen the bucket of liquid poured from the roof.

<sup>1</sup> [Day 344/82](#)

<sup>2</sup> [Day 344/105-107](#)

## Private INQ 449

**51.354** Private INQ 449 was a member of Composite Platoon (Guinness Force) and went into the Bogside in one of the soft-sided lorries. In his written statement to this Inquiry<sup>1</sup> he told us that he heard a soldier shout a warning from near Columbcille Court to “*watch for the acid and sugar from the roofs*”. He stated that civilians frequently threw bottles of acid at the soldiers with sugar to make the acid stick. In his oral evidence to this Inquiry,<sup>2</sup> he said that this could very well have been a warning about acid being thrown from the Rossville Flats, rather than in Columbcille Court.

<sup>1</sup> [C449.4-5](#)

<sup>2</sup> [Day 357/18-19](#)

## Private INQ 1919

**51.355** In his written statement to this Inquiry,<sup>1</sup> Private INQ 1919, who was in Machine Gun Platoon, told us that he spoke to Private R and Private T when they were guarding a vehicle containing three bodies. He did not remember either soldier saying anything to him about acid having been thrown at them. In his oral evidence to this Inquiry,<sup>2</sup> he said

that he was sure that Private R and Private T were the two soldiers to whom he had spoken. He could not remember whether he had seen any sign that either of them was in pain or discomfort.

<sup>1</sup> C1919.5

<sup>2</sup> Day 296/21-23

## Private INQ 2003

**51.356** Private INQ 2003 was not present on Bloody Sunday.<sup>1</sup> His accounts, therefore, are necessarily at best second hand. In his interview with Paul Mahon on 16th November 1999,<sup>2</sup> Private INQ 2003 said that UNK 750 (a soldier the Inquiry has been unable to identify) had been badly injured in the face by an acid bomb. The injured soldier was about 18 years old and might have been the youngest of the soldiers. (In his oral evidence to this Inquiry,<sup>3</sup> Private R said that he was 18 years old and might well have been the youngest in his platoon.)

<sup>1</sup> C2003.161; Day 307/35-36

<sup>3</sup> Day 337/76-77

<sup>2</sup> X1.41.76-77

**51.357** In his written statement to this Inquiry,<sup>1</sup> Private INQ 2003 told us that Sergeant O had told him afterwards that he had been beside UNK 750 when they were both splashed with acid. Private INQ 2003 stated that he did not believe this and did not think that Sergeant O believed it either.

<sup>1</sup> C2003.32

**51.358** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 2003 said that he was not sure that it was Sergeant O who had told him about being splashed with acid. It could have been Private T. He thought that the substance was an irritant, but not acid, because acid would cause burns and "*Most of what [Private] T had and Sergeant O had was rashes*". He did not know whether UNK 750 had been present on Bloody Sunday. He said that the soldier who was hit by an acid bomb had been hit on the legs, not on the face.<sup>2</sup>

<sup>1</sup> Day 307/49-51

<sup>2</sup> Day 307/99-100

## Lance Corporal INQ 2121

**51.359** Lance Corporal INQ 2121 was a member of 8 Platoon, C Company, 1 PARA. In his written statement to this Inquiry<sup>1</sup> he told us that he heard radio traffic while in the battalion Medical Officer's vehicle from which he gathered that acid bombs had been thrown, but it was not clear whether the casualties were military or civilian. In his oral evidence to this Inquiry<sup>2</sup> he said that he heard this radio traffic while on his way into the Bogside.

<sup>1</sup> C2121.2

<sup>2</sup> Day 369/212

**51.360** In his supplementary written statement to this Inquiry,<sup>1</sup> Lance Corporal INQ 2121 identified himself as "Soldier Y" in an article by Toby Harnden published in the *Daily Telegraph* on 20th May 1999.<sup>2</sup> In that article, "Soldier Y" was quoted as saying that he and the Medical Officer had "picked up a couple of our boys who had minor wounds from acid bombs thrown by the rioters".

<sup>1</sup> C2121.5

<sup>2</sup> L282

**51.361** In his written account to us Lance Corporal INQ 2121 also stated that after he and the Medical Officer had disembarked, the Medical Officer spoke to another soldier. Lance Corporal INQ 2121 thought that the Medical Officer was trying to find out where the soldier was who had been injured by an acid bomb; and that the injured soldier might have been put into the Medical Officer's vehicle, but he was not sure about this.

**51.362** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal INQ 2121 was asked whether he had any recollection of picking up two soldiers with minor wounds from acid bombs, and said that he did not. He recalled someone else being in the back of the vehicle apart from himself and the other escort, but could not say who it had been.

<sup>1</sup> Day 369/226-227

## Warrant Officer Class I Wood

**51.363** At the time of Bloody Sunday, Warrant Officer Class I Wood was serving in the Special Investigation Branch of the RMP and as such took some of the RMP statements of the soldiers. In his written statement to this Inquiry,<sup>1</sup> Warrant Officer Class I Wood told us that one of the soldiers told him in an interview that he had battery acid burns. Warrant Officer Class I Wood could see that the soldier's leg had been reddened by something corrosive, and believed that something had been thrown at the soldier, but was sceptical of the

claim that it was battery acid. He could not believe that civilians would have decanted battery acid, and did not understand how the soldier could know that it was battery acid as opposed to any other type of acid.

<sup>1</sup> [CW1.10](#)

**51.364** In his oral evidence to this Inquiry,<sup>1</sup> Warrant Officer Class I Wood implicitly confirmed that this soldier was Private T. He said that he believed that the soldier had been hit by acid, but could not see how the soldier knew that it was battery acid.

<sup>1</sup> [Day 383/175-178](#)

## Evidence from civilians

### Maureen Gerke

**51.365** In her NICRA statement,<sup>1</sup> Maureen Barr (now Maureen Gerke) said that she saw acid being thrown at the soldiers from the Rossville Flats after one of the casualties had been shot.

<sup>1</sup> [AG27.18](#)

**51.366** In her written statement to this Inquiry,<sup>1</sup> Maureen Gerke said that she had no recollection of acid being thrown from the roof of Block 1 of the Rossville Flats. She would not have known whether acid was being thrown or not.

<sup>1</sup> [AG27.5](#)

**51.367** In her oral evidence to this Inquiry,<sup>1</sup> Maureen Gerke said that she could not remember anything being thrown from the flats on that day. However, she said that she must have believed that acid had been thrown when she made her NICRA statement.<sup>2</sup>

<sup>1</sup> [Day 133/84-85](#)

<sup>2</sup> [Day 133/107-108](#)

### Thomas Wilson

**51.368** In his NICRA statement,<sup>1</sup> Thomas Wilson said that someone in the Rossville Flats threw acid at a soldier who had taken up a defensive position after he had disembarked from the back of an APC in the car park. The bottle of acid hit the APC instead of the soldier. The soldier fired up at the flats. Thomas Wilson could not say whether the soldier fired a rifle or a baton gun, because another shot was fired at the same time and “*a fellow who had been running away towards his flat was lying on the ground*”.

<sup>1</sup> [AW19.1](#)

51.369 In his written statement to this Inquiry,<sup>1</sup> which was unsigned but verified in his oral evidence,<sup>2</sup> Thomas Wilson told us that he saw about five or six bottles thrown over the side of Mura Place and Donagh Place from about the point he marked N on a plan<sup>3</sup> (towards the north end of Block 1). There was glass everywhere. Thomas Wilson thought that it looked as though the bottles contained paint, but was told later by someone that they contained dilute acid. An APC “*coming in towards the car park*” was hit by a bottle. A soldier standing at the point he marked D on the plan (near the north-east corner of Block 1) pointed his rifle up to the flats above where the soldier was standing. Thomas Wilson believed that the soldier did this in response to the bottle throwing. He did not remember the soldier’s rifle being fired, but could not say that it was not fired. The soldier had adopted a firing position but did not appear to be aiming at anyone in particular. Thomas Wilson heard a shot while the soldier’s rifle was raised but thought that it might have been fired by someone else nearby. When the shot rang out a man dropped to the floor on the balcony of Mura Place in the area from which bottles were being thrown. Thomas Wilson did not know whether this man had been shot, and did not know who he was. Thomas Wilson said that the “*fellow ... lying on the ground*” described in his NICRA statement was the man who dropped to the floor on the balcony.<sup>4</sup>

<sup>1</sup> AW19.4-5

<sup>3</sup> AW19.13

<sup>2</sup> Day 84/1

<sup>4</sup> AW19.9

51.370 In his oral evidence to this Inquiry,<sup>1</sup> Thomas Wilson said that the bottles that he thought contained paint were white. He explained that the APC had stopped before it was hit by the bottle. It did not appear to him that the soldier who raised his rifle in response to the bottling had fired it. He did not think that the man who dropped down on the balcony was the man who had thrown the bottle at the APC. He thought that the man who dropped down was a journalist or photographer, as he believed that this man had a camera in his hand and had been taking pictures. As far as he recalled, those throwing the bottles were teenagers. He said again that he did not believe that he had seen the soldier fire.<sup>2</sup> He also said that the bottles were thrown from the second and/or third bays from the north end of the middle balcony of Block 1,<sup>3</sup> as shown in the photograph below, which was taken on Bloody Sunday by Derrick Tucker Senior. He was asked whether he saw anyone on the top balcony and said “*not really*”.

<sup>1</sup> Day 84/15-19

<sup>3</sup> Day 84/94-95

<sup>2</sup> Day 84/72-73



## Inquiry expert evidence

### Dr Richard Shepherd

**51.371** Dr Richard Shepherd, the independent pathologist who gave expert evidence to this Inquiry, commented generally on acid burns in one of his reports.<sup>1</sup>

“I note the claims by Soldiers R & T and the comments made by the 1 Para Medical Officer in his original statement and in the single page of the recent statement for the Inquiry.

#### **General Comments**

The skin is a resilient material and it is designed to resist trauma of many kinds. While some areas of the skin are more resilient (palms of the hands etc) most of the skin has similar properties.

There are three factors that determine the effects of acid on skin.

1. The physico-chemical properties of the acid; ‘strong’ acids (eg hydrochloric acid or sulphuric acid) can cause severe burns to skin while ‘weak’ acids (eg acetic acid or citric acid) will have little or no effect.
2. The concentration of the acid; more concentrated acid solutions are more likely to cause damage to the skin than less concentrated ones.

3. The duration of contact of the acid with the skin; if the acid is 'strong' enough and concentrated enough to be the cause of damage then the longer the period of exposure the greater the damage to the skin will be.

#### **Effects of exposure of the skin to acids**

There may be no damage to the skin. If damage is caused then it may range from simple reddening to blistering and it may extend to the formation of deep 'ulcerated' areas.

#### **Treatment**

Initial first aid treatment for acid exposure is washing of the skin with large quantities of water to dilute and remove the acid. Any affected clothing should be removed as this will otherwise retain acid and prolong the period of burning.

If the burns are more severe then other measures, for instance the application of antiseptic creams, may be required. In the most severe cases admission to hospital for in-patient treatment and possibly skin grafting would be necessary.

#### **Photography**

It is impossible to determine if any marks would have remained after exposure to acid. Clearly any severe acid burns would have been visible for a long period and may even have resulted in scarring. Exposure that only caused reddening of the skin may have been visible for hours or days only and this type of injury does not have resulted [sic] in scarring. Any visible marks on the skin could, of course, have been photographed.”

<sup>1</sup> [E32.1-E32.2](#)

## **Medical records**

**51.372** In a letter to the Inquiry dated 16th March 2000, the Ministry of Defence stated that the medical records for Private R and Private T contain nothing that relates to or documents any injury sustained on Bloody Sunday.

## **Evidence from radio communications**

**51.373** The 1 PARA log<sup>1</sup> records a situation report given to Brigade HQ at 1700 hours, in which it was reported that two soldiers had suffered minor acid burns and were remaining with their companies.

<sup>1</sup> [W91](#) serial 41

**51.374** The Brigade log<sup>1</sup> and the transcript of James Porter's recording of radio traffic on the Brigade net<sup>2</sup> record a casualty report from 1 PARA to Brigade HQ at 1706 hours, stating that two minor acid burn casualties had been treated by the battalion Medical Officer.

<sup>1</sup> [W50](#) serial 213

<sup>2</sup> [W140](#) serial 567

**51.375** The Brigade log<sup>1</sup> records a situation report given in relation to 1 PARA at 1743 hours, in which it was reported that two men were suffering from acid burns, and that the acid had been thrown from the Rossville Flats.

<sup>1</sup> [W52](#) serial 233

## Conclusions on the evidence relating to acid bombs

**51.376** From the evidence summarised above, we are sure that a number of bottles (it is not clear how many) containing some form of acid or other corrosive liquid were thrown down from a balcony of Block 1 of the Rossville Flats. When the bottles broke on landing some of the liquid in the bottles splashed Private T and Private R on their trousers, which were slightly damaged. As was reported that afternoon to Brigade HQ, these soldiers sustained minor acid burns. Neither was in serious pain though one had some physical discomfort, according to Lieutenant N. Both had water poured over the splashes to counteract the effect of the liquid and changed their trousers; and one was treated by the 1 PARA Medical Officer. There is no evidence to support Private R's assertion that his later deterioration in fitness was attributable to being splashed with the liquid from the bottles, and it seems unlikely that minor acid burns would have had this effect.

**51.377** We are also sure that Private T fired two shots at the man he believed (in our view correctly) was responsible for throwing the bottles. He did not believe that he had hit the man with either shot and there is no evidence to suggest that he did. We consider later in this report<sup>1</sup> whether one of the shots fired by Private T may have hit Patrick Brolly, though we can state at this stage that neither was he on a balcony and nor was he the man at whom Private T fired.

<sup>1</sup> [Paragraphs 55.311–346](#)

**51.378** Private T fired these shots after being told by Sergeant O to fire if another acid bomb was thrown.

**51.379** The Yellow Card<sup>1</sup> (which, as explained elsewhere in this report,<sup>2</sup> set out the circumstances in which soldiers were permitted to open fire) provided in Rule 6 that a warning had to be given before opening fire except in the circumstances described in Rules 13 and 14. Those rules were concerned respectively with firing at a person using or carrying a firearm, and with firing at a vehicle whose occupants had opened fire or thrown a bomb or were about to do so. “Firearm” was defined as including a grenade, nail bomb or gelignite-type bomb, but the definition was not extended to acid bombs. It follows that Private T, in firing without warning, was in breach of the Yellow Card.

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

<sup>2</sup> Paragraphs 8.121–123

**51.380** Rule 12 of the Yellow Card permitted a soldier to fire after warning if “*there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured*”.

**51.381** Sergeant O was asked how his order to Private T to shoot the acid bomber was consistent with the Yellow Card. His answer was:<sup>1</sup>

“A. In my opinion Private T was in danger of his life. If an acid bomb had come off that roof, smashed on the head, he stood a good chance of either being blinded or dead. As far as I was concerned he was entitled to shoot at the man.”

<sup>1</sup> Day 335/84-85

**51.382** We accept that both Sergeant O and Private T believed that acid bombs were being thrown down at the soldiers from a balcony in Block 1 of the Rossville Flats. Although in the event these caused only minor injuries, we accept that at the time Sergeant O was justified in his opinion that further such missiles could have caused serious injury, though we do not accept that acid bombs would be likely to cause fatal injuries. Sergeant O’s comment about an acid bomb hitting Private T’s head would apply to any bottle, whatever its contents, and would be unlikely to cause death if Private T was wearing a helmet.

**51.383** In our view the failure to give a warning was not a technicality. The terms of Rules 13 and 14 of the Yellow Card suggest that firing without warning was permitted only in certain situations in which to give a warning was either impracticable, or undesirable, because the soldier was facing an imminent attack with a firearm or explosive device and thus any delay could lead to death or serious injury. Those considerations do not apply to a threat from a falling object which can be dodged. It is not unrealistic to think that a warning might have been an effective deterrent, the more so where the threat was less dangerous than gunfire, so that the assailant might not have realised unless warned that he was

exposing himself to a danger of being killed. In our view there was a real possibility of ending the threat by giving a warning, so that it was a serious matter for Private T, without warning, to try to kill the man instead. Furthermore, we are not persuaded that Private T had no other way of protecting himself, by putting on his helmet (if he was not already wearing it), or moving to a safer position, or seeking to dodge any falling bottles. In these circumstances we do not accept that Sergeant O was entitled to assume that the condition stated in Rule 12 would be met and thus that Private T would be justified in firing.

**51.384** On Private T's evidence, he fired his first shot either as the man released the bottle, or just after he had released it. He then fired a second shot at the man. Quite apart from the failure to give a warning and the matters to which we have referred in the previous paragraph, that second shot was in our view unjustified, since there was, once the acid bomb had been thrown, no further immediate danger from the man.

# Chapter 52: Summary of the shots and targets claimed by the soldiers of Mortar Platoon

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**52.1** At this point we bring together our summaries of the shots and targets claimed by the soldiers of Mortar Platoon.

## Soldiers from Lieutenant N's Armoured Personnel Carrier

### Lieutenant N

52.2 According to Lieutenant N, he fired three shots up the Eden Place alleyway and ejected one round unfired. Then, after returning to his APC, he went forward to a position close to Pilot Row, fired at and believed he had hit in the thigh a man he described as about to throw a bomb, who was at the corner of the southernmost house on Chamberlain Street.

### Private S

52.3 According to the accounts given by Private S, about five minutes after he reached a position near the back wall of the last but one house in Chamberlain Street and from that position, he fired four groups of three shots at a man who was firing a rifle in his direction from the gap between Blocks 1 and 2 of the Rossville Flats. He said that he believed he missed the man with his first group of shots but hit him when he fired his second group. Similarly, he said he believed he missed the man when he fired his third group of three shots but hit him when he fired his fourth group. His evidence was that there was a gap of about 30 seconds between each of his groups of shots, and that after he had fired each group of shots, the crowd came between him and the man he was seeking to shoot. He said he did not know whether on each occasion that he fired a group of shots, it was at the same man.

### Lance Corporal V

52.4 On the basis of the evidence Lance Corporal V gave to the Widgery Inquiry and of his trajectory photograph, this soldier was near the fence across the southern edge of the Eden Place waste ground when he observed a man with a petrol bomb quite close to the end of Chamberlain Street. If the compiler of the RMP map correctly recorded on it what Lance Corporal V had told him, Lance Corporal V must have given an explanation to the RMP in which he placed his target further south, close to the low wall that ran along the back of Block 2 of the Rossville Flats, and placed himself closer to the back wall of the Chamberlain Street houses. The Loden List of Engagements puts Lance Corporal V and his target in similar positions to those shown on his RMP map.

**52.5** Lance Corporal V gave differing accounts of the circumstances in which he fired at this man; in his first two accounts (his RMP statement and his statement to John Heritage) he said that he saw the man throw the petrol bomb and that it did not explode, after which he fired at the man. In his written statement for and oral evidence to the Widgery Inquiry, he stated that it was only after he had fired that he realised that the man had thrown the petrol bomb. He insisted in his oral evidence to this Inquiry that his oral account to the Widgery Inquiry was to be preferred and that he had shot in accordance with the Yellow Card at a man who was posing a danger to life, though he agreed that he had shouted no warning. He believed that he had hit the man at whom he had fired.

## Private Q

**52.6** According to the accounts of Private Q, he was at the north-east corner of Block 1 of the Rossville Flats when he saw a man in the gap between Blocks 2 and 3 throwing a number of objects, which Private Q believed were nail bombs, towards soldiers in the area of the houses at the end of Chamberlain Street. One exploded about ten yards from Sergeant O's APC. When the man reappeared and was about to throw again, Private Q fired a single shot at him. He said that he believed that he had hit the man in the chest and had killed him.

## Soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in Rossville Street

### Corporal P and Private U

**52.7** We consider these soldiers' accounts when dealing with the events of Sector 3.<sup>1</sup>

<sup>1</sup> [Chapters 73 and 85](#)

## Private R

**52.8** According to the accounts of Private R, he ran to where Sergeant O's APC had stopped in the Rossville Flats car park, from where he saw a man about halfway down the eastern side of Block 1 with a fizzing or smoking object in his hand. He fired one shot at this man and believed that he had hit him in the shoulder. After acid bombs had been dropped near him he saw a man's hand with a pistol appear from the gap between Blocks 2 and 3 of the Rossville Flats. Private R fired three shots at this man but did not know whether he had hit him.

## **Soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in the Rossville Flats car park**

### **Sergeant O**

**52.9** According to the accounts given by Sergeant O, while he was near his APC and soon after he had arrested William John Doherty, he fired three shots at a man holding a pistol who was behind a Cortina car on the south-east side of the car park; then three shots at a man holding an M1 carbine or similar weapon towards the south-west end of the lower balcony of Block 3 of the Rossville Flats; and finally two shots at a man holding an M1 carbine or similar weapon at ground level on the corner of the gap between Blocks 2 and 3. He said he was sure he had hit his first two targets, but said he thought that he had not hit his third. He estimated the time between firing at his first target and firing at his third as about three to four minutes.

### **Private T**

**52.10** Private T said that, while close to Sergeant O's APC, he fired two shots towards a man he believed was throwing acid bombs down from a balcony of Block 1 of the Rossville Flats, but did not hit him.

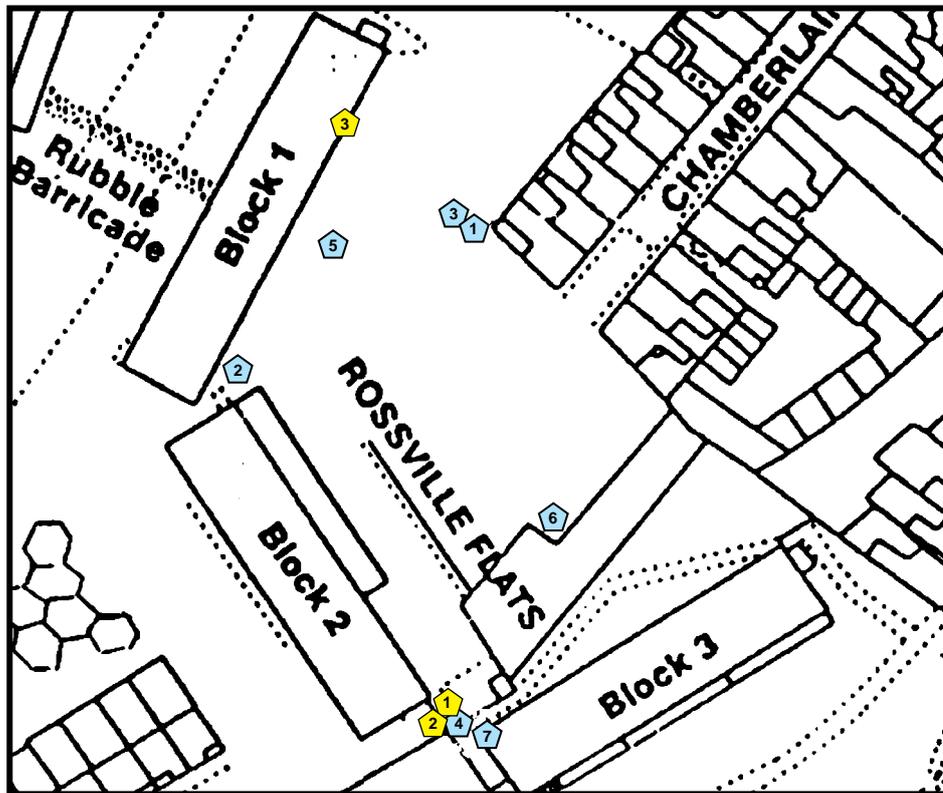
## **Order of evidence**

**52.11** The order in which we have dealt with the evidence of the soldiers above is based upon the convenience of taking first the soldiers from Lieutenant N's APC, then those who disembarked from Sergeant O's APC in Rossville Street, and finally those who disembarked from that APC in the car park.

## **Summary of shots and targets**

**52.12** On the basis of these accounts, leaving aside Corporal P and Private U, whose evidence we consider in the context of Sector 3, the soldiers of Mortar Platoon fired 32 shots, hitting three nail or blast bombers, one petrol bomber, one man with a pistol, and two or three men with rifles or carbines, while missing an acid bomber, and probably missing another man with a pistol and another man with a carbine. We set out below a map on

which we have marked the positions, according to the accounts of the soldiers, of the targets that they said that they had, or thought they had, hit and the targets that they said that they had, or thought they had, missed.



- ◆ Targets the soldiers claim to have hit**
- 1 Lieutenant N's target: man about to throw a bomb
  - 2 Private S's target: man (or more than one man) with a rifle
  - 3 Lance Corporal V's target: man with a petrol bomb (location based on Lance Corporal V's evidence to the Widgery Inquiry)
  - 4 Private Q's target: man with nail bombs
  - 5 Private R's target: man with fizzing or smoking object
  - 6 Sergeant O's target: man with a pistol behind a Cortina
  - 7 Sergeant O's target: man with a rifle on lower balcony of Block 3
- ◆ Targets the soldiers claim to have missed (or do not claim positively to have hit)**
- 1 Private R's target: man with a pistol
  - 2 Sergeant O's target: man with a rifle
  - 3 Private T's target: man with acid bombs on Block 1 balcony

**52.13** According to these accounts, therefore, the soldiers of Mortar Platoon hit seven or eight gunmen or bombers.

**52.14** We should add at this point that there is no evidence to suggest that any other soldier fired in Sector 2. There is also no evidence to suggest that any soldier in Sector 2 fired more or fewer shots than he claimed to have done. Although the representatives of the majority of represented soldiers submitted that some of those shot in Sector 2 might have been hit by accident,<sup>1</sup> none of the soldiers except Private R admitted even the possibility that this could have been the case. Whether or not anyone was in fact hit by accident is a matter that we consider later in this report.<sup>2</sup>

<sup>1</sup> [FS7.1579](#); [FS7.1584](#); [FS7.1602](#)

<sup>2</sup> [Chapter 64](#)

# Chapter 53: Summary of the firing soldiers' evidence of incoming fire

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**53.1** Earlier in this report<sup>1</sup> we gave reasons for our view that there was no acceptable evidence of incoming fire in Sector 2 before the soldiers opened fire in that sector. We have already considered the evidence that Mortar Platoon soldiers and others gave in this regard, but despite repetition and for the sake of clarity we give here a resumé of the evidence of those who fired in Sector 2.

<sup>1</sup> [Chapters 49](#) and [50](#)

# The soldiers from Lieutenant N's Armoured Personnel Carrier

## Lieutenant N

53.2 In his statement for the Widgery Inquiry,<sup>1</sup> Lieutenant N said that during the period in which he was occupied around Eden Place he was aware of firing, but that none of it affected him directly and he could not say exactly when it began or ceased. He did not say whether he thought that the fire was incoming or outgoing. In his oral evidence to the Widgery Inquiry,<sup>2</sup> he said that certain shots that he thought were fired at Army vehicles standing outside the Rossville Flats after bodies had been collected from the rubble barricade were the first that he had heard. For reasons given when discussing the events of Sector 3,<sup>3</sup> we consider that no shots were fired at Army vehicles at that stage. In our view Lieutenant N wrongly identified the firing that he heard at that stage as non-military fire. In his oral evidence to this Inquiry,<sup>4</sup> Lieutenant N said that he no longer recalled the shots fired at the vehicles after the collection of the bodies and had “*no aural memory at all of that day*”.

<sup>1</sup> B399

<sup>3</sup> Chapter 123

<sup>2</sup> WT12.67; WT12.69; WT12.72; WT12.79

<sup>4</sup> Day 323/29; Day 322/114

## Lance Corporal V

53.3 In his written statement to the Widgery Inquiry, Lance Corporal V described hearing the sound of single shots and seeing bullets hit the ground to his right as he ran forward behind Private S.<sup>1</sup> He said in his oral evidence to the Widgery Inquiry that the fire that he heard as he ran behind Private S was high velocity rifle fire which he thought was coming from the passage between Blocks 1 and 2.<sup>2</sup> He also recorded in his Royal Military Police (RMP) statement that firing was taking place towards the soldiers from several positions with several types of weapon,<sup>3</sup> and that firing from the “*flats area*” continued after he had shot at the man he said he had seen throw a petrol bomb;<sup>4</sup> and in his written statement for the Widgery Inquiry he said that at a late stage, when his squad commander was conducting an ammunition check, there was still occasional firing from the right side of the Rossville Flats.<sup>5</sup>

<sup>1</sup> B801

<sup>4</sup> B789

<sup>2</sup> WT13.11

<sup>5</sup> B802

<sup>3</sup> B788

53.4 In his written statement to this Inquiry, Lance Corporal V described hearing a burst of automatic fire and seeing bullets hitting a wall between him and a soldier who was in front of him, which he thought had been directed at him from the area of the Rossville Flats.<sup>1</sup> His written statement to this Inquiry could mean that this occurred after his confrontation with a member of the Order of Malta Ambulance Corps and before he had fired at the man he claimed was a petrol bomber.<sup>2</sup>

<sup>1</sup> [B821.003](#)

<sup>2</sup> [B821.004](#)

53.5 In his oral evidence to this Inquiry, Lance Corporal V said that he could no longer recall hearing single shots or seeing bullets hitting the ground. He also said that he had no “*clear-cut memory*” of automatic fire hitting a wall and conceded that it was possible that his recollection of automatic fire (which he had not mentioned in 1972) might be at fault. However, he said: “*there was a lot of fire coming at us and maybe I have only just remembered that bit.*”<sup>1</sup>

<sup>1</sup> [Day 333/55-59](#)

## Private S

53.6 Private S gave an account to the Widgery Inquiry of being fired on as he and others disembarked from Lieutenant N’s APC. We have earlier<sup>1</sup> given our reasons for rejecting this account.

<sup>1</sup> [Paragraphs 26.36–43](#) and [26.52](#)

53.7 Private S gave an account to the RMP of seeing a gunman fire about six shots from a ground floor window of Block 1 of the Rossville Flats at soldiers deployed around Sergeant O’s APC.<sup>1</sup> He told us that this account was untrue.<sup>2</sup> He also gave an account to the Widgery Inquiry of shouting to Sergeant O that the latter was under fire, but it is not clear from where this fire was said to be coming. In his oral evidence to the Widgery Inquiry, Private S used the model of the Bogside to point out the direction from which the fire had come but it is impossible to tell from the transcript of his explanation which direction he was indicating.<sup>3</sup>

<sup>1</sup> [B703](#)

<sup>3</sup> [WT13.3-WT13.4](#)

<sup>2</sup> [Day 332/65-74](#)

53.8 Private S also told the RMP that he thought that a man who was in the gap between Blocks 1 and 2 of the Rossville Flats had fired about four rifle shots towards him. Private S then saw that the man had a rifle and fired three shots at him. About 30 seconds later the crowd opened up and a man in the same position fired two shots towards him; and

Private S fired three shots back. After another 30 seconds a man reappeared and fired another three shots and again Private S fired three shots at the man. After another 30 seconds a man reappeared and fired four shots and again Private S fired three shots at him. On this account, therefore, there were in all 13 incoming shots during this incident.<sup>1</sup>

<sup>1</sup> [B692-694](#)

## Private Q

**53.9** According to the accounts that he gave in 1972, Private Q heard four or five low velocity shots when he reached the north end of the Rossville Flats about 45 seconds or a minute after he had disembarked from Lieutenant N's APC, but did not know where they had landed or where they had come from and was not aware of any firing directed at him or the other soldiers from Lieutenant N's APC.<sup>1</sup>

<sup>1</sup> [B636; WT12.93-WT12.95](#)

## The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in Rossville Street

### Corporal P

**53.10** Corporal P gave an account to the Widgery Inquiry of hearing two incoming high velocity shots when he reached the wall to the south of Kells Walk,<sup>1</sup> though there was no mention of this firing in either of his RMP statements.<sup>2</sup>

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

<sup>2</sup> [B576; B588](#)

### Private R

**53.11** Private R gave several accounts of hearing high and low velocity shots from the flats area when he disembarked, when he was running to catch up with Sergeant O's APC and when he reached it.<sup>1</sup> In his written statement to this Inquiry, he described hearing what sounded like firing from an Armalite rifle or M1 carbine, a Thompson sub-machine gun and a starting pistol.<sup>2</sup>

<sup>1</sup> [B658; B670; WT13.73; WT13.79-WT13.80; B691.002-003](#)

<sup>2</sup> [B691.002](#)

53.12 In his written statement to this Inquiry, Private R told us that high velocity fire still seemed to be coming from the Rossville Flats as he fired at a man who was throwing a smoking object.<sup>1</sup> He told us that at about that time there was a series of short bursts fired together, but he could not be sure that this was automatic fire. He told us he thought that incoming fire was continuing, although not at the same intensity, while he received treatment for acid burns.<sup>2</sup>

<sup>1</sup> B691.003

<sup>2</sup> B691.004

## Private U

53.13 In his written statement for the Widgery Inquiry,<sup>1</sup> Private U gave an account of hearing automatic gunfire as Sergeant O's APC drove into the Bogside. He also gave accounts of seeing or hearing automatic low velocity shots as he moved towards the Rossville Flats after disembarking, as he was taking an arrested citizen back to the junction of William Street and Rossville Street and as he returned towards the Rossville Flats;<sup>2</sup> and low and high velocity shots after he had reached the north-west corner of Block 1 of the Rossville Flats.<sup>3</sup>

<sup>1</sup> B787.18-19

<sup>3</sup> B769

<sup>2</sup> B767

53.14 In his oral evidence to the Widgery Inquiry, Private U said that he could not remember whether he had heard fire between disembarking and the arrest of the civilian.<sup>1</sup> He also said that he thought that the first shots that he had heard after disembarking came from the area of Glenfada Park.<sup>2</sup> In his written statement to this Inquiry, Private U told us that he thought the first gunfire that he heard after disembarking came as he was escorting the arrested civilian.<sup>3</sup> He no longer recalled seeing fire near Major Loden's vehicle (which is the fire that he said in 1972 that he saw as he returned to the area of the flats, having handed over the arrested civilian).<sup>4</sup> He thought that the shots that he heard while he was at the north-west corner of Block 1 came from the car park, from "*further south from there*" and from Glenfada Park North.<sup>5</sup> In his oral evidence to this Inquiry, Private U said that he could not remember whether he was aware of gunfire at the time at which he made the arrest.<sup>6</sup> He said that he recalled hearing gunfire as he moved to the north-west corner of Block 1<sup>7</sup> (having said in his written statement to this Inquiry that he did not recall coming under fire at this stage<sup>8</sup>).

<sup>1</sup> WT13.96

<sup>5</sup> B787.007

<sup>2</sup> WT14.2

<sup>6</sup> Day 369/41

<sup>3</sup> B787.005

<sup>7</sup> Day 369/47-48

<sup>4</sup> B787.010

<sup>8</sup> B787.005

# The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in the car park

## Sergeant O

**53.15** In his first RMP statement Sergeant O said that after six arrests had been made, he heard shots. The firing came from four to five weapons of mixed calibre.<sup>1</sup> Sergeant O said that during the subsequent engagements he and his section were under constant small arms fire from several positions in the Rossville Flats area.<sup>2</sup>

<sup>1</sup> B440

<sup>2</sup> B441-442

**53.16** In his statement for the Widgery Inquiry, Sergeant O said that the firing started after he had arrested a man and while he was following the arrestee back to the APC.<sup>1</sup> He described further incoming fire from the flats as he engaged his targets. The firing then slackened off and became sporadic.<sup>2</sup>

<sup>1</sup> B467

<sup>2</sup> B468

**53.17** In his oral evidence to the Widgery Inquiry, Sergeant O said that the firing from the Rossville Flats started after he had arrested a man and handed that man over to a senior non-commissioned officer. It was as Sergeant O returned to the vehicle that the firing started. He said that he had only heard riot guns being used before this firing occurred. The firing came from four or five positions and was of low velocity and, possibly, high velocity. He heard firing from paratroopers about ten seconds after the initial firing from the Rossville Flats.<sup>1</sup> He said that he thought that a total of 80 to 100 shots had been fired from the Rossville Flats and that this was the most intensive fire that he had experienced in Northern Ireland.<sup>2</sup>

<sup>1</sup> WT13.27-WT13.28

<sup>2</sup> WT13.38

**53.18** In his written statement to this Inquiry, Sergeant O said that, after he had arrested a man and while his soldiers were carrying out other arrests, he heard about 20 to 30 rounds being fired from between three and five positions in the Rossville Flats. The fire was a mixture of high and low velocity.<sup>1</sup> Although he is recorded as having told Praxis Films Ltd that at one stage he had heard automatic fire,<sup>2</sup> he told us in his oral evidence that he did not remember saying this.<sup>3</sup>

<sup>1</sup> B575.113

<sup>3</sup> Day 335/49

<sup>2</sup> O22.59

**53.19** As we have noted earlier in this report,<sup>1</sup> Sergeant O described in particular those he said he fired at, namely a man with a pistol firing from behind a vehicle on the south-east side of the car park, a man with what could have been an M1 carbine firing towards the south-west end of the lower balcony of Block 3 of the Rossville Flats, and another man with a similar weapon who fired from ground level from the gap between Blocks 2 and 3.

<sup>1</sup> [Paragraphs 51.208–265](#)

**53.20** Sergeant O described the firing incidents that took place while he was in the area of the Rossville Flats as only lasting between three and five minutes in all.<sup>1</sup>

<sup>1</sup> [O21.2; Day 335/121](#)

## Private T

**53.21** Private T gave accounts to the Widgery Inquiry of hearing low velocity firing coming from the car park after he disembarked,<sup>1</sup> and subsequently a lot of shooting of all types in the area.<sup>2</sup> After this had died down “*we were just fired at in ones and twos*”.<sup>3</sup> In his oral evidence to the Widgery Inquiry, Private T said that he heard firing 30 to 45 seconds after disembarking and that this fire “*could have been a burst of fire, or a semi-automatic rifle being fired very quickly*”.<sup>4</sup>

<sup>1</sup> [B735](#)

<sup>2</sup> [B736](#)

<sup>3</sup> [WT13.91](#)

<sup>4</sup> [WT13.88](#)

## Chapter 54: General summary and consideration of the evidence of the soldiers of Mortar Platoon in Sector 2

**54.1** If the accounts of the soldiers of Mortar Platoon are taken at face value, their vehicles were fired on as they entered the Bogside; the soldiers from Lieutenant N's APC were fired on as they disembarked or soon afterwards; firing was directed towards soldiers soon after they disembarked from Sergeant O's APC in Rossville Street and as they were conducting arrests; and soon after Sergeant O had arrested William John Doherty near to his APC in the car park, the soldiers came under substantial fire from a variety of firearms for some three to four minutes, as well as being subjected to an exploding nail bomb and a number of acid bombs. There were in addition unsuccessful attempts to throw two nail bombs and a petrol bomb.

**54.2** On the basis of these accounts, as noted above,<sup>1</sup> Lieutenant N, Private Q and Private R shot three nail or blast bombers, Lance Corporal V shot one petrol bomber, Sergeant O shot one man with a pistol and Sergeant O and Private S shot two or three men with rifles or carbines. There was in addition an unsuccessful attempt by Private T to shoot an acid bomber, a probably unsuccessful attempt by Sergeant O to shoot another man with a carbine, and a probably unsuccessful attempt by Private R to shoot another man with a pistol. As we have already noted, in all the soldiers of Mortar Platoon fired 32 shots in Sector 2.

<sup>1</sup> [Chapter 52](#)

**54.3** While two soldiers (Private R and Private T) sustained minor injuries from acid or a similar corrosive substance contained in bottles thrown down from a balcony of Block 1 of the Rossville Flats, none of the soldiers of Mortar Platoon in Sector 2 sustained any injury from nail or blast bombs, or firearms, despite the fact that most of them were in close proximity to those they said were deploying these weapons and despite the substantial amount of incoming fire which some said they encountered. On the other hand, according to their accounts, the soldiers of Mortar Platoon were able to shoot seven or eight people in the area of the Rossville Flats car park, all of whom were armed with lethal weapons.

**54.4** We have already concluded, for the reasons we have given,<sup>1</sup> that we have found no acceptable evidence that there was incoming fire before these soldiers opened fire or that a nail bomb exploded as described by Private Q.

<sup>1</sup> [Chapters 49 and 50; paragraphs 47.13–16 and 47.42](#)

