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

TSO

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

Online
www.tsoshop.co.uk

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

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

TSO@Blackwell and other Accredited Agents

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

TSO

HC29-IV

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 IV

Sector 2: The Launch of the Arrest Operation and Events in the Area of the Rossville Flats (Chapters 55–66)

£572.00
10 volumes
not sold
separately

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

Report of the **Bloody Sunday Inquiry**

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

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

Volume IV

Sector 2: The Launch of the Arrest Operation and Events in the Area of the Rossville Flats (Chapters 55–66)

HC29-IV

London: The Stationery Office

£572.00
10 volumes
not sold
separately

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

ID 2354501 06/10

Printed on paper containing 75% recycled fibre content minimum

Report of the **Bloody Sunday Inquiry**

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

VOLUME IV

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

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

Contents

Chapter 55: The casualties in Sector 2

Contents

55.1 As we have already indicated, in Sector 2 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 also injured, though whether by gunfire or otherwise was a matter of controversy.

Jackie Duddy

55.2 There is no doubt that Jackie Duddy was shot and mortally wounded in Sector 2. There is equally no doubt, and none has been expressed, that he was shot by a soldier.

Biographical details

55.3 Jackie Duddy's full name was John Francis Duddy. In the course of this Inquiry, witnesses usually referred to him as either Jackie or Jack Duddy. His family knew him as Jackie, and that is the name that we have used in this report.

55.4 Jackie Duddy was 17 years old at the time of Bloody Sunday. He lived in Central Drive, Creggan, with his father, his five brothers, and eight of his nine sisters. His mother had died of leukaemia in 1968, aged 44 years. Jackie Duddy was employed as a weaver in the factory of Thomas French & Sons Ltd on the Springtown Industrial Estate. He was a keen and successful amateur boxer.[1]

[1] AD146.9-AD146.13; AD146.35; AD150.1-4; N18

Prior movements

55.5 Jackie Duddy went on the march on Bloody Sunday with some of his friends. His brother Gerry Duddy and sister Kay Duddy recall him saying that he was going to listen to Bernadette Devlin speaking.[1]

[1] AD146.19-20; AD150.11

Medical and scientific evidence

55.6 An autopsy of the body of Jackie Duddy was conducted by Dr Derek Carson, then the Deputy State Pathologist for Northern Ireland,[1] on 31st January 1972 at Altnagelvin Hospital. Three other doctors and two Royal Ulster Constabulary (RUC) photographers were also present.[2] The notes, reports and photographs from this autopsy have been considered by Dr Richard Shepherd and Mr Kevin O'Callaghan, who were engaged by

this Inquiry as independent experts on pathology and ballistics respectively. Dr Carson, Dr Shepherd and Mr O'Callaghan, all gave written and oral evidence to this Inquiry. Dr Carson also appeared before the Widgery Inquiry.

1 WT8.64; D532

2 D20

55.7 In his autopsy report,[1] Dr Carson described the following two gunshot wounds:

1. A fairly neat circular hole, 7mm in diameter, on the outer side of the right shoulder, centred 4cm below the tip of the acromion process. This appeared to be an entrance wound. It was surrounded by a narrow rim of abrasion, 1–2mm wide. There was no appreciable bruising around the wound nor was there any blackening of the skin.

2. A somewhat ragged exit wound, measuring 18mm x 8mm, on the left front. This wound was located near the shoulder and centred 9cm to the left of and 2.5cm above the suprasternal notch, and 14cm above the nipple. The long axis of the wound was almost vertical. It lay within an irregular oval zone of abrasion measuring 32mm x 16mm, around which there was vague reddish-purple bruising within an area measuring 9cm x 4.5cm.

1 D20

55.8 Dr Carson noted that, with the arm by the side, the two wounds lay in a line passing from right to left, forwards at about 20° to the coronal plane and downwards at about 10° to the horizontal plane. A probe could not be passed through the entrance wound in a direct line between the two, even when the arm was put in a variety of positions.

55.9 The internal injuries found by Dr Carson are described in his report.[1]

1 D22-D24

55.10 Dr Carson summarised his conclusions about the fatal injury as follows:[1]

> "Death was due to a gunshot wound of the upper chest. The bullet had entered the outer part of the right shoulder and had passed behind the upper part of the arm bone and the right shoulder blade, notching the inner border of the shoulder blade, before passing through the inner end of the second right rib and the second thoracic vertebra. On striking the spine the bullet had been deflected slightly upwards and had then fractured the middle third of the left collar bone and the adjacent parts of the first and second left ribs before leaving the body through the upper part of the left chest. No bullet was recovered from the body.
>
> In its course through the upper chest the bullet had damaged the upper part of each lung and divided the windpipe, the gullet and the left common carotid and subclavian arteries. Bleeding from the damaged blood vessels and lungs would have caused rapid death, whilst breathing would also have been severely impaired by the injury to the windpipe. Death must have occurred within a few minutes.
>
> The extent of bony injury indicated that the bullet must have been fired from a medium or high velocity weapon but since the missile was not recovered it was not possible to determine the calibre. There was nothing to suggest that the weapon had been discharged at close range.
>
> The track of the wound within the body indicated that after entering the body the bullet had first passed from right to left and slightly downwards until it struck the spine, whence it had been deflected slightly upwards and forwards. If the deceased was fully erect when struck, then the bullet must have come directly from his right and slightly above him."

1 D25

55.11 Dr Carson also described a number of minor external injuries.[1] His findings about these injuries were as follows:[2]

> "Superficial injuries on the body surface included a shallow laceration on the outer part of the left eyebrow, and abrasions on the left cheek, the upper lip, the left cheek, the left side of the neck, on the backs of the hands and on the front of the left knee. Some were probably caused when he fell to the ground after being struck by the bullet; others, particularly those on the face and neck with a linear marking, could have been caused by his being dragged along face-downwards, or by his sliding along the ground on falling. All these injuries were of trivial nature and none played any part in the death."

1 D21-D22

2 D25-D26

55.12 In his oral evidence to the Widgery Inquiry,[1] and in his written statement to this Inquiry,[2] Dr Carson confirmed the conclusions set out in his autopsy report.

1 WT8.74-WT8.75

2 D536

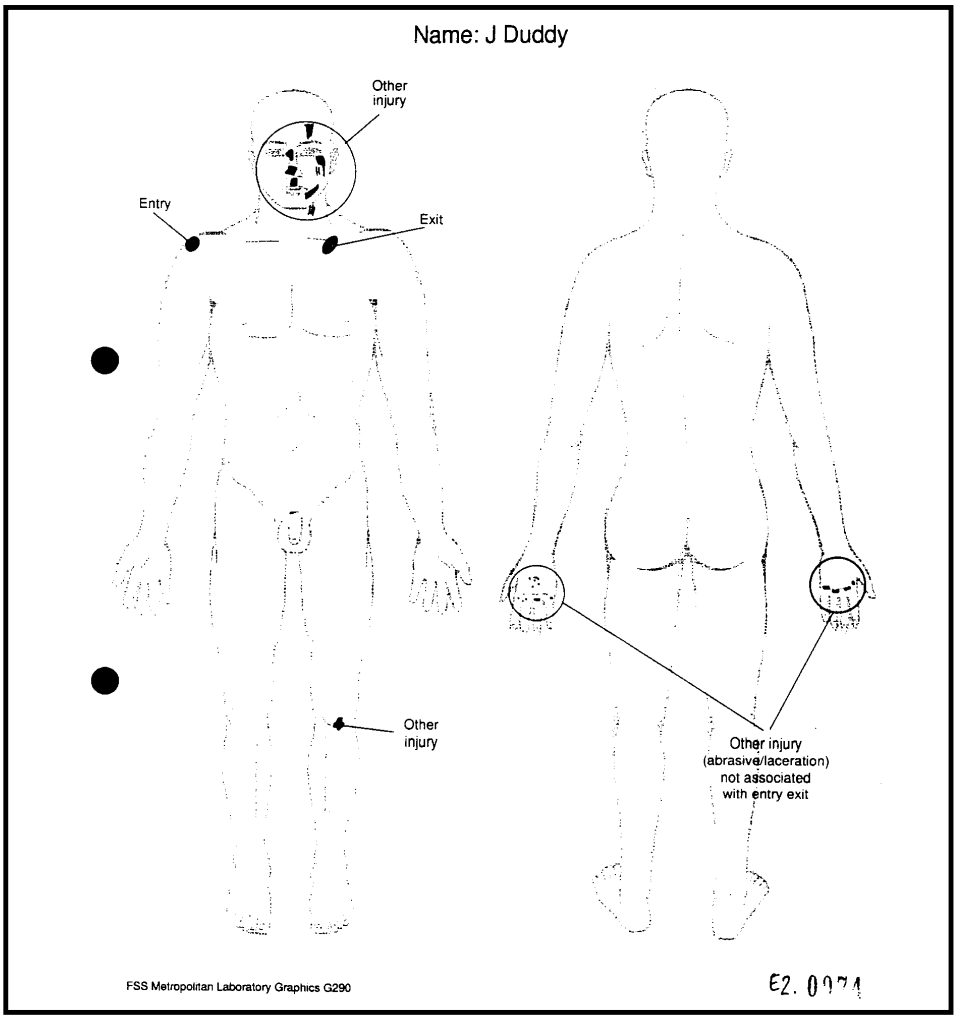
55.13 In their report, Dr Shepherd and Mr O'Callaghan reached conclusions similar to those of Dr Carson, which they summarised as follows:[1]

> "[Jackie] DUDDY was struck by a single bullet in the right shoulder which entered the back of the right side of the chest, damaged the right lung, spine, major blood vessels and the left lung and then exited through the left upper chest.
>
> Assuming the Normal Anatomical Position the initial track clearly passed from right to left and there is probably a slight angle backwards. After deflection by the scapula the track passed forwards into the chest where it was again deflected this time by the spine. The greatest care must be exercised in interpreting the track angles in this injury since the mobility of the shoulder may allow for many different positions of the chest and body with the arm in the same position.
>
> The other injuries are minor and due to blunt trauma. The injuries to the face and knee are consistent with a collapse, the injuries to the hand may have been caused in the same way but other forms of minor blunt trauma cannot be excluded."

1 E2.32

55.14 The photographs of Jackie Duddy's body taken in the mortuary show the wounds and other injuries described by Dr Carson. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan[1] illustrates the positions of the wounds.

1 E2.74



55.15 Dr John Martin, then a Principal Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Jackie Duddy. In his report dated 18th February 1972[1] he set out the following findings:

> "There is a small hole in the right shoulder area of the jacket (item 1). Traces of lead were detected on the edge of this hole which is consistent with a bullet entry. A larger hole in the area of the left chest is consistent with bullet exit. There was corresponding damage to the shirt (item 2)."

1 D11

55.16 Dr Martin tested the jacket that Jackie Duddy was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Apart from the traces of lead consistent with bullet entry around the hole in the right shoulder of the jacket, Dr Martin detected no significant number of lead particles on the jacket and none on the hand swabs. He concluded that Jackie Duddy had not been using a firearm.[1]

1 D11

55.17 Mr Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Jackie Duddy for explosives residue. None was detected.[1]

1 D4

Where Jackie Duddy was shot

55.18 When discussing the first shots fired by Lieutenant N, we referred to the evidence of the photographer Gilles Peress, who was in Chamberlain Street. After that incident, Gilles Peress ran on to the end of Chamberlain Street.[1] As he told the Widgery Inquiry, he saw a body in what he described as Rossville Square (by which he meant what we call the car park) beside which was a priest waving a handkerchief.[2] He then took the following photograph.

1 WT6.64

2 M65.1.1

55.19 Fulvio Grimaldi, the photojournalist, told the Widgery Inquiry that he arrived at the south end of Chamberlain Street and saw first aid men and priests around a body in the middle of the car park. He said that he watched them duck as they were being fired at from the

direction of the Army vehicles; and that he went back to the corner of Chamberlain Street and shouted at the soldiers to stop firing. The shooting continued; the first three shots went over his head. Fulvio Grimaldi then approached the group around the body and took photographs.[1]

1 M34.1; WT7.61

55.20 In his evidence to this Inquiry, Fulvio Grimaldi said that his recollection was that shots were fired and he shouted at the soldiers before he saw the body.[1] He told Paul Mahon[2] that he had seen Jackie Duddy fall;[3] Fulvio Grimaldi does not appear to have said this on any other occasion and in our view it is probably wrong. It appears from the Mahon transcript that Fulvio Grimaldi was having difficulty in recalling the sequence of events surrounding the shooting of Jackie Duddy. Fulvio Grimaldi took the following photographs of Jackie Duddy lying in the car park.

1 M34.58; Day 131/31-34

2 Paul Mahon completed an academic dissertation on the events of Bloody Sunday in 1997 and thereafter undertook further substantial research into the subject, in the course of which he conducted a large number of recorded interviews of witnesses, the great majority of whom were civilians.

3 X4.48.51

55.21 In his written statement to this Inquiry,[1] Liam Bradley identified himself as the man shown wearing a cap in these photographs. In his written statement to this Inquiry, Charles Glenn, a Corporal in the Order of Malta Ambulance Corps, said that the first of these photographs showed the scene as he attended to Jackie Duddy. He can be recognised in this and the other two photographs by his Order of Malta Ambulance Corps uniform.[2]

1 AB61.3

2 AG43.4

55.22 It is possible, from the lines marking the car park bays, to see more or less exactly where Jackie Duddy was in the Rossville Flats car park when these photographs were taken. However, there is evidence that indicates that he was probably a little further north when he fell.

55.23 Fr Edward Daly (who later became Bishop Daly) is the priest shown in these photographs. In his evidence to the Widgery Inquiry,[1] and in an account given to Philip Jacobson and Peter Pringle of the *Sunday Times* on 16th March 1972,[2] he said that he had been in Rossville Street between Eden Place and Pilot Row when he heard the Army vehicles and saw them coming towards Rossville Street. He ran with others across the Eden Place waste ground and past the western end of the wire fence. At about the corner of the Rossville Flats he passed a young boy, and shortly after that, when the boy was a few feet behind him, he heard a shot ring out, looked round, and saw the boy falling. Fr Daly's evidence was that Jackie Duddy fell forwards onto his face and, alluding to the

car park markings, that he "*actually fell on the ground on the cross-section of one of those lines – I think about the third or fourth one in. Again I could not swear to that, but it was in the middle of that diagram for the cars*".[3]

1 H5.18; WT4.6; H5.12
2 H5.56-57
3 WT4.7

55.24 Fr Daly ran on, not realising that a live round had hit Jackie Duddy, and then lay on the ground for cover. After a time, he looked over his shoulder and saw Jackie Duddy lying on his back. Fr Daly then went to the aid of Jackie Duddy.[1] He did not appreciate that in the meantime a Mr Barber had come to Jackie Duddy's aid, and until he discovered this Fr Daly was puzzled as to how Jackie Duddy had come to be lying on his back.[2]

1 WT4.9; H5.12
2 WT4.7; WT4.9

55.25 We are sure that the man to whom Fr Daly referred in his evidence to the Widgery Inquiry was the late Willy Barber, who said in an interview with John Barry of the *Sunday Times* Insight Team that a young man (evidently Jackie Duddy) had been running on his left and suddenly fell forwards. Willy Barber and someone else put their arms under his shoulders and tried to drag him along, but found him very heavy and turned him over.[1]

1 AB9.3

55.26 Brian Johnston told us in his written statement to this Inquiry[1] that he saw Jackie Duddy fall forwards onto his face at a point that he indicated on a photograph as being near the centre of the line separating the third and fourth parking bays in the row of seven closest to Block 1 of the Rossville Flats, counting from the end closer to the waste ground.[2] Brian Johnston said that after he fell, Jackie Duddy's head was pointing towards the south-east corner of the car park of the Rossville Flats and his feet were pointing towards Rossville Street.[3]

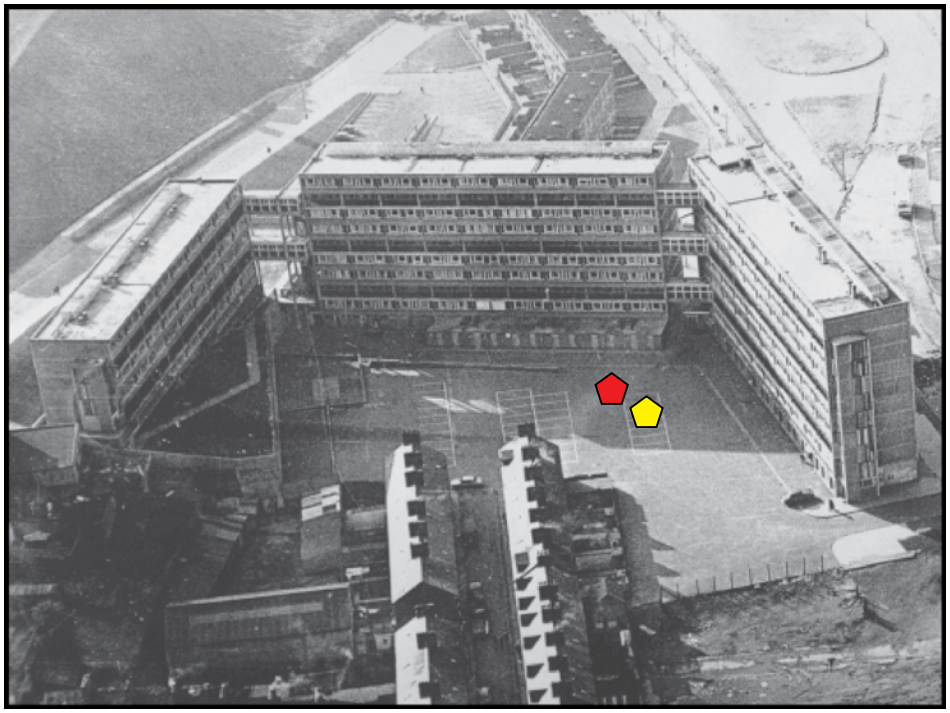
1 AJ9.5
2 AJ9.8
3 AJ9.5

55.27 The Inquiry experts Dr Shepherd and Mr O'Callaghan noted in their report that Jackie Duddy sustained a number of minor injuries to the face (predominantly on the left side) and the front of the left knee, consistent with a collapse.[1] This in turn is consistent with the evidence that Jackie Duddy fell forwards.

1 E2.0032

55.28 On the evidence of these witnesses we are sure that Jackie Duddy was shot and fell on his face as he was moving in a generally southerly direction, probably somewhere around the centre of the row of seven parking bays closest to Block 1 of the Rossville Flats, and

that his body was then dragged a short distance further on and turned over, so as to arrive in the position in which it is seen in the photographs shown above. We set out below an aerial photograph of the Rossville Flats, showing on the basis of this evidence where Jackie Duddy fell and where he was when the photographs were taken.



Point at which Jackie Duddy fell

Point to which Jackie Duddy was moved

Where Jackie Duddy had come from

55.29 According to the *Sunday Times* Insight article published on 23rd April 1972,[1] Neil McLaughlin, Jackie Duddy and others came along Chamberlain Street from William Street, and seeing the Armoured Personnel Carrier (APC) drawn up in the car park surged towards it, "*most if not all of them*" on their way to the back of the car park. However, a note prepared by John Barry of the *Sunday Times* Insight Team of an interview with Neil McLaughlin does not explicitly record that the group going along Chamberlain Street and into the car park included Jackie Duddy, but only that it included Neil McLaughlin "*and his mates*".[2]

1 L213

2 AM347.12-15

55.30 According to this note, while Neil McLaughlin was a "*self-confessed aggro man*", he described Jackie Duddy as someone who usually went miles to avoid trouble. The note does not record Neil McLaughlin saying that Jackie Duddy was taking part in the riot at Barrier 14, and implies the contrary in the remark "*If he wasn't throwing stones, it was only because he was with Jack Duddy*", though in his written statement to this Inquiry[1] Neil McLaughlin admitted that he himself did throw stones.

1 AM347.1

55.31 Again according to this note, Neil McLaughlin said that the group of which he was part surged towards the soldiers who were disembarking from their vehicle (evidently Sergeant O's APC). He saw an Order of Malta Ambulance Corps volunteer fall, not necessarily shot, "*by the back wall of the C[hamberlain] St row – in other words the crowd running forward had just about cleared the gable end*"; then Margaret Deery was shot on his right and Neil McLaughlin flung himself to the ground, after which he saw a crowd "*up in the car park*" clustered around another body; and then Michael Bridge ran past Neil McLaughlin and was shot.

55.32 To our minds this evidence suggests that Neil McLaughlin's group was active in the area around the gable end and side wall of the garden of 36 Chamberlain Street, rather than in the area where Jackie Duddy was shot; and that if (as seems to us to be the case) Jackie Duddy was the person around whose body a crowd was clustered in the car park, he must have parted company with Neil McLaughlin some time before he was shot.

55.33 Neil McLaughlin's evidence to this Inquiry was that he now had no recollection of seeing Jackie Duddy at all on Bloody Sunday, either before or after he was shot, although he accepted that it was possible that he had done so.[1] He took issue with, or said that he had no recollection of, several matters recorded in John Barry's note.[2] However, we are of the view that John Barry's note is likely to be an accurate account of what he was told by Neil McLaughlin.

1 AM347.9; Day 91/15; Day 91/18

2 Day 91/16-37

55.34 In his written evidence to this Inquiry,[1] Kevin Leonard told us that he recalled seeing Jackie Duddy throwing stones in the group of people rioting with him at Barrier 14, and that Jackie Duddy was ahead of him when they ran down Chamberlain Street. However, in his oral evidence to this Inquiry, he accepted that this was all presumption on his part:[2]

> "Q. It seems to be the case that when you saw a person shot in the courtyard of the flats you did not appreciate that it was Jackie Duddy?
>
> A. No, not at the time.
>
> Q. Is it the case, really, that you presumed that because this person was shot in a group ahead of you running across the courtyard, he must have run from Chamberlain Street?
>
> A. That is correct.
>
> Q. You presumed also, then, that if he was running along Chamberlain Street, as you had, he must have been in William Street near the barrier as you had?
>
> A. Yes.
>
> Q. And therefore you presumed, effectively, that he was at the barrier in the group throwing stones?
>
> A. Yes, that is correct.
>
> Q. Really you cannot be sure that Jackie Duddy was in this group throwing stones at the barrier, is that fair?
>
> A. Yes, that is a fair comment to say."

1 AL7.5
2 Day 201/20-21

55.35 In his written statement to this Inquiry,[1] Patrick McKeever told us that he and his friend Joseph McGrory were in a group of four or five people running from the south end of Chamberlain Street towards the passage between Blocks 1 and 2 of the Rossville Flats. A young man (evidently Jackie Duddy) was running in the group, and fell in front of Patrick McKeever and to his right, clearly fatally injured. Joseph McGrory gave a similar account in his written statement to this Inquiry,[2] but added that he did not recall whether the young man had been running as part of a group or on his own; and in oral evidence[3] he said that people were scrambling in all directions and he would never have known from where the young man had come.

1 AM291.4
2 AM268.2
3 Day 81/73-74

55.36 There is other evidence that suggests that Jackie Duddy may not have come down Chamberlain Street. We set out below, with some changes and additions, what we regard as an accurate summary of this evidence prepared by Counsel to the Inquiry:[1]

(a) In his written statement to this Inquiry[2] (see also his interview with Jimmy McGovern[3,4]), Gerry Duddy said that he spoke to his brother Jackie at about the point marked C on the plan attached to his statement[5] (on Rossville Street near the north end of Kells Walk). His brother told him that he had been up by the Army barrier in William Street. After a few minutes, his brother said that he was heading off, crossed Rossville Street and started to walk across the waste ground in the direction of the Rossville Flats. Subsequently the Army vehicles entered the area from Little James Street.

(b) In her Northern Ireland Civil Rights Association (NICRA) statement,[6] Isabella Duffy described coming out of her brother's flat in the Rossville Flats and seeing the arrival of the Army vehicles and the disembarkation of the soldiers. She said that she saw a little boy (in our view Jackie Duddy) running across the car park of the Rossville Flats "*from the direction of the soldiers*". She saw the soldiers shooting, and initially thought that they were firing baton rounds, but then saw the boy fall, apparently dead. In her statement to the Widgery Inquiry,[7] she said that the boy was running away from the soldiers. In her oral evidence to the Widgery Inquiry, she said that her brother's flat was on the second floor of Block 2 of the Rossville Flats.[8,9] She told the Widgery Inquiry[10] that the boy was coming "*from the Saracens*". In her statement to this Inquiry,[11] she said that she saw Jackie Duddy running in from the entrance to the car park, and that he seemed to be at the tail end of the people who had run down William Street (sic) towards the Rossville Flats.

(c) In his written statement to this Inquiry,[12] Brian Johnston said that Jackie Duddy had run from the waste ground by Pilot Row into the car park of the Rossville Flats, at the tail end of a small group.

1 CS4.84-85

2 AD146.2

3 Jimmy McGovern was the scriptwriter of the Channel 4 drama-documentary *Sunday*, first broadcast on 28th January 2002 to mark the 30th anniversary of Bloody Sunday.

4 AD146.23-24

5 AD146.6

6 AD158.14

7 AD158.8

8 WT5.53

9 Isabella Duffy gave us a different description of the location of her brother's flat (AD158.1). However, we are sure that the brother in question was the late Patrick Friel, since Isabella Duffy referred to him as Pat Friel (AD158.1), and Patrick Friel's son John Patrick Friel told us that Isabella Duffy was his aunt (AF32.25). Patrick Friel's address was 19 Garvan Place (AF38.1; AF38.3), which was at the western end and on the second and third floors of Block 2 of the Rossville Flats.

10 WT5.54

11 AD158.2

12 AJ9.5

55.37 It will be seen from the foregoing that there is conflicting evidence as to whether Jackie Duddy had come into the car park from the southern end of Chamberlain Street or from the Eden Place waste ground. On the whole we consider the latter the more likely. In this regard, although Fr Daly told us that he did not know where Jackie Duddy had come from when he saw him,[1] his evidence to the Widgery Inquiry was to the effect that he remembered the young boy running beside him: "*I was running and he was running and looking back, and I overtook him. He laughed at me. He was amused to see me running.*" There was then this passage:[2]

> "LORD WIDGERY: But you overtook him?
>
> A. Yes. I am not an athlete myself. I do not think I am a very graceful runner. He looked at me at this point about the corner of the wire. That is why he stuck in my memory. I went in here and the Saracens came right up this way, and I remember that the first shot I heard, this young boy was about a few feet behind me and there was a shot, and simultaneously he gasped or grunted – something like that. I looked round and he just fell."

1 Day 75/18

2 WT4.6

55.38 We are sure that Fr Daly had come, as he said, from Rossville Street, somewhere between Eden Place and Pilot Row. The wire to which he referred in this passage was in our view the wire fence across the southern edge of the Eden Place waste ground, which Fr Daly must have passed at its western end. To our minds this account by Fr Daly is another indication that Jackie Duddy had come into the car park from the same general direction, rather than from the end of Chamberlain Street.

When Jackie Duddy was shot

55.39 Fr Daly has consistently stated that the shot that hit Jackie Duddy was the first shot that he heard after the soldiers entered the Bogside.[1] As already noted, he did not realise at first that what he had heard was a live round as opposed to a baton round, though he did say to us: "*I thought the shot was a bit sharp for that of a rubber bullet gun.*"[2] Fr Daly told us that he did not recall hearing any reports of baton rounds before Jackie Duddy was shot. It is also clear from Fr Daly's evidence that Jackie Duddy was shot soon after the soldiers arrived.[3]

1 H5.18; WT4.7; H5.3

2 WT4.7

3 WT4.7; H5.12

55.40 Brian Johnston, to whose evidence we have referred earlier in this chapter,[1] gave a Keville interview[2] in which he described seeing Jackie Duddy fall about four to five feet to his right; and went over to lift him up. He said: "… *I know that up until this stage there were no guns fired at all.*"

1 Paragraphs 55.26 and 55.36 2 AJ9.12

55.41 We have discussed earlier in this report[1] the circumstances of the arrest of William John Doherty by Sergeant O near the back wall of the Chamberlain Street houses, which from the evidence we have considered in that context was soon after Sergeant O's APC had arrived in the car park. We now describe the evidence of a number of civilian witnesses whose accounts seem to us to show that Jackie Duddy was shot at the same time as, or immediately after, this incident.

1 Chapter 40

55.42 We have referred above[1] to John Barry's note of his interview of Willy Barber. According to this note, Willy Barber said that he ran past a paratrooper who was trying to beat hell out of an old man with the barrel of his rifle. He turned at "*the Chamberlain St gable*" and saw someone thumping the soldier in the face. This enabled the old man to run off, but the soldier apprehended him again. Willy Barber ran, and a young man running beside him fell.[2] It seems to us that the "*old man*" was William John Doherty, and from Willy Barber's account of then trying to move the fallen man, which we have considered above, we are sure that this was Jackie Duddy.

1 Paragraph 55.25 2 AB9.2-3

55.43 We have also referred above[1] to the evidence of Isabella Duffy when considering the direction from which Jackie Duddy had come. In her NICRA statement, Isabella Duffy said that after she had seen a boy fall in the car park of the Rossville Flats she saw an old man being beaten.[2] In our view she was referring to Jackie Duddy and William John Doherty respectively.

1 Paragraph 55.36 2 AD158.15

55.44 Elizabeth Dunleavy told us that she saw the shooting of Jackie Duddy after she had seen three soldiers beating a "*boy*" (who may well have been William John Doherty) and after a "*boy*" in Order of Malta Ambulance Corps uniform had been hit by a baton round (perhaps Charles Glenn, although if so Elizabeth Dunleavy appears to have been mistaken as to how he was hurt).[1] Her NICRA statement[2] does not refer to the beating, but places the other two incidents in the same sequence.

1 AD169.1 2 AD169.5

55.45 We have already referred[1] to some of the evidence of Charles Glenn, a Corporal in the Order of Malta Ambulance Corps, when considering the arrest of William John Doherty. As we have already noted, Charles Glenn described how he was hit with a rifle butt and knocked to the ground after trying to intervene in an incident in which a paratrooper had grabbed an old man, which we consider is likely to have been the arrest of William John Doherty. In his NICRA statement he recorded that as he fell, he heard a shot. He was stunned, but when he recovered, he saw a man lying in a pool of blood in the car park with Fr Daly bending over him.[2] We have no doubt this was Jackie Duddy. A similar account appears in the record of Charles Glenn's interview with Philip Jacobson of the *Sunday Times*,[3] and in his written statement to this Inquiry.[4]

1 Paragraphs 40.17–26
2 AG43.10
3 AG43.23
4 AG43.3

55.46 Celine Brolly described to this Inquiry being in a flat on the second floor of Block 2 of the Rossville Flats.[1] According to her NICRA statement,[2] she saw a "*First Aid boy*" running to the aid of a middle-aged man who was being punched and battered by three soldiers. The first aid boy was thrown on the ground. "*He was still lying on the ground and Father Daly called him.*" It seems from this statement that by then Fr Daly had gone to Jackie Duddy. We consider that this "*First Aid boy*" was Charles Glenn, who went to the aid of Jackie Duddy and can be seen beside him in the photographs shown earlier in this chapter.[3]

1 AB88.2
2 AB88.9
3 Paragraphs 55.18–20

55.47 According to his NICRA statement[1] Patrick McCrudden was visiting a friend at 37 Donagh Place. This was on the top floor of Block 2 of the Rossville Flats, at about the centre of that block. He gave an account of seeing the "*saracens*" come in, and continued:

> "The people were fleeing in panic. While one soldier was attacking a middle-aged man, a member of the Order of Malta attempted to intervene. The soldier turned and struck this 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. Others were being beaten up and arrested in the same manner in different parts of the wasteground.
>
> I glanced down into the courtyard and saw a man lying on the ground with dark red stains on his chest. Father Daly seemed to be attending to this man."

1 AM153.15

55.48 In our view what Patrick McCrudden saw was Sergeant O arresting William John Doherty; Charles Glenn, the Corporal in the Order of Malta Ambulance Corps; and then Fr Daly attending Jackie Duddy.

Whether Jackie Duddy had anything in his hands

55.49 A number of witnesses said that Jackie Duddy had nothing in his hands. As to accounts given in 1972, Fr Daly said in his written statement for the Widgery Inquiry that when he reached Jackie Duddy there was nothing in his hands.[1] He also told the Widgery Inquiry that when he passed Jackie Duddy before he fell "*he was not carrying anything that I saw in his hand*".[2] William McChrystal recorded in his NICRA statement that when he reached Jackie Duddy Fr Daly was kneeling over his body, and added: "*When I arrived at the youth's side there was no evidence of any weapon, gun, nail-bomb, or stone.*"[3] Patrick Gerard Doherty recorded in his NICRA statement[4] that he saw Jackie Duddy fall, and that "*He had nothing in his hands*".

1 H5.19
2 WT4.7
3 AM460.1
4 AD96.6

55.50 In evidence to this Inquiry Cathleen O'Donnell,[1] Brian Ward,[2] Kevin Leonard[3] and Isabella Duffy[4] all told us that Jackie Duddy had nothing in his hands. All except the first of these witnesses gave statements in 1972, but none said anything in those statements about whether Jackie Duddy had anything in his hands when he was shot.[5]

1 AO23.3
2 AW6.4
3 AL7.5
4 AD158.3
5 AW6.9; AL7.1; AD158.14; AD158.8; WT5.52

55.51 On the other hand, two witnesses gave evidence to the opposite effect.

55.52 In his Keville interview[1] Christy Lavery described seeing a man fall: "*we had just got about three quarters the way across the flats when he fell, as he was falling I saw the blood spurting from his chest and I stopped and turned him over the blood was running out of him he had obviously been shot.*" A little later in this interview he was asked whether any of the people he witnessed being shot or beaten were "*armed with any stones or any guns or anything else?*". He replied: "*The boy who was shot had a stone in his hand but he had no arms. When he fell his hand was facing up and there was a stone on it.*"

1 AL5.8

55.53 Christy Lavery gave written and oral evidence to this Inquiry. In his written evidence he told us that Jackie Duddy had a stone in his right hand.[1] In his oral evidence he first described the stone as "*pretty small about tennis ball size*", but later as smaller, perhaps the size of a golf ball or large marble.[2]

1 AL5.2

2 Day 85/72; Day 85/85

55.54 We have already referred to the evidence of Brian Johnston as to where Jackie Duddy fell, and to his account of what he then did.[1] In his written evidence to this Inquiry,[2] Brian Johnston told us that when he reached Jackie Duddy: "*I saw the fellow's right hand opening. Inside there was a pebble the size of a bead. I remember thinking 'my God, did you think you were going to take on the might of the British Army with a pebble'*." He went on to state that he had since thought about it and believed that the pebble must have been scooped up into his hand as he fell. Brian Johnston said nothing about what Jackie Duddy had had in his hand in his interview with Kathleen Keville or in his written statement for the Widgery Inquiry.[3]

1 AJ9.5

2 AJ9.12; AJ9.10

3 Paragraphs 55.26 and 55.40

55.55 On the basis of these accounts, we consider that Christy Lavery and Brian Johnston were the first to reach Jackie Duddy after he had fallen. Both gave accounts of seeing a stone in Jackie Duddy's right hand. If they were right about this, that stone might well have fallen out of his hand as he was dragged a short distance, which would account for the fact that Fr Daly did not see it when he went to the body. Despite the other evidence to which we have referred above, we have concluded that Jackie Duddy probably did have a stone in his right hand when he was shot, though its size is uncertain.

What Jackie Duddy was doing when he was shot

55.56 Fr Daly[1] and a substantial number of other witnesses[2] described Jackie Duddy as running southwards when he was shot.

1 H5.18; WT4.7

2 Mary Bonner (AB38.2), Peter Gallagher (AG23.2), Bernard Gilmour (AG38.4), Kevin McDaid (AM167.3), James McGeehan (AM227.2), Joseph McGrory (AM268.2), Alexander McLaughlin (AM317.3), Martin Tucker (AT17.4) and Brian Ward (AW6.1).

55.57 However, in his written evidence to this Inquiry,[1] Patrick Gerard Doherty told us that at the time he was shot Jackie Duddy was "*standing shouting at the soldiers, he was not running away*". He also told us that he thought Jackie Duddy then fell on his back. When he gave oral evidence he was asked about this:[2]

> "Q. When you said to us earlier 'when they moved out of the way, I seen he was lying on his back', does that mean that the other people that were in the car park surrounding him and between you possibly and him, that your view was somewhat obscured?
>
> A. Yeah.
>
> Q. I am not suggesting that when you – at some stage he was not on his back, he definitely ended up on his back?
>
> A. (inaudible) when I seen him, he was lying on his back. I only presumed that he had fell to the –
>
> Q. But I am suggesting the body of the evidence is when he was shot he fell on to his face, and after some time he was turned onto his back?
>
> A. Most likely is.
>
> Q. Which is not too far away from what you are saying, but I am suggesting that when you eventually got a clear sight of him lying on his back, it was that that led you to the conclusion that he must have been standing facing the soldiers when he was shot; could you be a bit mistaken about that?
>
> A. Might have been, it has been a long time ago."

1 AD96.3 2 Day 85/27

55.58 Patrick Gerard Doherty said nothing in his NICRA statement about what Jackie Duddy was doing when he was shot.[1] In view of the large body of evidence to the effect that Jackie Duddy was running, we believe that Patrick Gerard Doherty was mistaken in his recollection on this point, as he acknowledged could be the case after so long. In our view Jackie Duddy was running away from the soldiers when he was shot.

1 AD96.6

Whether Jackie Duddy was in the middle of a hostile crowd

55.59 The representatives of the majority of represented soldiers referred to the evidence of Neil McLaughlin, to which we have referred above,[1] that having come down Chamberlain Street he and about 20 others advanced, throwing stones at the APC.[2] In reliance on that evidence they submitted:[3]

> "It is therefore probable that Jack Duddy was accidentally hit at a time when he was among or close to a hostile crowd that was throwing objects at the soldiers, and when a soldier aimed at another person."

1 Paragraphs 55.29–33
2 AM347.2; Day 91/53-54
3 FS7.1579

55.60 We do not accept this submission. Apart from the fact that no soldier (save perhaps Private R) admitted even the possibility that he had hit anyone by accident, and all maintained that the people that they had hit had been engaged in activities that justified them being shot, the submission proceeds upon the assumption that Jackie Duddy had come down Chamberlain Street with Neil McLaughlin and others who had previously been rioting. For reasons we have given,[1] we are of the view that Jackie Duddy had probably come from the Eden Place waste ground. Furthermore, we accept Fr Daly's evidence that Jackie Duddy was near him when he was shot and that, in that area of the car park at least, people were only trying to run away.[2]

1 Paragraphs 55.37–38
2 H5.18; H5.11-12; WT4.6; WT4.15; Day 75/25

55.61 Fr Daly told us that he was towards the rear of the crowd that ran through the car park of the Rossville Flats. He said that quite a number of people had been running close to him and Jackie Duddy.[1] He also gave evidence that a number of people had been running in the immediate vicinity of himself and Jackie Duddy at the time of the shooting, although he emphasised that he had not been counting heads; and that there were a substantial number (some 60 to 100) of panic-stricken and frightened people ahead of him trying to escape through the gap between Blocks 1 and 2 of the Rossville Flats.[2]

1 Day 75/14-15
2 WT4.8; H5.4; Day 75/85

55.62 Brian Johnston (to whom we have referred above[1]) told us in his written statement to this Inquiry[2] that Jackie Duddy was running at the tail end of a small group, having become isolated and fallen a little behind. In his oral evidence he said that the group consisted only of Jackie Duddy, the priest (Fr Daly) and two or three others.[3]

1 Paragraphs 55.26 and 55.36
2 AJ9.5
3 Day 84/107

55.63 Other witnesses, namely Angela Copp,[1] Kevin McDaid[2] and Martin Tucker,[3] have also said that there were a few other people, but not very many, close to Jackie Duddy as he ran.

1 AC44.2; Day 119/7
2 AM167.3; Day 100/80-82
3 Day 98/91-92

55.64 Although Jackie Duddy probably had a stone in his right hand when he was shot, we do not know whether he was about to throw it when he was shot. The medical evidence is that he was shot in the right shoulder, which indicates that at the moment of shooting his upper body was turned towards the soldiers from whom he was running, but it does not follow that he was about to throw the stone, as opposed to turning to see where the soldiers were.

Where Jackie Duddy was taken

55.65 In his written statement for the Widgery Inquiry,[1] Fr Daly recorded that after he reached Jackie Duddy there was more gunfire, and he and Charles Glenn lay down beside Jackie Duddy. Fr Daly then described giving Jackie Duddy the last rites, and seeing the shooting of Michael Bridge while still lying beside Jackie Duddy. Fr Daly said that Willy Barber and another man crawled out sometime after Michael Bridge had been shot, and offered to help to carry Jackie Duddy to a position where he could receive medical aid. They suggested that Fr Daly should go in front, carrying a white handkerchief, and that they would carry Jackie Duddy behind him. Just as they were about to stand up and make a dash to Chamberlain Street, a gunman appeared at the wall of the last house in Chamberlain Street and (in an incident to which we return later in this report[2]) fired two or three shots at the soldiers. Fr Daly shouted at the gunman to go away, which he did. Fr Daly remained on the ground for a few more moments, and then rose onto his knees and was about to stand up when the Army opened fire again. He and the others with him lay down again for a while.

1 H5.19-H5.20
2 Chapter 58

55.66 In his interview with Philip Jacobson and Peter Pringle of the *Sunday Times*,[1] Fr Daly said that the scene of him and the others rising and then throwing themselves to the ground when firing broke out again was shown on CBS film footage broadcast in the United States.

1 H5.60

55.67 However, the surviving CBS footage[1] shows only the next stage of events, in which Fr Daly, waving a bloodstained handkerchief, led the way as Willy Barber, Liam Bradley, Charles Glenn and William McChrystal carried Jackie Duddy out of the car park of the Rossville Flats to Chamberlain Street. This sequence also appears to show Fr Daly reacting to the sound of shooting, and in his oral evidence to us[2] he confirmed that there was "*gunfire coming in, at that stage, again*". It must be borne in mind that this gunfire, or some or it, may have been that occurring in Sector 3, as we describe when dealing with the events of that sector.

1 Vid 49 19.12

2 Day 75/40

55.68 Fulvio Grimaldi's photograph also shows the group led by Fr Daly making their way across the car park.

55.69 Fr Daly said in his written statement for the Widgery Inquiry[1] that he and the group carrying Jackie Duddy went up Chamberlain Street and turned right into Harvey Street, where they were challenged by soldiers, and where they met the BBC reporter John Bierman and his camera crew.

1 H5.20

55.70 These soldiers were from C Company, who had come through Barrier 14 in William Street. Later in this report[1] we discuss the actions of the soldiers of C Company in Chamberlain Street.

1 Chapter 65

55.71 Fr Daly said in his interview with Philip Jacobson and Peter Pringle[1] that a couple of shots were fired as he and those carrying Jackie Duddy moved up Chamberlain Street, but he did not know the source of that gunfire.

1 H5.60

55.72 Hugh McMonagle told us in his written statement[1] that he joined the group led by Fr Daly at the south end of Chamberlain Street and helped to carry Jackie Duddy up the street. As they did this, Hugh McMonagle could hear shooting. He thought that shots were being fired south down Chamberlain Street over the heads of the group carrying Jackie Duddy. Having seen the BBC footage filmed by Cyril Cave,[2] he said that it showed a soldier at the corner of Chamberlain Street and Eden Place firing a shot from his midriff towards the south end of Chamberlain Street, at the time when Jackie Duddy was being carried up the street.

1 AM369.5

2 Day 100/31-32; Vid 1 04.50

55.73 In his written statement for the Widgery Inquiry,[1] Cyril Cave referred to the soldier who is seen in his film footage[2] in a doorway at the corner of Chamberlain Street and Eden Place. Cyril Cave said that this soldier shouted "*Hold fire. They are bringing a casualty*", but that he had not actually seen any of the soldiers firing in Chamberlain Street. However, in his written statement to this Inquiry,[3] Cyril Cave said that he thought that he had seen the soldier fire a shot down Chamberlain Street, and that about half a minute later he had heard a paratrooper shout "*casualty coming!*" and had seen Fr Daly and the group carrying Jackie Duddy approaching. In his oral evidence[4] Cyril Cave said that although he was not sure, he thought that it was possible that his footage showed the soldier in the doorway firing down Chamberlain Street.

1 M13.4

2 Vid 1 04.50

3 M13.26

4 Day 141/90-91; Day 141/111

55.74 On the other hand, Cyril Cave's colleague John Bierman told us in his written statement[1] and in his oral evidence[2] that although the soldier in the doorway was in a firing position he did not fire his weapon. John Bierman also said[3] that he heard a voice saying "*Hold your fire*" coming from south of the junction of Chamberlain Street and Eden Place, and he deduced that these were Fr Daly's words. In view of this we consider that Hugh McMonagle was mistaken in coming to believe that a soldier had fired down Chamberlain Street at this time and that Cyril Cave's evidence to the Widgery Inquiry that he saw no soldier firing in Chamberlain Street is to be preferred to his later recollection. No soldier of C Company reported firing his rifle on Bloody Sunday and there is no other evidence to suggest that any of them did so.

1 M6.28
2 Day 111/24-25
3 M6.28; Day 111/20-21

55.75 Willy Barber said in his *Sunday Times* interview[1] that he temporarily left the group carrying Jackie Duddy because he had two baton rounds in his pocket and did not wish to be caught with them in the city centre, and that after relieving himself of the baton rounds he rejoined the group. Cyril Cave's footage[2] shows the group carrying Jackie Duddy as they approached and turned the corner of Harvey Street. Hugh McMonagle has taken the place of Willy Barber, who then runs forward and rejoins the group at the corner.

1 AB9.4
2 Vid 1 04.50

55.76 James Dakin, a *Daily Express* staff photographer, took a photograph which shows the group carrying Jackie Duddy as they turned the corner into Harvey Street. A second photograph, taken by Frederick Hoare, a *Belfast Telegraph* staff photographer, and a third, taken by James Dakin, show the group moving up Harvey Street.

55.77 In his written statement for the Widgery Inquiry,[1] Fr Daly said that the group proceeded up Harvey Street to the corner of Waterloo Street, where they laid Jackie Duddy on the ground, on Willy Barber's coat. Soldiers further down the street ordered them to clear off. A woman came out of a house and screamed at the soldiers that Jackie Duddy was only a child and that they had shot him. Another woman called an ambulance. People came out of the houses. Fr Daly and others knelt by Jackie Duddy and said a prayer. After a time the ambulance arrived.

1 H5.20

55.78 It appears from Charles Glenn's NICRA statement[1] and from the record of his interview with Philip Jacobson[2] that when he arrived in Waterloo Street Charles Glenn checked Jackie Duddy's pulse and breathing and, finding no signs of life, concluded that he had died on the way to Waterloo Street. In his statement to this Inquiry[3] Charles Glenn said that he thought that Jackie Duddy was already dead when he first reached him in the car park of the Rossville Flats, although he acknowledged that he was not qualified to make that assessment.

1 AG43.10
2 AG43.23
3 AG43.4

55.79 The ambulance driver Norman McElhinney and attendant William Wilson recorded in statements made to the RUC[1] that they took Jackie Duddy to Altnagelvin Hospital where Mr Harvey pronounced him dead on arrival. They then conveyed his body to the mortuary.

1 ED37.5; ED37.7

55.80 We return later in this report[1] to consider whether it is possible from the evidence available to us to identify the soldier who shot Jackie Duddy.

1 Chapter 64

Margaret Deery

Biographical details

55.81 Margaret Deery, often known as Peggy Deery, was 38 years old at the time of Bloody Sunday. She lived in Swilly Gardens, Creggan, with her 14 children, whose ages ranged from 16 years to 10 months. Her husband had died of cancer in October 1971, aged 37 years.[1]

1 AD32.8; AD35.1; ED62.1

Prior movements

55.82 In her statement to the RUC,[1] Margaret Deery said that she had reached the Rossville Street area after being given a lift in a car from the Creggan to Great James Street and then walking down Little James Street. According to Philip Jacobson's notes of his interview of her,[2] Margaret Deery told him that she was "*not really on the march*" but had been "*intending to look at the end part of the march*". The car journey is not mentioned in these notes, and Margaret Deery did not say in either of her other accounts[3] how she reached Rossville Street.

1 ED62.2
2 AD33.1
3 AD33.5; AD33.6

55.83 On the other hand, Margaret Deery's daughter Helen Deery told us in her written statement to this Inquiry,[1] and in an interview with Stephen Gargan of Gaslight Productions Ltd, the co-producer of *Sunday*, a drama-documentary first broadcast in 2002,[2] that she accompanied her mother on the march, together with two cousins and one of her mother's friends. Margaret Deery's son Owen Deery said in his written statement to this Inquiry[3] that he had also been with his mother at the beginning of the march. Celine Brolly told us in her written statement[4] and in her oral evidence[5] that she saw Margaret Deery moving down the part of William Street east of the junction with Rossville Street towards Barrier 14.

1 AD32.1
2 AD32.9-AD32.13
3 AD34.1
4 AB88.5
5 Day 94/48-49

55.84 The evidence of Helen Deery, Owen Deery and Celine Brolly satisfies us that Margaret Deery took part in the march on Bloody Sunday, and that the account that she gave to the RUC of how she came to be in the area of Rossville Street was untrue. However, we find it understandable that Margaret Deery should have been unwilling to admit that she had been on the march, since had she done so she might have been prosecuted and imprisoned for taking part in a prohibited public procession. Indeed, in her oral evidence to this Inquiry[1] Helen Deery told us that when her mother made her statement to the RUC,[2] she was afraid to say that she had been on the march in case she was charged. We consider that this is the reason why Margaret Deery lied to the RUC about how she reached the Rossville Street area, and apparently also to Philip Jacobson about whether she had been on the march. In these circumstances, we do not attach any significance to these lies in evaluating the remainder of Margaret Deery's evidence.

1 Day 77/92

2 ED62.2

Medical evidence

55.85 Mr George Fenton, a consultant orthopaedic surgeon at Altnagelvin Hospital, gave the following description of injuries to Margaret Deery's left thigh in a letter to Detective Sergeant Cudmore of the RUC dated 7th February 1972:[1]

> "Admitted with gun shot wound thigh. Small entrance wound on front of thigh and very large exit wound on back of thigh. There was extensive damage to thigh muscles and comminuted fracture of femur."

1 ED62.6

55.86 In recovering from her injuries, Margaret Deery suffered serious complications. On the evening of Bloody Sunday, she underwent an operation at Altnagelvin Hospital, during which she received a transfusion of blood which was afterwards discovered to be rhesus incompatible. Following the transfusion, she developed acute renal failure and on 1st February 1972 was transferred to the renal unit at Belfast City Hospital. She became very ill and for a time it was thought that her leg might have to be amputated. Margaret Deery remained at Belfast City Hospital until 3rd March 1972. She was then transferred back to Altnagelvin Hospital, where she underwent further operations. She was eventually discharged on 29th May 1972.[1]

1 D1078-D1079; D1037-D1041

55.87 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,[1] Dr Shepherd and Mr O'Callaghan made the following comments about Margaret Deery's injuries:

> "Peggy [Margaret] Deery is recorded to have had an 'extensive wound on the back of her left thigh' and a complex and compound fracture of the left femur. At operation a wound to the front of the lower left thigh was recorded as simply being present but the wound on the back of the lower left thigh was described as 'extensive'. The track of the wound is therefore more likely to be from front to back than the reverse. No comment can be made concerning the nature of the projectile."

1 E10.5

Accounts given by Margaret Deery

55.88 Margaret Deery was in hospital while the Widgery Inquiry was sitting, and gave no oral evidence to that Inquiry. She died in 1988 and consequently gave no evidence to this Inquiry. However, she gave the following accounts:

1. a statement to the RUC dated 19th February 1972, when she was in Belfast City Hospital;[1]
2. a statement for the Widgery Inquiry dated 29th February 1972, which was taken and witnessed by a Belfast solicitor's apprentice;[2]
3. notes made by Philip Jacobson of the *Sunday Times* Insight Team of an interview with her conducted on 29th February 1972;[3] and
4. a note of her recollections made on 25th January 1983.[4] We do not know who made this note.

1 ED62.2-3
2 AD33.5
3 AD33.1-2
4 AD33.6-7

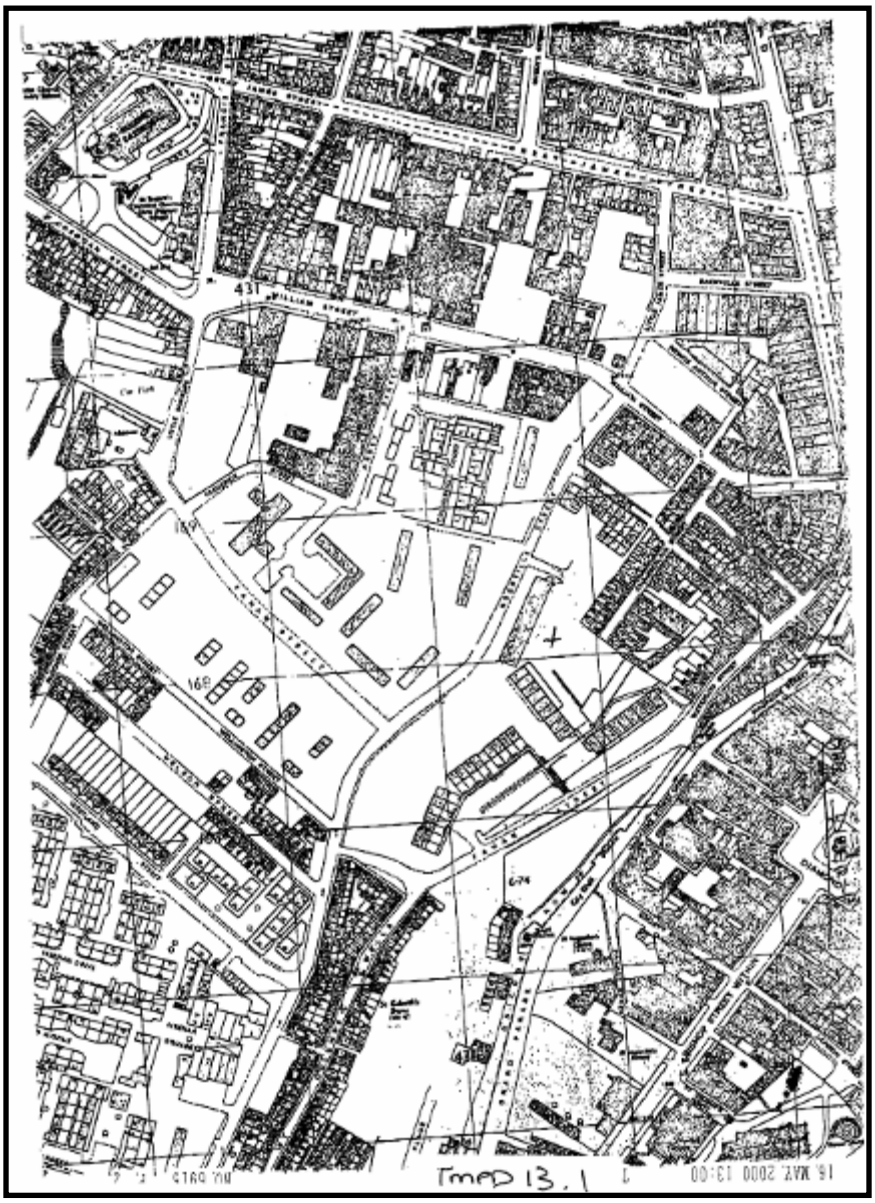
55.89 According to her statement to the RUC, Margaret Deery had a conversation with Fr Daly at the junction of Rossville Street and William Street in which Fr Daly advised her to go wherever she was going because "*there may be a lot of trouble*". Her statement continued:[1]

> "At this point there was no stone-throwing or trouble that I could see, but again I was in the middle of the main crowd. The Army then fired coloured dye and I ran like hell towards Rossville Street at the back of the High Flats. By this time my sister and I had got separated in the crowd. I was round the back of these high flats running towards the wee gate at the back of the flats whenever I tripped and fell. There were hundreds of people in this area running to get away from the Army who had driven into the back of the flats in Saracens. A man had fallen on top of me and he got up and ran around the corner. Whilst I was on the ground I was able to see the Army men in front of me and I saw and heard them shooting. I attempted to get up but I slipped and cut my head and nose. I then saw a soldier in front of me and he appeared to be taking aim at me and I then felt a blow to my left thigh. I called to a man to help me which he did and he took me to a house in Chamberlain Street where Mr. Slingwing the Chemist treated my wound. I was later taken to Altnagelvin Hospital by ambulance along with Michael Bridge. I'd like to say that I did not take part in the Civil Rights March although I was in the crowd at William Street. I am not a member of any organisation and have not attended any Civil Rights Meetings."

1 ED62.2-3

55.90 Detective Sergeant Cudmore took this statement. In his report[1] he referred to a map on which Margaret Deery had marked her approximate position when she was shot. We are sure that that map is the following, which accompanied Detective Sergeant Cudmore's report when that was passed to the Director of Public Prosecutions.

1 ED62.1


431
168
TMPD 13.1

55.91 Margaret Deery's written statement for the Widgery Inquiry, dated 29th February 1972, was in the following terms:[1]

> "I am Mrs. Margaret Deery. I am a widow and I have 14 children. I live at […].
>
> On January 30 the soldiers were firing C.S. Gas. I ran from William Street, along Rossville Street to Chamberlain Street. Someone shouted that the soldiers were coming. I looked at the courtyard of Rossville Flats and saw 8 or 9 Saracens coming in. Soldiers jumped out of the Saracens. There was a man standing there. He seemed to be mesmerised. I ran towards this man. I told him that I thought that the soldiers looked as if they were going to shoot. I looked. I sa [sic] a soldier take aim and fire. He, the soldier who shot me, was only about 20 feet away from me. I was hit in the leg. I had absolutely nothing in my hands. I fell. I got up and fell down again. I hadn't realised I had been hit by a lead bullet. I didn't see anybody else fall down.
>
> A man came to help me. The man pulled me round the corner. A young fellow I knew, Michael Kelly, helped the man to carry me into a house. The chemist, Otto Slingwing, bandaged up my leg. The ambulance came and took me to Altnagelvin. Micky Bridge was in the ambulance with me."

1 AD33.5

55.92 The note of Philip Jacobson's interview of Margaret Deery records her as saying:[1]

> "I was standing just out on the waste ground by eden street, actually it was where pilot row used to be and i heard a man nearby shout 'the army's coming in.' I looked over towards rossville street and there were the big pigs coming in and one headed over towards where we were. then i saw a soldier with the red para hat come up from the pig that was near us and he took aim I thought at me or the man standing next to me (she doesnt know who he was). I shouted to this chap 'for gods sake, watch out, that ones going to shoot' and as i moved towards the man, for protection like, i felt this big thump in my leg, in the thigh really. its funny, i never heard the bang. the soldier was not more than 25 yards, i could recognise him clearly if i saw him again. he was about your height (5' 10"), fatter than you (!) with a round fat face and a little dark of complexion, although he also had that black stuff streaked over his face.

> I tried to get up, i didnt realise i was shot then, and i staggered forward and fell again and cut my eye open (deep cut over left eye). when i was down the second time i saw a chap suddenly fall and crawl away round the corner into chamberlain street.
> i thought he was shot, but then he came back round and him and Michael Kelly carried me round into chamberlain street."

[1] AD33.1

55.93 The note of Margaret Deery's recollections made in 1983 includes the following passage:[1]

> "'I'll never forget his face. I can't forget his face' – Eleven years on, Peggy Deery, one of the survivors of Bloody Sunday, still remembers the Paratrooper who deliberately shot her from a range of less than 10 feet.
>
> After the initial outburst of firing, Peggy and her friends had run in panic through the Rossville flats carpark and into Chamberlain Street. There she had seen a soldier lift his rifle and point it at her. She threw herself against a Mr Leo Deehan shouting 'get down, he's trying to kill us', when she felt a terrific blow on her leg.
>
> As she lay on the ground, unaware that she had been shot, she was trampled on by the fear-stricken crowd. She could hear someone calling, 'that woman's been shot' and she remembers Michael Kelly and another man crawling towards her and dragging her into a house in Chamberlain Street. Michael Kelly was himself to be murdered less than 10 minutes later."

[1] AD33.6

Where Margaret Deery was shot

55.94 As will have been seen from her own statements, Margaret Deery gave conflicting accounts of where she was when she was shot. We do not find this surprising, as she had received a serious wound, as well as later suffering from the results of a transfusion of the wrong blood. According to the map on which she had indicated her approximate position for the RUC, Margaret Deery was about halfway between the corner of the back garden of the southernmost house on the west side of Chamberlain Street and the gap between Block 1 and Block 2 of the Rossville Flats, while in her RUC statement she appeared to be describing running towards "*the wee gate at the back of the flats*". We do not know what Margaret Deery meant by this, though it is possible she meant one of the gaps between the blocks of the Rossville Flats. According to her written statement for the Widgery Inquiry, she was at Chamberlain Street looking at the courtyard of the Rossville

Flats. According to her interview with Philip Jacobson, she was standing "*just out*" on the waste ground, "*where pilot row used to be*". According to the record of what she said in 1983, she was in Chamberlain Street.

55.95 There is, however, other evidence of where Margaret Deery was when she was shot.

55.96 According to her son Tony Deery, Margaret Deery told him that she had been shot "*at the back of Chamberlain Street*".[1] Her daughter Helen Deery confirmed in oral evidence[2] that her mother had told her that she had been shot at the back of the Chamberlain Street houses, but had not said where along the line of those houses. However, in the course of Helen Deery's interview with Stephen Gargan,[3] her sister Margie appears to have indicated that her mother was shot beside the back gate of the third house from the south end of Chamberlain Street.

1 AD35.2
2 Day 77/83-85
3 AD32.38

55.97 There is a *Sunday Times* Insight Team note relating to Margaret Deery:[1]

> "bernard gallagher was standing very close to mrs deerey [sic] when she was hit. he places it as just out from the end gable of chamberlain street where a group of some 20 people were standing. this was the gable nearest the waste ground and mrs deery was standing on his right, nearer the waste ground. gallagher recalls she was instantly picked up by several men and whisked into 33 chamberlain street."

1 AD33.3

55.98 The only witness called Bernard Gallagher known to us gave a NICRA statement and a written statement to this Inquiry,[1] but mentioned nothing about Margaret Deery. However, there is a Peter Gallagher who gave a written statement to this Inquiry[2] in which he described seeing a woman shot just beyond the end of the gable wall at the end of Chamberlain Street. In view of the close similarity between this position and that recorded in the *Sunday Times* note, it seems to us that he must have been the man who gave an account to the *Sunday Times* Insight Team. His NICRA statement,[3] so far as it concerns Margaret Deery, records that he was at the gable house at the end of Chamberlain Street with a group of about 20 people when a girl (clearly Margaret Deery) was shot in the thigh beside him and immediately taken to the last house on the east side of Chamberlain Street. Peter Gallagher also gave oral evidence to this Inquiry.[4] He told us that he was

a chronic alcoholic; and although he maintained that this had not affected his memory of Bloody Sunday, we took the view that we should treat his evidence to us with caution and prefer to rely on the accounts that he gave in 1972.

1 AG3.10; AG3.1
2 AG23.3; AG23.8
3 AG23.7
4 Day 83/28-80

55.99 The note of Margaret Deery's recollections made in 1983 refers to her seeing a soldier lift his rifle and point it at her, and throwing herself against a Leo Deehan, shouting to him to get down.

55.100 There is a handwritten statement signed by an L Deehan, which seems to us to be an account by the Leo Deehan to whom Margaret Deery referred.[1] We are not sure when this statement was made, but it was supplied to the Inquiry along with other material dating from 1972 and so is likely to have been made at that time. The Inquiry prepared a typed copy of the statement.[2]

1 AD178.1-10
2 AD178.11

55.101 According to this statement,[1] Leo Deehan was heading towards Free Derry Corner when there was a shout that the Army was coming:

> "Suddenly a couple of Saracens appeared on the roadway racing towards the flats. All around me people were shouting and trying to hide or run towards the back of the flats. I followed but one of the Saracens headed right up on the waste ground. There was a big pool of water near the middle and I thought I saw a girl go down right in the path of the tank. I raced on. The Saracen seemed to be going one way then the other after people.
>
> All of a sudden soldiers appeared some had helmets some none but I noticed they all carried rifles and not the usual shield & Baton.
>
> I ran close to one tank to avoid being seen, as I got level a soldiers ran round from the other side. I ran at him and believe I pushed him more than punch him he staggered, and looked like losing his gun.
>
> I ran on, I then saw one soldier beating and 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. I had stopped and was edging back. I started to run towards the soldier shouting at him.

> I saw another appear and raise his gun. He seem to point at me, I faltered and just then a woman ran across my path. She shouted he will shoot you and, I believe she pushed me, it was like a bad dream and I must have been all tensed up for I know I lost my balance. At that second I heard the same type of sharp shot I had heard earlier. It made me jump for it was much closer, and I just noticed the soldiers rifle move or something made me look at him, as I started to run in the opposite direction.
>
> Then I heard a fellow close by calling she is shot. It was then I noticed the woman that had pushed me was lying on the ground bleeding. I thought she had been hit by a rubber bullet. I ran back and grabbed her and pulled her toward the cover of the wall. The fellow reached her and we two carried her across to Nelis's House on Chamberlain St."

1 AD178.3-7; AD178.11-12

55.102 In our view this account shows that Leo Deehan was in the area where William John Doherty was being arrested, ie at or close to the position described by Peter Gallagher.

55.103 We have also considered the evidence of a number of other witnesses in seeking to establish where Margaret Deery was shot.[1]

1 Neil McLaughlin (AM347.3; AM347.6; AM347.12-13; Day 91/10-11; Day 91/60), Patrick Gerard Doherty (AD96.2), Patrick Moore (AM417.4), Pascal Keys (AK36.1; AK36.5), George Nelis (AN9.9; AN9.21; Day 103/155-158), Gerry McBride (AM46.3; AM46.9; Day 79/76; Day 79/122-123) and James McDermott (AM185.4; AM185.5).

55.104 However, these witnesses either did not see Margaret Deery until after she had been picked up, or were uncertain about whether or not they had done so, or gave only an imprecise account of where she had fallen; though one of them, Brian McGee,[1] while he only saw Margaret Deery being carried, described what he saw in the following terms:

> "A youngish looking woman, who looked to be about 18 or 20, was then carried around the gable end, close to where I was standing. She was being carried by two men, one of whom was holding her under her knees and the other was holding her by the shoulders."

1 AM220.4

55.105 This evidence indicates to us that Margaret Deery was shot, not on the very corner of the garden wall of the houses in Chamberlain Street, but at a point further to the north-east of that corner.

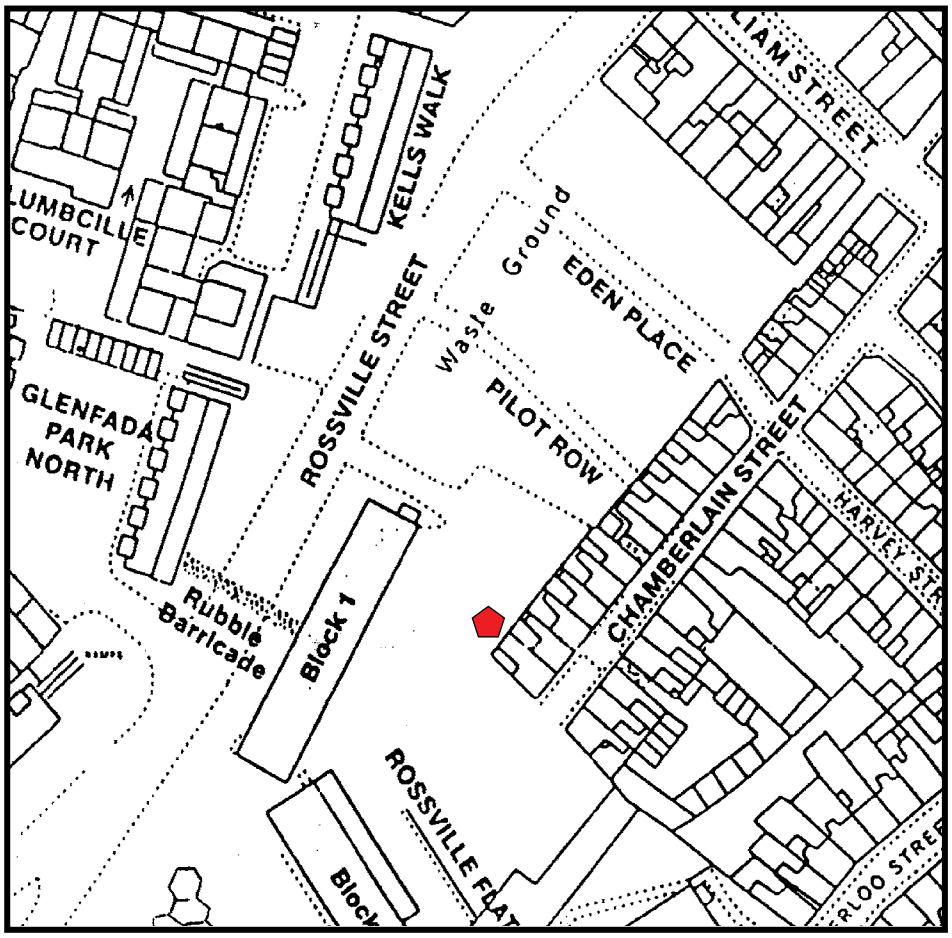
55.106 We have also considered the evidence of Charles McCarron,[1] who in a NICRA statement recorded seeing a woman shot in front of him as he was walking home along Chamberlain Street. His description of what then happened demonstrates that the woman was Margaret Deery, but in view of the other evidence discussed above, the location cannot in our view be right, unless by walking home along Chamberlain Street Charles McCarron meant walking along the backs of the Chamberlain Street houses facing the Eden Place waste ground, in which case his account would be consistent with the other evidence that Margaret Deery was in that area when she was shot.

1 AM80.2

55.107 The representatives of the majority of represented soldiers submitted that the account John Tyre gave to this Inquiry[1] of seeing a girl with a leg wound being lifted off the ground in Chamberlain Street as he ran towards the car park, was (in the absence of any suggestion that she had been put down on the ground and then picked up again) "*inconsistent with her having been shot anywhere other than in Chamberlain Street itself*".[2] We do not know whether Margaret Deery was put down and picked up again in Chamberlain Street. Billy Gillespie told us, in his written statement to this Inquiry,[3] that he saw her on the ground surrounded by a crowd of people when he was in Chamberlain Street. In his oral evidence,[4] he described her position as "*more in to the waste ground to the High Flats at the bottom ... of Chamberlain Street*". It may be this incident that John Tyre saw. We do know that she was taken to 33 Chamberlain Street, the southernmost house on the east side of that street. In our view, in the light of the evidence discussed above, Margaret Deery was not shot in Chamberlain Street.

1 AT20.2
2 FS7.1562-1563
3 AG33.2
4 Day 84/148

55.108 We conclude, on the basis of the material we have considered, that Margaret Deery was shot somewhere near the corner of the garden of 36 Chamberlain Street, probably a matter of feet to the north or north-east of that corner. This position is marked in red on the map below.



55.109 We note at this point that the representatives of the majority of represented soldiers observed in their submissions that:[1]

> "The fact that Mrs Deery managed to name three different people as being the man next to her when she was shot, is even more strange, as it will be recalled that she told the *Sunday Times*' Insight Team that she 'doesn't know who he was'."

1 FS7.1560

55.110 The three different people to whom this submission referred were the man named in the *Sunday Times* note discussed above[1] as "Bernard Gallagher", Billy Kelly and Leo Deehan.

1 Paragraph 55.97

55.111 As Counsel to the Inquiry pointed out,[1] this criticism of the accounts given by Margaret Deery is misconceived. Margaret Deery did not say that "Bernard Gallagher" was standing next to her. The note that contains his name[2] accompanies Philip Jacobson's

record of the account given by Margaret Deery,[3] but it is clear from its terms that it is a note of information provided not by Margaret Deery but by "Bernard Gallagher" himself. As explained above, we believe that "Bernard Gallagher" was in fact Peter Gallagher. As to Billy Kelly, this name appears in a further note made by a *Sunday Times* journalist,[4] which records Billy Kelly's account of Margaret Deery rushing over and pushing him out of the way as a soldier was about to shoot him. As the journalist noted, "*mrs deery puts it somewhat differently*". As to Leo Deehan, the fact that Margaret Deery gave this name in 1983 is in no way inconsistent with the fact that when she was in hospital in February 1972 she did not then know who the man was.

1 CS4.101
2 AD33.3
3 AD33.1
4 AD33.4

When Margaret Deery was shot

55.112 Margaret Deery herself, as can be seen from her accounts that we have set out above,[1] consistently stated that she had been shot after the Army vehicles had come into Sector 2 and soldiers had disembarked. Leo Deehan and Peter Gallagher gave evidence to the same effect, as did many of the other witnesses to whom we have referred. Peter Gallagher's NICRA account[2] was in the following terms:

> "From Harvey Street I could see a soldier at Quinn's Lane, and Saracens in Rossville Street. The soldier was armed with a rifle which he was pointing in our direction. I panicked, and ran as fast as I could towards the flats. When I reached the end of Chamberlain Street I could hear rifle fire from the direction of Rossville Street. I headed for the kiosk at the junction of two blocks of flats. As I ran I saw one of the crowd in front fall. When I saw the blood on his chest I realised he had been shot, and ran back the way I had come to the gable-house at the end of Chamberlain Street, where about twenty other people were standing. As we tried to discover where the shooting was coming from and wich [sic] way to get away from it a girl was shot beside me. She had been shot in the back of the thigh, was picked up instantly and taken to the last house on the left hand side of Chamberlain Street (coming from William Street)."

1 Paragraphs 55.88–93
2 AG23.7

55.113 In our view, Peter Gallagher witnessed the shooting of Jackie Duddy, followed quite soon by Margaret Deery falling from a gunshot wound in the thigh. The fact that Peter Gallagher thought that Margaret Deery had been shot in the back of the thigh, whereas

the entry wound was in the front, is in our view explicable on the basis that, as will have been noted from the medical evidence to which we have referred above,[1] the wound at the back of her thigh was much more extensive than that at the front.

1 Paragraphs 55.85–87

55.114 Other evidence suggests that Margaret Deery was shot at the same time as, or very soon after, the arrest of William John Doherty. As will have been seen from the account of Leo Deehan that we have set out above,[1] he referred to a soldier beating an elderly man just before Margaret Deery pushed him and was shot. In our view that elderly man was almost certainly William John Doherty.

1 Paragraphs 55.100–101

55.115 According to John Barry's interview note,[1] Neil McLaughlin told him that Margaret Deery fell shortly after he had seen an old man emerge from behind the APC in the entrance to the car park of the Rossville Flats, having been lifted by a soldier from (as Neil McLaughlin was sure although he could not see) the doorway at the north end of Block 1. The soldier was beating the man over the head and leading him into the waste ground, presumably to the other APC. Neil McLaughlin told John Barry that Margaret Deery had fallen after the soldiers had fired. Neil McLaughlin's description of the old man seems to us to be an account of William John Doherty being arrested and taken towards Lieutenant N's APC. In oral evidence[2] Neil McLaughlin said that he now had no recollection of this incident.

1 AM347.12-13
2 Day 91/22

55.116 We should draw attention at this point to the fact that Billy Gillespie and Patrick McDaid gave accounts to the effect that it was after Margaret Deery had been shot and taken into 33 Chamberlain Street that Jackie Duddy was shot.

55.117 According to a note made by Peter Pringle of the *Sunday Times* Insight Team,[1] Billy Gillespie "*helped to carry mrs deery into 33 chamberlain st with michael bridge. went with bridge into the car park between the flats and saw duddy shot.*" However, in his written statement to this Inquiry,[2] Billy Gillespie told us that he "*did not see Duddy shot*", and in oral evidence[3] he said: "*I cannot recall young Duddy getting shot.*" In these circumstances we consider that no reliance can be placed on Billy Gillespie's original account of seeing Jackie Duddy shot a significant period after Margaret Deery had been shot and carried away.

1 AG34.17
2 AG33.4
3 Day 84/164

55.118 According to his accounts Patrick McDaid also helped to carry Margaret Deery into 33 Chamberlain Street, and after he had left the house he saw a man shot as he ran from the west gable end of that street towards the gap between Blocks 1 and 2 of the Rossville Flats.[1] However, as appears from these accounts, Patrick McDaid did not know at the time that the man was Jackie Duddy, but only afterwards learned his name. Since, from the evidence we have discussed above,[2] we are sure that Jackie Duddy was shot soon after the soldiers had arrived and that Margaret Deery was probably shot soon after Jackie Duddy, we take the view that Patrick McDaid's (second-hand) identification of the man he saw as Jackie Duddy cannot be correct. It is possible that the man Patrick McDaid saw was in fact Michael Bridge, another of the Sector 2 casualties whose shooting is discussed later in this report.[3]

1 AM172.21; AM172.12-13; AM172.14-15; AM172.27; WT7.83; AM172.33-34; AM172.38; AM172.71; AM172.46-47; AM172.55-57; AM172.2; Day 92/107-111

2 Paragraph 55.39

3 Paragraphs 55.141–210

Whether a soldier shot Margaret Deery

55.119 We now turn to the submission made by the representatives of the majority of the represented soldiers that Margaret Deery may have been shot as or before the soldiers deployed down Rossville Street and before any of them fired, from which it would follow that she must have been wounded by a paramilitary gunman.[1]

1 FS7.1565

55.120 In our view this submission cannot be sustained. It involves a wholesale rejection of the evidence to which we have already referred, including the accounts Margaret Deery herself gave. As to the witnesses whose evidence is said to provide "*persuasive*" support for it,[1] we would make the following observations.

1 FS7.1574

55.121 We have already considered[1] the account given to this Inquiry by George Nelis,[2] and for the reasons we have given we are of the view that it would be unwise to rely on his account as evidence that there was firing before or as the soldiers came into the Bogside. In any event his account does not contain anything to suggest that Margaret Deery was wounded at this stage.

1 Paragraphs 24.54–57

2 AN9.2-AN9.3

55.122 Martin McGuinness told us that as he walked across the car park from Chamberlain Street towards the passage between Blocks 1 and 2 of the Rossville Flats he saw some distance away to his left a woman being carried by a group of men across the car park.[1]

He said that he "*had heard no shots being fired*" at this stage,[2] nor had he seen any soldiers or any Army vehicles in the Bogside.[3] He also told us that he only learned later that the woman was Margaret Deery and he said that his recollection of the circumstances was "*an area where I am not speaking with 100 per cent certainty*".[4] For reasons given elsewhere in this report[5] we are of the view that Martin McGuinness probably did see Margaret Deery, but that this was at a later stage and after soldiers had opened fire.

1 KM3.4; KM3.9; Day 390/78-81; KM3.141
2 KM3.9
3 Day 390/79
4 Day 390/80
5 Paragraphs 147.209–213 and 147.330–357

55.123 We have considered above[1] and rejected Billy Gillespie's evidence that Margaret Deery was shot a significant time before Jackie Duddy. In his written statement to this Inquiry,[2] this witness told us that as he ran down Chamberlain Street, although he did not see the soldiers shooting, he heard live rounds and saw people falling on the Eden Place waste ground before he saw Margaret Deery. In his oral evidence he said that it was just rubber bullets that he had heard.[3] However, even on his oral account, there must have been the shot that hit Margaret Deery, as according to him he then saw her lying on the ground. We are of the view that Billy Gillespie's evidence falls far short of establishing that Margaret Deery was shot before the soldiers had arrived in Sector 2.

1 Paragraphs 55.116–117
2 AG33.2
3 Day 84/146

55.124 Patrick Moore gave evidence that he was in Chamberlain Street, saw soldiers at the Eden Place alleyway, and ran south down Chamberlain Street where he saw an elderly woman with a badly wounded leg being carried towards him. According to his account he then started to go across the car park when he saw two or three APCs arrive in the car park and soldiers taking up firing positions. In his oral evidence to this Inquiry he accepted that there might have been only one APC.[1]

1 AM417.3-4; Day 98/37

55.125 It seems likely that Patrick Moore saw Lieutenant N and the two soldiers with him at the Eden Place alleyway. However, Patrick Moore readily accepted the possibility that he had got the sequence of events wrong,[1] as in our view he had.

1 Day 98/37

55.126 We have also considered Patrick McDaid's accounts earlier in this chapter.[1] He too told us that he had heard no shooting as he ran down Chamberlain Street and saw Margaret Deery being carried.[2] As we pointed out in relation to the account given by Billy Gillespie,

since she undoubtedly sustained a gunshot wound, someone must have fired. For the reasons given above, we are sure that Patrick McDaid was mistaken in his account of the sequence of events.

1 Paragraph 55.118
2 AM172.26; Day 92/105-106; Day 92/123-124

55.127 In these circumstances we are sure that Margaret Deery was shot after the soldiers had arrived and disembarked in Sector 2, probably soon after Jackie Duddy. We have found no evidence to suggest that a paramilitary gunman shot her, deliberately or by accident. Margaret Deery consistently maintained that she was facing towards the soldiers when she was shot. The bullet entered the front of her left thigh. We are left in no doubt that she was shot by a soldier. No-one has suggested, nor is there any evidence to suggest, that when she was shot Margaret Deery was doing anything that could have led a soldier to believe, albeit mistakenly, that she was posing or about to pose a lethal threat.

Where Margaret Deery was taken

55.128 Margaret Deery said in her statement to the RUC[1] that after she was shot she called for help and a man took her to a house in Chamberlain Street. In her statement for the Widgery Inquiry of 29th February 1972,[2] in her interview with Philip Jacobson[3] and in her account of 25th January 1983,[4] she identified this man as Michael Kelly, who was himself shot in Rossville Street, as we discuss later in this report.[5] However, for reasons we give later,[6] it seems to us that Margaret Deery was mistaken about this and that Michael Kelly did not assist Margaret Deery after she was shot.

1 ED62.3-ED62.3
2 AD33.5
3 AD33.2
4 AD33.6
5 Paragraphs 86.3–59
6 Paragraphs 86.9–13

55.129 Several others, including Leo Deehan,[1] Elizabeth Gallagher,[2] Pascal Keys,[3] Patrick McDaid[4] and James McDermott[5] appear to have helped to carry Margaret Deery to the house in Chamberlain Street.

1 AD178.12; AD178.16
2 AG11.1
3 AK36.1; AK36.5
4 AM172.21; AM172.14; AM172.27; WT7.83; AM172.33; AM172.12; AM172.2; Day 92/107-108
5 AM185.4; AM185.5

55.130 The house to which Margaret Deery was taken was 33 Chamberlain Street, which was the southernmost house on the eastern side of that street and the home of Bridget Nelis[1] and her daughters Anna Nelis[2] and Margaret Nelis.[3]

1 AN26.1
2 AN8.1
3 AN11.1

55.131 Although in his oral evidence to this Inquiry[1] he said that he no longer remembered this, Patrick McDaid said in a number of accounts given in 1972[2] that when he was inside 33 Chamberlain Street he tied a scarf or handkerchief around Margaret Deery's leg in an attempt to stop it bleeding.

1 Day 92/107-108

2 AM172.21; AM172.14; AM172.33; AM172.12

55.132 Anna Nelis said in her NICRA statement,[1] and in her written statement[2] and oral evidence[3] to this Inquiry, that she went outside to seek help after Margaret Deery had arrived at the house. Anna Nelis saw Otto Schlindwein, a local pharmacist, and brought him into 33 Chamberlain Street before going out again to call an ambulance from another house nearby.

1 AN8.9

2 AN8.3

3 Day 103/7-9

55.133 While Margaret Deery was in 33 Chamberlain Street, Otto Schlindwein bandaged her leg with a blanket.[1]

1 AS2.2; Day 104/163; ED62.3; AD33.2; AD33.5; AD33.6

55.134 One of Fulvio Grimaldi's photographs shows Margaret Deery in 33 Chamberlain Street. Otto Schlindwein told us, in his written statement to this Inquiry,[1] that he is the man seen on the right side of the picture wearing a hat. In his oral evidence[2] he said that when this photograph was taken he was holding Margaret Deery's leg, which he had already bandaged.

1 AS2.4

2 Day 104/170

55.135 The Order of Malta Ambulance Corps volunteer Charles McMonagle was also present. He said in his Keville interview[1] that after attending to Michael Bridge, who had also been brought to 33 Chamberlain Street, he found Margaret Deery with a towel over her leg, and applied some triangular bandages over some more towels in order to control arterial bleeding. In his report to the Order of Malta Ambulance Corps,[2] Charles McMonagle said that he had applied the bandages after his colleague Majella Coyle, who had no first aid kit, had covered the wound with a towel. In his oral evidence to this Inquiry,[3] he said that this might have been Majella Doherty, not Majella Coyle.

1 AM367.24
2 AM367.21
3 Day 102/135

55.136 Majella Doherty said in her Keville interview[1] and in her report to the Order of Malta Ambulance Corps[2] that she bandaged Margaret Deery's leg with dressings borrowed from the other Ambulance Corps volunteer in the house, and with pillowcases provided by the occupants, because a soldier outside the house had asked to search her kit bag

and had returned it held open and upside down, with the result that such supplies as remained in it after her treatment of various earlier minor casualties had fallen to the ground. She had been unable to retrieve them because she had heard gunfire.

1 AD182.15
2 AD182.13

55.137 There is another photograph that also shows Margaret Deery in 33 Chamberlain Street. In her statement to this Inquiry,[1] Majella Doherty, now Majella Cassidy, told us that this photograph shows her arm extending across Margaret Deery's chest.

1 AD182.7

55.138 Anna Nelis said in her NICRA statement,[1] and in her written statement[2] and oral evidence[3] to this Inquiry, that after she had called the ambulance she returned to 33 Chamberlain Street and found that the wounded Michael Bridge had also been brought in. She was then told that an Army vehicle had drawn up outside the house, and she went out and asked the soldiers for help. Two soldiers of the Parachute Regiment then entered the house and saw both casualties before leaving. We return to this episode, and to the evidence of Anna Nelis and others about the attitude and language of the soldiers, when we discuss the actions of soldiers of C Company in Chamberlain Street.[4]

1 AN8.9
2 AN8.3-AN8.4
3 Day 103/10-17
4 Chapter 66

55.139 After this an ambulance arrived. The driver John Holmes[1] and the attendant William Gray[2] carried Margaret Deery out of 33 Chamberlain Street on a stretcher and took her to the Casualty Department at Altnagelvin Hospital.

1 ED62.4 2 ED48.10

55.140 Later in this report[1] we consider whether it is possible from the evidence available to us to identify the soldier who shot Margaret Deery.

1 Chapter 64

Michael Bridge

Biographical details

55.141 Michael Bridge was 25 years old at the time of Bloody Sunday. He was then an unmarried man living in Tremone Gardens, Creggan. He was an unemployed labourer.[1]

1 AB84.14; AB84.41

55.142 It was brought to our attention that Michael Bridge was convicted of an offence some years before Bloody Sunday. We considered this conviction but it did not affect our view on any material issue and accordingly we say no more about it.

Prior movements

55.143 Michael Bridge took part in the march on Bloody Sunday. He has said in several accounts that after the march had begun, he was approached by a girl who asked him to act as a steward. He agreed to do so and was given a white steward's armband.[1]

1 AB84.12; AB84.14; WT7.67; AB84.23; AB84.30; AB84.2; Day 93/26

55.144 Michael Bridge said in his statement to the RUC[1] that he and other stewards walked in front of the lorry at the head of the march, asking people to stay at the side of the road until the lorry had passed and then fall in behind it if they wished to join the march.

1 AB84.12

55.145 Michael Bridge can be seen in the following photograph, facing in the opposite direction to those who ran into the eastern end of William Street after the lorry had turned into Rossville Street. He explained to us in his oral evidence[1] that at this stage he was trying to tell people in this group to go back and follow the lorry.

1 Day 93/28

55.146 Michael Bridge told us, in his written statement to this Inquiry,[1] that he and a number of other stewards went down William Street to Barrier 14, where they lined up facing the marchers and telling them to turn back and go to Free Derry Corner. His recollection was that initially the stewards succeeded in persuading some people to do this, but that stone-throwing began and that a stage was reached at which it became impossible to control the situation.

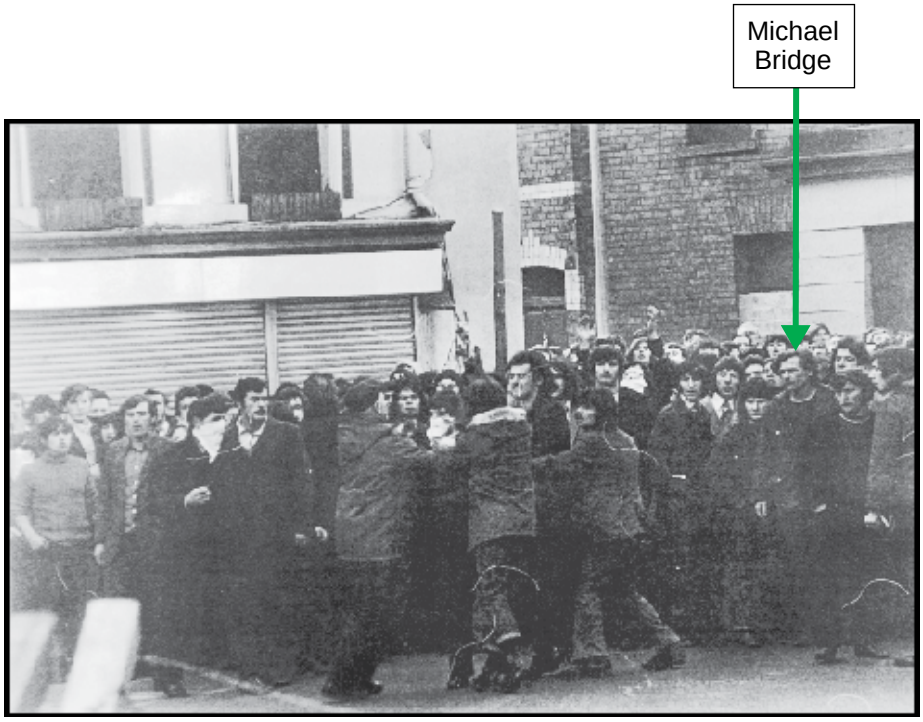
1 AB84.3

55.147 In two accounts given in 1972, Michael Bridge said that some of the youths in the crowd were carrying sticks, which he and other stewards removed from them.[1] In his written statement to this Inquiry,[2] he said that he did not now remember the youths having sticks.

1 AB84.12; AB84.23 2 AB84.8

55.148 The following photographs show Michael Bridge in front of Barrier 14, as he confirmed in his oral evidence to us.[1] In the second of these photographs his white armband can be seen.

1 Day 93/29



55.149 In his statement to the RUC,[1] Michael Bridge said that after the water cannon had been used at Barrier 14, he thought that he could "*feel fumes come from the water*". He then "*went into an alley at the back of Chamberlain Street and was sick on the waste ground*". As we have explained earlier in this report,[2] we are satisfied that CS gas was thrown from

the crowd at Barrier 14 rather than by the soldiers. Michael Bridge confirmed in later accounts that he was affected by CS gas, and that he went down Macari's Lane onto the waste ground, where he was sick.[3]

1 AB84.12
2 Chapter 15
3 AB84.14; AB84.16; WT7.67; AB84.23; AB84.3

55.150 Michael Bridge recorded, in his statement to the RUC,[1] that he then returned to William Street, where a few people were still throwing stones at the soldiers, who in turn began to fire baton rounds towards the stone-throwers. According to Philip Jacobson's and Peter Pringle's note of their interview of him,[2] Michael Bridge told them that the stoning had become a bit worse at this stage, and that he saw the stone-throwers carrying a big sheet of corrugated iron as a sort of shield. In his written statement to this Inquiry,[3] Michael Bridge said that he could not recall seeing the stone-throwers carrying the sheet of corrugated iron, but in his oral evidence to this Inquiry[4] he said that his memory of this had been refreshed by looking at photographs.

1 AB84.12
2 AB84.23
3 AB84.9
4 Day 93/23-24

55.151 In his written statement to this Inquiry,[1] Michael Bridge told us that when he returned to William Street, his intention had been to continue to act as a steward, although he did not think that he had given the matter much thought. However, in a report by Brian Woosey published in the *Sun* newspaper on 2nd February 1972,[2] Michael Bridge was quoted as saying that although there had been nothing in his hands when he was shot, he had "*thrown a couple of stones at the barricades previously*", and in his oral evidence[3] Michael Bridge told us that this was correct. He acknowledged that the following photograph shows him adopting a confrontational position in William Street at a stage after the ground had been made wet by the water cannon, and said that he thought that by this stage he had been throwing stones.

1 AB84.3
2 L144
3 Day 93/30-32

55.152 Michael Bridge also said[1] that Gilles Peress's photograph, reproduced below, showed him standing behind the corrugated iron shield with what looked like a stone in his hand.

1 Day 93/74-75; Day 93/93

55.153 Michael Bridge said that he had thought at the time that if the soldiers had refrained from using their riot control weapons, the stone-throwers would either have become fed up or been persuaded by the stewards to leave, and that this view had probably influenced his actions after he returned to William Street.[1] He also said that when he returned to

William Street and joined in the stone-throwing, he was no longer wearing his steward's armband.[2] He thought it likely that he had used it to wipe his face after he had been sick, as he had said in his statement to the RUC[3] that he had "*got a piece of cloth*" for that purpose.

1 Day 93/61-63
2 Day 93/71-73
3 AB84.12

55.154 Michael Bridge has said in several accounts that he was himself hit on the right foot by a baton round while he was in the area between Chamberlain Street and Barrier 14, and that he then went into Chamberlain Street, where he sat on the pavement until the paratroopers entered the Bogside.[1] He is recorded in Philip Jacobson's and Peter Pringle's note[2] as having said that although this hurt a bit, and caused a mark on his boot, it was nothing serious.

1 AB84.12; AB84.14; WT7.67-WT7.68; AB84.23; AB84.4; Day 93/36-37
2 AB84.23

Medical evidence

55.155 Mr HM Bennett, a consultant surgeon at Altnagelvin Hospital, described injuries to Michael Bridge's left thigh in a letter to the RUC dated 7th February 1972.[1] He reported that there was an entry wound in the anterior part of the lateral side (ie outside) of the thigh and an exit wound in the posterior part of the same area. He considered that Michael Bridge had sustained a comparatively minor wound and was likely to suffer little if any permanent disability.

1 ED35.3

55.156 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,[1] Dr Shepherd and Mr O'Callaghan made the following comments about Michael Bridge's injuries:

> "Mr Bridge had a through and through wound of the left thigh. In a letter of the 7th February 1972 to the RUC Mr Bennett states that the entry wound was on the front of the outside aspect of the thigh and the exit wound at the back of the outside aspect of the thigh. The track of the wound is therefore more likely to be from front to back than the reverse. No comment can be made concerning the nature of the projectile."

1 E10.6

Accounts given by Michael Bridge

55.157 Michael Bridge gave the following accounts in 1972:

1. a Keville interview;[1]
2. a statement to the RUC taken when he was still in hospital on 3rd February 1972;[2]
3. a further statement of which the Inquiry has only the first page.[3] This page bears no date or signature, but it is clear that the statement was taken in 1972, since Michael Bridge described himself in it as 25 years old, which was his age in that year. The Inquiry obtained this document from a collection deposited in the Public Record Office of Northern Ireland by the solicitor who acted for the next of kin of 12 of the deceased at the Widgery Inquiry. It is similar in form to other statements believed to have been sent to that solicitor on 29th February 1972, in order that he might pass them to the Widgery Inquiry, by an apprentice solicitor in the firm that represented the wounded. We think it highly likely that the statement of Michael Bridge was taken by that firm in preparation for the Widgery Inquiry;
4. a written statement for the Widgery Inquiry dated 25th February 1972;[4]
5. oral evidence to the Widgery Inquiry on 29th February 1972;[5] and
6. an interview with the *Sunday Times* Insight Team journalists Philip Jacobson and Peter Pringle, conducted on 2nd March 1972.[6]

1 AB84.32-33
2 AB84.12-13
3 AB84.30
4 AB84.21-22
5 WT7.67-71
6 AB84.23-25

55.158 There are also records of interviews that Michael Bridge gave to Paul Mahon on 27th January 1998[1] and to the author and journalist Don Mullan[2] on 23rd August 1998.[3]

1 X4.3.1-8
2 Don Mullan was the editor of *Eyewitness Bloody Sunday*, a collection of some of the NICRA statements made by witnesses to the events of the day. The collection was published in 1997.
3 AB84.34-43

55.159 Michael Bridge submitted an approved draft written statement to this Inquiry on 30th September 1999 and gave oral evidence to this Inquiry.[1] He later made a supplementary written statement to this Inquiry.[2]

1 AB84.1-9; Day 93/20-95
2 AB84.44-50

55.160 In his Keville interview Michael Bridge described people shouting that the Army vehicles were coming in, and said that he ran to the corner at the south end of Chamberlain Street with others.[1] The interviewer then asked him: "*Did you see the young fella dead where was he lying?*"

> "He was lying at the, in the carpark at the walls there. He was lying up off the wall and there was a priest and two other blokes there was blood flying out of his mouth and nose but he was dead.
>
> *[Female voice] And then what did you do?*
>
> I cracked up and turned round faced the troops and started screaming at them I was shot then.
>
> *[Female voice] And can you tell which soldier shot you was it a soldier that you could see?*
>
> No the soldier that was facing me he didn't shot [sic] me, he put his, the rifle up to shoot at me it was possible I was standing facing him you know.
>
> *[Female voice] Yes*
>
> … And I was no more than ten yards away I was standing facing him and the bullet went in the side of my leg.
>
> *[Female voice] So were you shot from your left side?*
>
> I was shot on my left side at the maisonettes at the waste ground [inaudible] I am nearly sure it was the soldier at the side of the flats."

1 AB84.32-33

55.161 On 2nd February 1972 Michael Bridge refused to be interviewed by the RUC. He was apparently extremely agitated and, according to their reports, accused the RUC of shooting into the crowds from the City Walls on Bloody Sunday.[1] However, on the following day and in the presence of Fr Anthony Mulvey he made a statement to the RUC.[2] After describing what he had done on the march and being struck on the foot with a rubber bullet while near Barrier 14, Michael Bridge recorded that when people started shouting that the Army vehicles were coming:[3]

> "I ran along Chamberlain Street and cut into Eden Place. On waste ground in front of me I saw an armoured personnel carrier parked with the back doors towards me. These doors were open. I saw two soldiers jump out of this vehicle and they were firing their rifles. I ran back into Chamberlain Street and a man aged about 30 to 40 years fell and I lifted him up. At this stage I saw a soldier standing with a rifle at the corner of the small shop at the rear of 12a Chamberlain Street. I heard a shot fairly close and I thought that this soldier had fired. I ran up Chamberlain Street towards the courtyard of the flats. There were about fifty other people running along Chamberlain Street as well. As I ran I heard a young lad say that there was a young fellow shot. His exact words were, "He's shot dead, he's shot dead". I ran into the courtyard and I saw a priest bending over a body. I had got to within two or three yards of the priest and I saw blood on the face of the person lying on the ground. I turned round, screamed at the soldiers and walked towards them. I saw a soldier about twenty yards from me with his rifle at his shoulder aiming at me. The next thing I felt was a thud on the left thigh. The soldier with the rifle at his shoulder could not have shot me but I was aware of another soldier at the bottom of Rossville Flats and to my left. I turned and walked a short distance and two fellows came running out and caught hold of me and told me I was shot. I felt the blood on my thigh and I was carried into the first house in Chamberlain Street."

1 AB84.10; AB84.11
2 AB84.12
3 AB84.13

55.162 Michael Bridge gave a similar account in his written statement for the Widgery Inquiry.[1] He added the detail that as he approached the body he could not remember any shooting. His account of the time after he had approached the body was in the following terms:

> "4. While I was standing in the car park, just before I was shot, I noticed a Saracen parked in the waste ground between the rear of the houses in Chamberlain Street and the high flats in Rossville Street. I also noticed a soldier in a kneeling position with his rifle aimed into the car park at the corner of the Rossville Street flats. There was another soldier standing a few feet from the rear wall of one of the houses in Chamberlain Street. He had his rifle in his shoulder in an aiming position. I noticed that he did not have a riot visor down over his face. There was no camouflage paint on his face."

1 AB84.21-22

55.163 In his oral evidence to the Widgery Inquiry, Michael Bridge again gave a similar account. He referred to the two soldiers, one kneeling at the corner of the flats and one standing out from the rear wall of the houses in Chamberlain Street, and said: "*I don't know which one shot me.*"[1]

1 WT7.70

55.164 The note of Philip Jacobson's and Peter Pringle's interview with Michael Bridge records that he ran to Jackie Duddy, and then ran back "*towards the saracen*":[1]

> "I recall very clearly that i was shouting at one soldier up against the back wall of the houses at the top of chamberlain street; he was no more than thirty yards away and i remember he had no visor on his helmet. he brought his rifle to the shoulder and aimed at me. next thing, there was a thump in my leg.
>
> at first i thought I had caught another rubber bullet. i didnt go down and was hobbling towards chamberlain street when a couple of boys dashed out to help me. they took me into the […], no 33, and i went through to the back yard and I think it was then that i realised i was shot, someone said, there s a woman shot in the leg in the front room. i didnt know then that it was peggy deery, who I know well."

1 AB84.24-25

Where Michael Bridge was shot

55.165 Sam Gillespie gave a statement in 1972[1] in which he recorded:[2]

> "I was taking photos of the civil rights march. I was in William Street taking pircures [sic] of the confrontation with the British Army when the army charged. I ran over Chamberlain Street. I was one of the last to enter. When I got to the square at Rossville Flats I see a bloke lying on the ground with about 10 people around him. He was dead. I took a picture of this. While I was taking it a young fellow who seemed to be his friend turned and faced the soldiers shouting, "Shoot me, you bastards. Shoot me." He was waving his hands in the air, and as he was moving toward the soldier who was taking cover at a Saracen he was shot twice in the leg. I believe his name is Michael Bridges."

1 As we explain below (paragraph 55.176), the photographs which accompanied the original of this statement were not attached to the copies of it obtained by this Inquiry.

2 AG36.17

55.166 In his written statement to this Inquiry[1] Sam Gillespie told us that he had taken two photographs of Michael Bridge, one before he was shot and one immediately after. In his oral evidence he said[2] that the time that passed between the taking of the two photographs was very short, and that after taking the first he had followed Michael Bridge's movements through the viewfinder of his camera, waiting to see what happened to him, until the shot was fired and he took the second photograph. We set these photographs out below in the order in which Sam Gillespie recalled that he took them.

1 AG36.4

2 Day 142/48-53

55.167 In his written statement to this Inquiry,[1] Michael Bridge told us that he was sure that he was not the man shown on the far right of the first of these photographs because it was his very clear recollection that only two or three people were bent over Jackie Duddy when he, Michael Bridge, was shot, whereas the photograph shows more; but by the time he gave oral evidence he had changed his mind, and he agreed that he probably was the man on the far right of the photograph.[2] He has never doubted that he is the man shown on the left in the second photograph.

1 AB84.6

2 Day 93/23

55.168 Fr Daly also gave evidence in 1972 that suggested that by the time Michael Bridge was shot there were not many people around Jackie Duddy. In his written statement for the Widgery Inquiry, Fr Daly recalled that after he had reached Jackie Duddy a number of people gathered around, but he asked them to go away, which they did.[1] His statement continues:

> "After a few minutes the gunfire got worse. We both lay down beside the boy as I gave him the Last rites of my church. I felt he was dying. Just as I had finished giving him the last rites, a young man dashed out past where we were lying towards the soldiers … I screamed at him to get back. He danced up and down in front of the soldiers shouting something that I could not understand. He had his hands help up at full stretch over his head. I saw a soldier at the corner of the flats take aim and fire at this man … he staggered and ran crazily around for a moment. I don't know where he went then … I am certain that he was hit … I think his name was Bridge."

1 H5.19

55.169 However, in his oral evidence to this Inquiry, Fr Daly did not exclude the possibility that the first photograph showed Michael Bridge on the right.[1]

1 Day 75/31-32

55.170 The representatives of the majority of represented soldiers submitted that the first photograph did not show Michael Bridge, relying on his written evidence to this Inquiry and on the evidence of Fr Daly.[1] These representatives also submitted that an examination of the first photograph shows Jackie Duddy to be lying on his front because his heels are seen up and his toes down, whereas, as we have explained earlier in this chapter,[2] Fr Daly did not reach Jackie Duddy until he had been turned onto his back.

1 FR7.491

2 Paragraphs 55.23–28

55.171 We do not accept these submissions.

55.172 In the first place, it seems to us that the location in which Jackie Duddy is shown lying on the ground is the same as that shown in the photograph taken by Gilles Peress, which we have considered when dealing with the shooting of Jackie Duddy. That photograph, reproduced below, shows Fr Daly with Jackie Duddy. On the basis of Willy Barber's account to the *Sunday Times*,[1] we are of the view that Jackie Duddy was turned on his back before he was surrounded by the group of people shown in Sam Gillespie's first photograph.

1 AB9.3

55.173 In the second place, we are not convinced that Sam Gillespie's first photograph, which is out of focus, does show Jackie Duddy's feet with his heels up and toes down. The poor quality of the image and the number of people around make it impossible to tell whether he was lying on his front or his back.

55.174 In the third place, in view of the gravity and fluidity of the situation, with most people's attention (particularly that of Fr Daly) concentrated on the casualty, recollections as to the number of people present at any particular moment are not in our view likely to be necessarily reliable.

55.175 There remains the question whether Sam Gillespie was correct in his recollection that he had taken the second photograph after Michael Bridge had been shot.

55.176 A note at the top of the statement made by Sam Gillespie in 1972[1] indicates that photographs accompanied the original statement. Those photographs are not attached to any of the copies of that statement obtained by the Inquiry. In his statement and oral evidence to this Inquiry,[2] Sam Gillespie told us that he thought that he had made his 1972 statement to a journalist from the *Sunday Times*, and that he gave the journalist his negatives, which were subsequently returned to him. He referred to this journalist as "Derek Humphries", although in fact his name is Derek Humphry. However, Sam Gillespie accepted the possibility that his 1972 statement had been made to a representative of NICRA. Since the statement is in similar form to a large number of NICRA statements, we are satisfied that the statement was taken on behalf of NICRA, and that Sam Gillespie was mistaken in thinking that Derek Humphry took the statement, although we have no reason to doubt that Derek Humphry met Sam Gillespie and borrowed his negatives.

1 AG36.17 2 AG36.6; Day 142/64-66

55.177 In June 1999 the Inquiry received, from the archives of Liberty (then known as the National Council for Civil Liberties) held at the University of Hull, copies of five photographs, which bear on the reverse manuscript annotations indicating that they were taken by Sam Gillespie. Two of these photographs are identical to the two shown above.[1]

1 Paragraph 55.166

55.178 In October 1999, Sam Gillespie provided to the Inquiry some further copies of photographs taken by him on Bloody Sunday, some of which were annotated on the reverse. This set did not include the two shown above,[1] but included copies of the other three photographs supplied by the University of Hull, without annotations, and of some more photographs not found in the archives of Liberty. Sam Gillespie was shown one of the photographs in this last category and the annotations on the back during the giving of his oral evidence to this Inquiry,[2] and was asked in general terms when he had made the annotations on the copies of his photographs in the possession of the Inquiry. He said that he had done this not in 1972 but only after he had been contacted for the first time by solicitors acting on behalf of this Inquiry.

1 Paragraph 55.166 2 Day 142/58-59

55.179 While we have no doubt that this answer was correct in relation to the photograph and annotations he was shown and the other annotations on the set of photographs provided to the Inquiry by Sam Gillespie, we are also satisfied that the annotations on the reverse of the five photographs from the archives of Liberty were made in 1972. As was explained in a circular letter dated 11th February 1972 from its General Secretary Tony Smythe,[1] that organisation acted as a "*central clearing house*" for the statements that we have

described as NICRA statements. We think that it is highly probable that the five photographs held in the archives of Liberty were those that originally accompanied Sam Gillespie's NICRA statement, and in our view Sam Gillespie would have had neither reason nor opportunity to annotate those photographs after they had come into the possession of Liberty.

[1] AS28.9-AS28.14

55.180 We are confirmed in this view by the fact that, in the annotations on the reverse of the photographs obtained from the archives of Liberty, Sam Gillespie gave the address at which he lived at the time of Bloody Sunday and not his current address.

55.181 The annotations on the reverse of the first of the photographs shown above,[1] which we are satisfied were made in 1972, are as follows:

> "FIRST FRAME [1]
>
> The death of McIlhenny with Michael Bradley (extreme right) running berserk away from body and shouting to be shot. He was.
>
> Taken by Sam Gillespie [address]"

[1] Paragraph 55.166

55.182 The name "*Bradley*" has been deleted and replaced by "*Bridge*". We do not know whether this amendment was made by Sam Gillespie or by someone else, but we have no doubt that the original reference to Michael Bradley was erroneous. We also have no doubt that "*McIlhenny*" should read "*Duddy*".

55.183 The annotations on the reverse of the second of the photographs shown above,[1] which we are satisfied were made in 1972, are as follows:

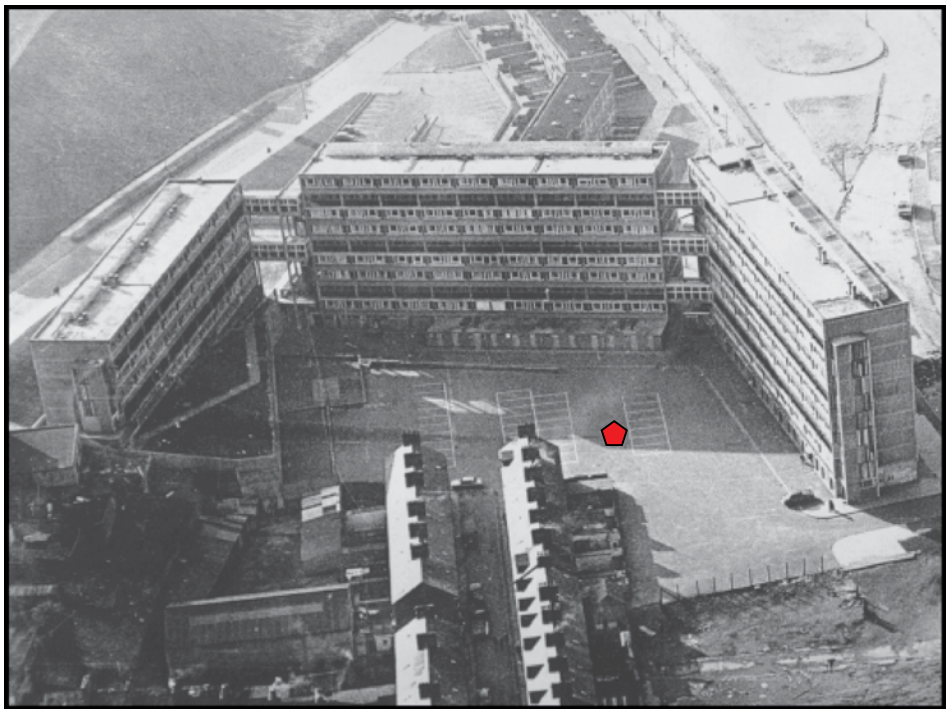
> "NEXT FRAME [2]
>
> Michael Bradley seconds before he was shot.
>
> Taken by Sam Gillespie [address]"

[1] Paragraph 55.166

55.184 On this photograph, the name "*Bridge*" has not been substituted for "*Bradley*", but it is clear to us that the same mistake has been made about the name as was originally made in the annotations on the previous photograph.

55.185 For these reasons we regard the annotations on this photograph as convincing evidence that Sam Gillespie believed in 1972 that he had taken his second photograph shortly before Michael Bridge was shot, rather than immediately after the shooting, which was his recollection when he gave evidence to this Inquiry. Since we consider that his original memory is more likely to be reliable, we have reached the conclusion that this photograph was taken shortly before the shooting of Michael Bridge.

55.186 Bearing these matters in mind, we are of the view that of the two photographs taken by Sam Gillespie, the first shows Michael Bridge advancing towards the soldiers while the second shows him very soon before he was shot. It may be that Michael Bridge had moved a little further towards the soldiers after this photograph was taken and before he was shot, but it seems that this cannot have been any great distance. Hence, by reference to the lines marking the car park bays, it is possible to show on an aerial photograph of the car park the approximate position (marked in red) where, on the basis of the evidence discussed above, Michael Bridge was when he was shot.



When Michael Bridge was shot

55.187 From the accounts that he gave in 1972, it seems to us clear that Michael Bridge had come along Chamberlain Street and seen Lieutenant N's APC and soldiers disembarking from it. From his description in his RUC statement of seeing a soldier standing at the corner of a small shop at the rear of 12a Chamberlain Street (in other words, on the north

side of the entrance to the Eden Place alleyway from the waste ground), and of hearing a shot, we have little doubt that he saw Lieutenant N in that position and heard one of his shots. His descriptions of hearing, as he ran further along Chamberlain Street, a young lad saying that someone had been shot dead, and of seeing, as he ran into the courtyard of the flats, a priest bending over a body, make us sure that Michael Bridge arrived in the Rossville Flats car park at some stage after Jackie Duddy had been shot and after Fr Daly and others had gone to Jackie Duddy.

55.188 Michael Bridge's account to the *Sunday Times* of being told, after he had been wounded and taken to 33 Chamberlain Street, that a woman (in our view Margaret Deery) was in the front room of that house indicates to us that she had been wounded and carried there before Michael Bridge was wounded, possibly even before Michael Bridge had reached the southern end of Chamberlain Street, as he made no other mention of seeing her.

55.189 There are other witnesses who in our view confirm that Margaret Deery was taken into 33 Chamberlain Street before Michael Bridge.

55.190 At the time 33 Chamberlain Street was the home of Bridget Nelis and her daughters Anna and Margaret Nelis. The only evidence we have from Bridget Nelis (who died before this Inquiry was established) is a statement that she gave to the RUC in 1972. In this she noted that an injured woman was brought into her house, and that later two wounded civilians were carried away. It appears that she did not see the second casualty arrive.[1] Anna Nelis told NICRA that she was at home when a woman with a leg wound was carried into her house. Anna Nelis stated that she subsequently went to the home of Mrs Donahoe in High Street in order to telephone for an ambulance; during the time she was gone Michael Bridge was carried into 33 Chamberlain Street.[2] In her evidence to this Inquiry, Anna Nelis gave a consistent account of this sequence, and stated that she subsequently learned that the injured woman was Margaret Deery.[3] Margaret Nelis also stated to NICRA and the RUC in 1972 that Michael Bridge was brought into 33 Chamberlain Street after Margaret Deery.[4] In her evidence to this Inquiry, Margaret Nelis stated that she remembered Margaret Deery being carried into her home, but although she understood that an injured man might also have been brought into the house she did not have any recollection of this happening.[5]

1 AN26.1
2 AN8.9
3 AN8.2-3; Day 103/6-10
4 AN11.8; AN11.10
5 AN11.3; Day 103/62

55.191 George Nelis (Bridget Nelis's son) recorded in his NICRA statement that he was in his mother's house (33 Chamberlain Street) when: "*An injured woman (Mrs. Deery) was carried by a few men into the kitchen. A few minutes later there was an injured man carried into the house*." Soldiers arrived at the house "*Approx 5 minutes later*".[1]

1 AN9.9

What Michael Bridge was doing when he was shot

55.192 Philip Jacobson's and Peter Pringle's notes of their interview of Michael Bridge carry the following handwritten annotation: "*He did chuck a half brick just before getting hit.*" Philip Jacobson told us that this annotation was in his handwriting and that he thought that it must have been based on something that Michael Bridge had told him and Peter Pringle.[1] However, later in his evidence he agreed that the annotation might have been made as the result of information obtained elsewhere.[2]

1 Day 191/147-148

2 Day 191/168-170

55.193 As already noted, Paul Mahon interviewed Michael Bridge. During the course of this interview, which was video-recorded, Michael Bridge played Paul Mahon a tape recording of an interview that he had earlier given to a local radio station, BBC Radio Foyle.[1]

1 AB84.49

55.194 Paul Mahon's interview of Michael Bridge was transcribed,[1] including the recording played during it. Some of that recording is indecipherable, but its transcription includes the following:[2]

> "Yeah, he was dead, he was down, obviously dead. [Even, in my, you know, sort of … umm … there was a stone just beside the wall.] A priest was with him. Well, even then, like, it's [still not there]. There are no functions or registrations in the head. [You see it's there] in full sight. You see it, but it's not believable. You know it's … [indecipherable]. [I turned anyway, and I gathered up a number of stones] and the soldiers at this time were … the Saracens, were [just at the high flats on the wasteground]. There was one soldier in particular. He was [along a well]. I started throwing stones at him.

> [Indecipherable references to hands in the air and verbal abuse] 'You can shoot anybody, so shoot me?' It sounds stupid, but you'd never believe that they would do it, you know. But he shot. He shot five or six shots [at me into the leg. [Indecipherable] [but I didn't feel it]. [I thought I was hit by a rubber bullet.] I could sense the bullets flying around me. [A boy run out from Chamberlain Street. He grabbed me.] [I was spinning, he grabbed me. He pulled me down to the first wee house in Chamberlain Street."

1 Square brackets were used on the transcripts of the Mahon interviews to mark any part of the recording where the transcriber was either unsure of, or could not hear, what was being said.

2 X4.3.5

55.195 In his supplementary statement to this Inquiry,[1] made after he had given oral evidence, Michael Bridge told us, as he had in his earlier evidence to us,[2] that he threw no stones in the Rossville Flats car park. His explanation of what he had said in the Radio Foyle interview was: "*If I said otherwise in the radio interview about gathering up or throwing stones, it was a point of detail which, on reflection, is probably wrong.*"[3]

1 AB84.49

2 AB84.5; AB84.6; Day 93/51-55

3 AB84.49-50

55.196 However, there is other evidence to the effect that Michael Bridge was throwing stones or bricks at the soldiers shortly before he was shot.

55.197 William McClintock gave a NICRA statement[1] in which he recorded that he had been watching from his mother's flat at 9 Mura Place. This was in Block 1 of the Rossville Flats.

> "I could see a wounded man lying in the car park, – Fr. Daly and the Knights of Malta were giving him aid. Paratroopers were lined along the wall opposite the back of the Flats and they opened up fire on the group. A man stepped forward with about half a brick and threw it at the Paratroopers. He then opened his coat and roared 'Go ahead and shoot me' and the Paratrooper did, in the leg."

1 AM113.1

55.198 In the light of the evidence we have already considered, it seems to us that the man William McClintock saw was Michael Bridge.

55.199 We have also taken into account the evidence of Billy Gillespie,[1] Hugh Barbour[2] and Bernard Doherty. We have expressed some doubts earlier[3] about the sequence of events in the account of Billy Gillespie, and Hugh Barbour appears to have mistakenly thought

that Michael Bridge was protesting about the shooting of Michael Bradley, another casualty in Sector 2, to whom we turn later in this chapter.[4] Bernard Doherty gave evidence that when he was in the car park he saw someone with a piece of brick in his hands, advancing towards the soldiers, and this may have been Michael Bridge.[5]

1 AG33.2; Day 84/149
2 AB10.3; Day 88/93
3 Paragraphs 55.117 and 55.123
4 Paragraph 55.211
5 AD54.3; Day 85/117-125

55.200 Our assessment of the evidence considered above leads us to conclude that Michael Bridge had thrown at least one stone or piece of brick at the soldiers shortly before he was shot. It follows that in this regard he gave inaccurate evidence to us. However, we consider that at the moment he was shot Michael Bridge no longer had anything in his hands, as Fr Daly told us was the case,[1] and that he was instead advancing towards the soldiers shouting and gesticulating. Sam Gillespie's second photograph, which we believe was taken shortly before Michael Bridge was shot, in our view supports this conclusion, since it contains no indication that at that stage Michael Bridge was still holding a stone or a brick.

1 H5.5

55.201 This photograph also shows that there was no-one in front of or beside Michael Bridge. As a number of witnesses told us, including Fr Daly, he was advancing towards the soldiers on his own. There is nothing to suggest, and no-one has suggested, that Michael Bridge was armed or posing or about to pose a lethal threat. Whether at the time he was shot his actions could have led a soldier mistakenly to believe that he was or might have been about to throw a bomb is a matter to which we return,[1] when we consider whether it is possible to identify the soldier who shot Michael Bridge.

1 Paragraph 64.17

Where Michael Bridge was taken

55.202 Michael Bridge was taken to Bridget Nelis's house at 33 Chamberlain Street after he had been shot.

55.203 In his statement to the RUC,[1] Michael Bridge recorded that after he had been shot, he turned and walked a short distance. Two men came running out, caught hold of him and told him that he had been shot. He was carried into the first house in Chamberlain Street.

1 AB84.13

55.204 In Peter Pringle's and Philip Jacobson's note of their interview of Michael Bridge,[1] he is recorded as saying that he "*didnt go down and was hobbling towards chamberlain street when a couple of boys dashed out to help me*".

1 AB84.25

55.205 In his statement to this Inquiry,[1] Michael Bridge said that the shot spun him round and that two boys ran out of Chamberlain Street and grabbed him. One of them told Michael Bridge that he had been shot. Michael Bridge then collapsed and was either carried or dragged to Chamberlain Street.

1 AB84.6

55.206 William McCloskey,[1] Maurice McColgan,[2] Hugh McMonagle[3] and OIRA 8[4] all said that they carried or dragged Michael Bridge into 33 Chamberlain Street. Maurice McColgan explained[5] that the house was so crowded that there was nowhere to put Michael Bridge, and on the advice of an Order of Malta Ambulance Corps volunteer he and William McCloskey took Michael Bridge out into the back yard of the premises.

1 AM120.3; Day 73/160; Day 74/21-27
2 AM124.2; Day 74/167-169
3 AM369.4; Day 100/50
4 AW14.3; Day 410/50-51; Day 410/68-69
5 AM124.3

55.207 Fulvio Grimaldi's photograph, reproduced below, shows Michael Bridge lying on the ground in the back yard of 33 Chamberlain St. Maurice McColgan identified himself[1] as the man on the left of the photograph with long hair and spectacles.

1 AM124.3

55.208 The Order of Malta Ambulance Corps volunteer Charles McMonagle said in his interview with Kathleen Keville[1] that he attended to Michael Bridge at 33 Chamberlain Street. There was no severe haemorrhaging but he bandaged the wound and covered Michael Bridge with a blanket in the hope of concealing him from the soldiers. He also referred to this in his report to the Order of Malta Ambulance Corps.[2] In his oral evidence to this Inquiry,[3] he said that he believed that he had treated Michael Bridge, although he no longer recalled doing so.

1 AM367.24
2 AM367.21
3 Day 102/126-127

55.209 Michael Bridge was taken to Altnagelvin Hospital in the same ambulance as Margaret Deery. We are satisfied that he is the man with leg injuries described in statements made on 2nd February 1972 by the ambulance driver John Holmes[1] and the attendant William Gray.[2]

1 ED48.8 2 ED48.10

55.210 Later in this report[1] we consider whether it is possible to identify the soldier who shot Michael Bridge.

1 Chapter 64

Michael Bradley

Biographical details

55.211 Michael Bradley was 22 years old at the time of Bloody Sunday. He was recently married and lived in Rinmore Drive, Creggan. He was an unemployed painter.[1]

1 ED30.3; N1; AB66.39

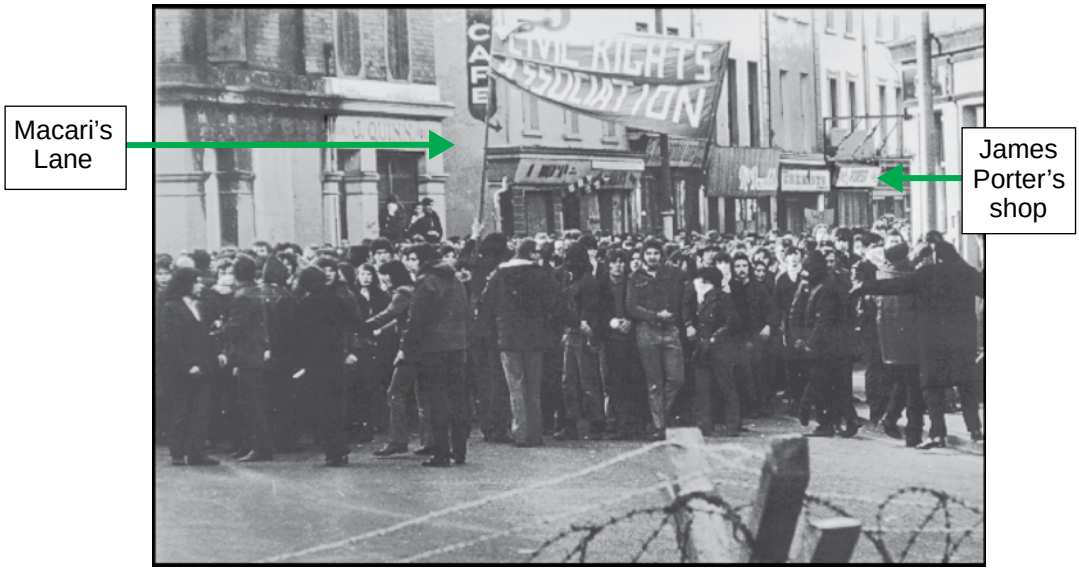
Prior movements

55.212 Michael Bradley went on the march on Bloody Sunday with some of his brothers and friends.[1]

1 AB66.2

55.213 Michael Bradley stated in several accounts given in 1972 that he was part of the crowd in the area of William Street between Barrier 14 and the junction with Chamberlain Street. When the water cannon was used, and when CS gas was released, as he thought by the soldiers but as we have found by civilians, Michael Bradley moved back up William Street and paused for some minutes as he was affected by the gas. He then proceeded down Quinn's Lane, otherwise known as Macari's Lane, and across the waste ground towards the Rossville Flats.[1] In his written statement to this Inquiry[2] he gave a similar account, although he said that while the rioting was taking place at Barrier 14 he was standing outside James Porter's shop. As can be seen from the following photograph, that shop was in the part of William Street west of Macari's Lane, and hence further from Barrier 14 than the position indicated in the accounts that Michael Bradley gave in 1972.

1 AB66.19; AB66.17; AB66.25 2 AB66.2-AB66.3



55.214 In his notes of his research interview of Michael Bradley,[1] Tony Stark of Praxis Films Ltd wrote that Michael Bradley was "*AMONG THOSE STONING THE TROOPS*" at Barrier 14. According to the transcript of the fuller interview that followed, Michael Bradley did not in that interview say that he had thrown stones at Barrier 14, although he described a confrontation with the soldiers at the barrier and said that "*of course we grabbed for the barbed wire fences or whatever you call them, pickets, we grabbed for those trying to part them, trying to make our way through*".[2] In his oral evidence to this Inquiry,[3] Michael Bradley was asked whether there had been attempts to part the barrier, and said that he presumed so, but that he had been several rows back from the front.

1 O1.19
2 O1.4
3 Day 94/6

55.215 In his interviews with Paul Mahon[1] and Jimmy McGovern[2] and in his written statement to this Inquiry,[3] Michael Bradley said that stones were thrown at Barrier 14 but did not say that he had thrown stones himself.

1 X4.2.2-X4.2.3
2 AB66.40
3 AB66.3

55.216 Michael Bradley is also recorded as having said in his second interview with Tony Stark[1] that "*the placards which we were carrying were thrown at the army*", but in his interviews with Paul Mahon[2] and Jimmy McGovern[3] and in his written statement to this Inquiry[4] he said that the placards were thrown over his head by people further back in the crowd.

1 O1.5
2 X4.2.2
3 AB66.40
4 AB66.3

Medical evidence

55.217 Mr Fenton, the consultant orthopaedic surgeon at Altnagelvin Hospital, gave the following description of injuries to Michael Bradley's arms and chest in his letter to Detective Sergeant Cudmore dated 7th February 1972:[1]

> "Gun shot wounds right & left forearms and chest. Left forearm – small entrance and exit wounds on forearm. Comminuted fracture radius, mid shaft level. Entrance and exit wound on front of chest. Soft tissue wound only. Right forearm showed large entrance and exit wounds with severe damage to muscle and nerves of forearm and severe comminuted fracture radius at junction of upper 1/3 with mid. 1/3."

1 ED30.4

55.218 An X-ray of Michael Bradley's right forearm showed that several small metallic foreign bodies were projected in the soft tissues opposite the head of the radius.[1]

1 D982

55.219 In a letter to Michael Bradley's general practitioner dated 22nd March 1972, Mr Fenton expressed the opinion that a bullet had struck the left forearm first and passed across the chest and into Michael Bradley's right forearm, to which it caused much more severe damage, probably because by that time it was spinning.[1]

1 D960

55.220 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,[1] Dr Shepherd and Mr O'Callaghan made the following comments about Michael Bradley's injuries:

> "Mr Bradley had a through and through wound right forearm, a through and through wound to the left forearm and two apparently minor injuries to the front of the right lower chest. The injuries to the right arm were the most severe of these injuries.
>
> In a discharge summary of the 22nd March Mr Fenton suggests that the injuries to the left arm are less severe because it was struck first and a bullet 'went straight through'. Mr Fenton also suggests that the right arm was the more severely injured because the bullet was 'probably spinning' when it struck. It is clear that there was damage to both the bones and the nerves of this arm.

> A report on an X ray of the right forearm of the 30th January 1972 indicates that 'Several small metallic foreign bodies are projected in the soft tissues…' The presence of these fragments is confirmed on the X ray films made available to us. However no foreign bodies were recovered at operation and neither are there any records or reports from DIFS [the Department of Industrial and Forensic Science].
>
> It is not possible to determine if the injuries to the arms were caused by one or more than one projectile or if they originated from left or right. No comment can be made concerning the nature of the projectile or projectiles.
>
> The injuries to the chest are only described as 'a superficial wound' in the operation note of 30th January 1972 and as 'two small wounds' in the operation note of the 11th February 1972. The injuries to the chest may have been caused by fragments of bone, by fragments of one bullet or of several bullets or by some other object or objects."

[1] E10.6-7

55.221 Despite the caution shown by Dr Shepherd and Mr O'Callaghan, we accept the view of Mr Fenton that Michael Bradley was hit by a single bullet. This conclusion is consistent with the evidence of Michael Bradley himself.

Accounts given by Michael Bradley

55.222 Michael Bradley gave the following accounts in 1972:

1. answers to some questions put to him by Detective Sergeant Cudmore on 4th February 1972;[1]

2. a written statement dated 7th February 1972, witnessed by Brian Rainey.[2] Although this is not in the usual NICRA form, we are satisfied that it is a NICRA statement. Brian Rainey (then a schoolteacher) recalled taking a statement from Michael Bradley for, he believed, "*the Civil Rights Association*".[3] The Inquiry has in its possession a handwritten copy of this statement, bearing the same date and what appear to be the signatures of Michael Bradley and Brian Rainey;

3. an interview with Fulvio Grimaldi, an account of which appears in Fulvio Grimaldi's book *Blood in the Street* (published in March 1972);[4]

4. a written statement for the Widgery Inquiry dated 28th February 1972;[5] and

5. an interview with the *Sunday Times* Insight Team journalists Philip Jacobson and Peter Pringle on 1st March 1972.[6]

1 AB66.24
2 AB66.30-31
3 AR3.10
4 AB66.35-38
5 AB66.17-18
6 AB66.25-26; AB66.32

55.223 Michael Bradley was not discharged from hospital until the Widgery Inquiry was in progress, and he did not give oral evidence to that Inquiry.

55.224 Michael Bradley gave interviews to Tony Stark in 1991,[1] to Don Mullan[2] on 23rd August 1998,[3] to Paul Mahon in or about 1998,[4] and to Jimmy McGovern in or about 1999.[5] He submitted an approved draft written statement to this Inquiry on 30th September 1999.[6] He spoke again to Paul Mahon on 12th January 2000.[7] He gave oral evidence to this Inquiry on 20th March 2001[8] and made a supplementary statement on 6th June 2004.[9]

1 O1.1-O1.18; O1.19
2 Don Mullan was the editor of *Eyewitness Bloody Sunday*, a collection of some of the NICRA statements made by witnesses to the events of the day. The collection was published in 1997.
3 AB66.77-AB66.82
4 X4.2.2-X4.2.95
5 AB66.39-AB66.76
6 AB66.1-AB66.29
7 AB66.85-AB66.88
8 Day 94/1-46
9 AB66.83-AB66.84

55.225 Michael Bradley died on 2nd May 2009.

55.226 The answers Michael Bradley gave to the questions put by Detective Sergeant Cudmore[1] revealed little more than that Michael Bradley had been hit by gunfire at the rear of the Rossville Flats. He said he was heading home from William Street and, when asked how he received his injuries, replied: "*I don't know, I was just standing there, then I was out.*"

1 AB66.24

55.227 Another RUC officer, Detective Constable Gillanders, wrote a report to his Detective Inspector in which he recorded that during the evening of 4th February 1972 John Hume MP had stopped Michael Bradley from giving an interview to the police and had advised him to appoint a solicitor.[1] There appears to have been no further attempt by the RUC to interview Michael Bradley.

1 AB66.21

55.228 In his NICRA statement,[1] Michael Bradley described how he had gone from William Street through Macari's Lane (he called it Quinn's Lane) into the Eden Place waste ground, with a view to going towards the courtyard behind the Rossville Flats (ie the car park):

> "I was still on the waste ground, no yet having reached the courtyard, when I looked round and saw the saracens driving along Rossville Street. There were several other people near me and when we saw the troops we began running and shouting, 'There's the Army.' The crowd ran in all directions. I ran straight ahead across the courtyard towards the far top corner of the flats – that is, the corner that leads out to the steps towards Fahan Street and to Joseph's Place. There was quite a few people running towards this corner also. After I went through the opening at the corner I stopped to catch my breath. I heard gunfire and ran back out through the opening towards the courtyard and it was then I saw a body lying on the ground about five to ten yards away. I observed it was the body of a young man and there was a small group of men around him.
>
> I was standing there with my back towards the back of the shops and I was looking across the courtyard in the direction of the Army, whom I could quite clearly see at the Rossville Street end of the courtyard. There was also a saracen just stopping in the courtyard. It was this saracen in particular that caught my attention. I could see soldiers jump out and take up firing positions at the front of the saracen. All during this time I could hear the sound of gunfire.
>
> Suddenly, I felt a heavy pain in my right arm. I realised I had been shot but didn't know how serious the wound was. I pulled myself back over the small wall behind the shops. I was still on my feet. I hadn't lost consciousness. In a bent over position I stumbled along towards the opening which leads out of the courtyard towards Joseph's Place and which I had come through a few minutes earlier. As I came near the opening a few men reached forward, grabbed me and carried me through to a house. I cannot remember exactly the house I was carried to. My main thought at the time was – would I live or die."

1 AB66.30-31

55.229 Michael Bradley gave a similar account in his written statement for the Widgery Inquiry.[1] In this statement he recorded that it was because he had heard that Jackie Duddy (whom he knew personally) had been shot that he decided to go back into the forecourt of the flats:

> "I jumped over the small retaining wall at the back of the shops in Joseph Place and went towards a small crowd which was positioned near the children's playground on the north-eastern corner of the forecourt. I noticed blood on the ground where the people were standing. I was not able to see the body at this stage as the people were surrounding it. I was about five or six yards from this crowd when I looked over towards the waste ground at Eden Place. I saw two Saracens in the forecourt. One was near the rear of the houses in Chamberlain Street and the other was positioned in line with it but more towards Rossville Street. I saw soldiers come out of the Saracens and take up position around the vehicles. I noticed that they did not appear to have visors on their helmets. Just as they had taken up these positions I heard shooting. Then I felt a heavy thud on my left arm. I clutched my arm and I then turned and staggered over the small retaining wall again and made my way towards the alleyway I had come out of."

[1] AB66.17

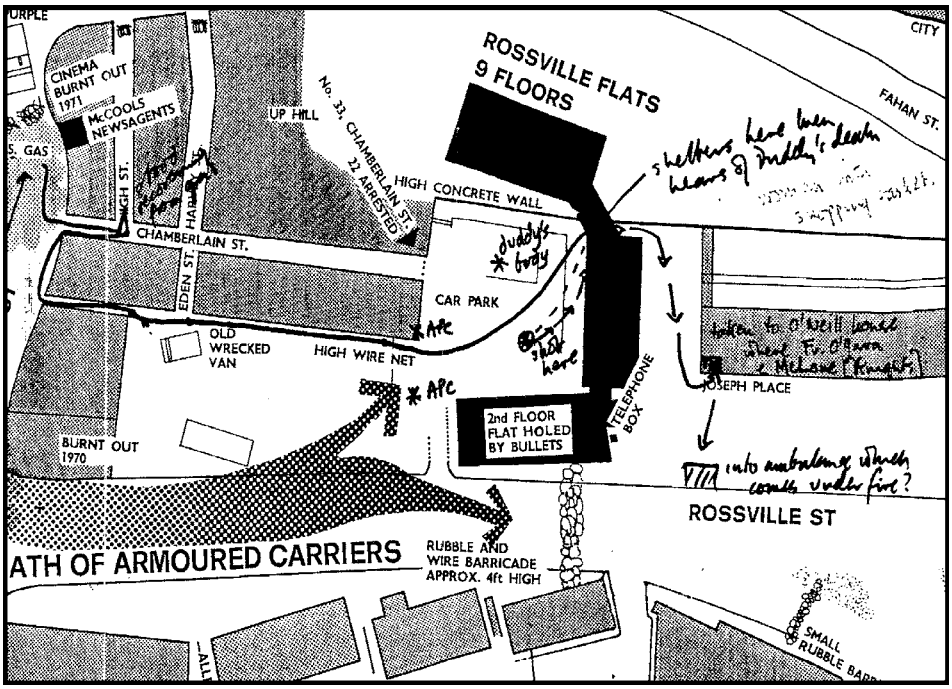
55.230 In this statement Michael Bradley recorded that he was not armed with a weapon or a nail bomb at any time.

55.231 According to the notes of his *Sunday Times* interview,[1] Michael Bradley again gave a similar account, this time adding that when he saw a body lying in the car park with Fr Daly and a group of others around it, he ran out into the car park and was shouting abuse at the troops when he was hit.

[1] AB66.25

55.232 The *Sunday Times* map, reproduced below,[1] which bears the annotation "*Michael Bradley 1/3/72*", puts what is marked as "*duddy's body*" in or near the recreation ground in the car park of the Rossville Flats. This is consistent with the description given by Michael Bradley in his statement for the Widgery Inquiry.

[1] AB66.32



55.233 We have no doubt that what Michael Bradley saw was the group of people (including Fr Daly) around the body of Jackie Duddy and the body itself. However, as will have been seen from our discussion of the shooting of Jackie Duddy, the location Michael Bradley described is clearly wrong. Michael Bradley himself acknowledged this during his oral evidence to this Inquiry,[1] though it appears that he was for many years under a misapprehension about the location.[2]

1 Day 94/30

2 As in his Mahon interview (X4.2.25-31).

Where Michael Bradley was shot

55.234 In his written statement to this Inquiry,[1] Michael Bradley told us that he was shot when standing about six feet in front of the low wall that ran along the northern side of Block 2 of the Rossville Flats, and about five or six feet from the body of Jackie Duddy. He sought to illustrate this by reference to a plan[2] and to the following photograph,[3] which shows what he described as his approximate position, that of Jackie Duddy and that of an APC.

1 AB66.5

2 AB66.29

3 AB66.15

55.235 The position shown for the body of Jackie Duddy is close to where (for the reasons given earlier in this chapter)[1] we are confident that he was lying. The position shown for Michael Bradley in this photograph is indeed a few feet from the body, but substantially more than six feet away from the low wall. Thus it is not clear from Michael Bradley's account exactly where he was, though it should be noted that the *Sunday Times* map puts him in the general area where we know (contrary to what is shown on that map) that Jackie Duddy was lying.

1 Paragraphs 55.18–28

55.236 Michael Bradley told us that he had always thought that he had dragged or pulled himself back over the wall after he had been shot.[1] As can be seen from the following photograph taken by Gilles Peress, the height of the low wall above the ground on its south side reduced as the wall ran towards Block 1 of the Rossville Flats.

1 AB66.6

55.237 In his statement for the Widgery Inquiry, Michael Bradley recorded that he had jumped over "*the small retaining wall*". To our minds the fact that this wall reduced in height towards the north-west, together with Michael Bradley's description of it and of how he crossed back over after being shot, lend support to the view that he is likely to have been towards the north-western end of this wall both when he jumped over and when he dragged or pulled himself back. This is further supported by the fact that he recalled that after the shooting he returned along the back of this wall in an endeavour to go through the gap between Blocks 2 and 3 of the Rossville Flats, and by the accounts that he gave to Jimmy McGovern and Don Mullan.[1]

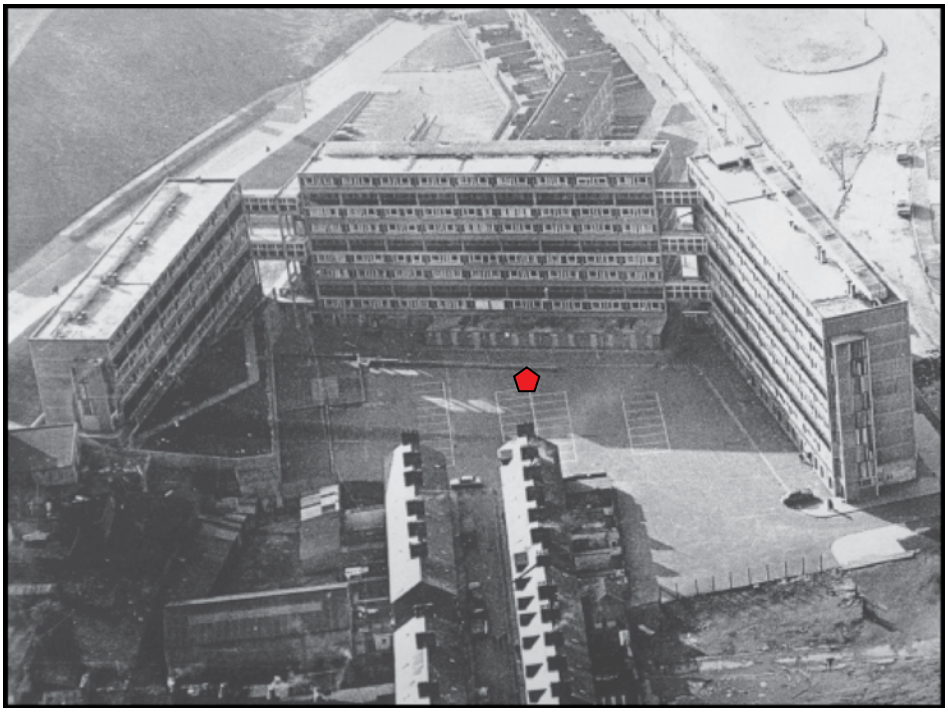
1 AB66.41; AB66.79

55.238 Brian Doherty,[1] James O'Kane[2] and James Rowe[3] gave evidence to this Inquiry to the effect that Michael Bradley was shot rather further to the south-east (ie nearer to the gap between Blocks 2 and 3 of the Rossville Flats) than would appear to us to be the case from an examination of Michael Bradley's own accounts. None of these witnesses gave an account in 1972 that indicated where Michael Bradley was shot. Although we cannot be certain, we consider it more likely than not that Michael Bradley was shot when he was further along the low wall in a north-westerly direction than these witnesses suggested,

and a short distance out from it (he told Jimmy McGovern that he had taken "*about two steps forward*" from the wall), though this would put him a substantially greater distance from the body of Jackie Duddy than the five or six feet he estimated.

1 AD57.4; AD57.11
2 AO81.3; AO81.11
3 AR29.1; AR29.5

55.239 We mark below on an aerial photograph of the car park the approximate position where in our view Michael Bradley is likely to have been shot.



When Michael Bradley was shot

55.240 In his NICRA statement Derrik Tucker Senior, who was watching events from 31 Garvan Place, a flat in Block 2 of the Rossville Flats, gave the following account:[1]

> "Two Saracens turned into the car park of the Flats from Rossville St. In doing so, they drove through the crowd and the first Saracen knocked down one man, sending him spinning away. The Saracens stopped and soldiers deployed from the back of them. One soldier ran to the front nearside wheel and took up a firing position. Another ran to the wall at the backs of the Chamberlain St. houses and started pushing people with his rifle held in a port position.

> The soldier at the nearside front wheel of the Saracen started firing and I saw a man fall to the ground. Someone, running in front of the man, stopped, turned and went to his aid. The shot which that soldier fired was the first shot that I heard that day. Shooting continued and I saw two other men shot in the car park. The first of these was roughly in the middle of the car park with his hands raised in the air. He appeared to be shot in the leg as he suddenly grasped his right leg with his right arm and hopped into the top corner of the carpark where the kiddies play area is.
>
> The second man who was shot, was crouching at the little wall dividing the service area of the shops from the car park. He got up from his crouching position. I saw him clutch his stomach and bend over."

[1] AT16.1

55.241 To our minds, this account puts the shooting of Michael Bridge before that of Michael Bradley. We know of no other evidence that is inconsistent with this.

What Michael Bradley was doing when he was shot

55.242 Although Michael Bradley stated in his written statement dated 7th February 1972 that "*at no time during all this had I any object in my hands*",[1] and was recorded by Fulvio Grimaldi as having said "*I was carrying nothing at the time, I had neither brick, stone or nothin' in my hand*",[2] there is a body of evidence to the effect that this was not true, and that Michael Bradley had in fact been throwing stones at the soldiers immediately before and perhaps even at the time he was shot.

[1] AB66.31 [2] AB66.27

55.243 There is a manuscript annotation at the side of the typed notes of Philip Jacobson's and Peter Pringle's interview of Michael Bradley,[1] which Philip Jacobson told us was in his handwriting.[2] It reads:

> "He agrees he was almost certainly stoning then, can't really recall."

[1] AB66.25 [2] Day 191/146; Day 191/169

55.244 It appears that Michael Bradley may earlier have told another *Sunday Times* journalist, Derek Humphry, that he had been throwing stones. According to a draft article[1] that was not published, Michael Bradley had said:

> "I was throwing stones at the soldiers – my blood was up, you know. I had just finished throwing a stone when I saw a soldier aiming at me from about 20 yards away and I was hit in the arm and chest. I just caught a glimpse of him – he was to one side of me and I didn't throw the stone at him, at a saracen."

1 M71.30

55.245 According to an article in the *Irish Times* of 30th January 1985,[1] Michael Bradley had told this newspaper:

> "I came back into the forecourt of the flats. I saw the body and my nerves got to me. I lifted stones and started throwing. The army were sitting there. A Saracen was on the forecourt at the Chamberlain Street corner. I saw soldiers shooting. I could see soldiers taking aim and shoot."

1 L232

55.246 In his interview with Tony Stark, Michael Bradley was recorded as saying:[1]

> "… I automatically with the anger being in me and the bitterness being in me, I looked around, looking around the ground for something to throw. Picking up these two stones, which I had held one in my right and one in my left hand. I threw the stones, I just threw them. I didn't even know where I was throwing them. I just threw them straight in front of me, straight in front of me just. And as I thought when I let the stone go, I went to throw, I felt this heaviness in my right arm, right upper arm and I grabbed my arm such as this. I thought someone had given me a thump, like a thump in the arm and I grabbed the arm like this. I looked over, and there I was in astonishment. The blood was just flowing out of me. Blood was flowing down out of my arm."

1 O1.17-18

55.247 The *Derry Journal*'s Bloody Sunday 20th anniversary publication records Michael Bradley as saying:[1]

> "I lost the head and looked around to see what I could pick up to throw at the soldiers who were pouring into the area. I grabbed two pieces of brick and was just about to throw them when I was shot. I know I had been hit, but I was still on my feet. At first I thought I had been struck by a rubber bullet, but then I felt a heavy thud on the top muscle of my right arm and saw blood pouring from my hand."

1 L257

55.248 Michael Bradley said in his interview with Paul Mahon that having seen Jackie Duddy:[1]

> "… I just looked. And all of a sudden I could hear the name, 'It's Jackie Duddy, it's Jackie Duddy.' Well when I seen that, I sort of lost everything. I lost control. I was angry, I was frustrated, and I thought, 'Oh Jesus no, not poor Jackie, it couldn't be Jackie' and I looked around me and I found two stones on the ground and I picked them up and I was about to throw them at the soldiers that was directly in front of me. There was a Pig directly in front of me, about 50–60 yards in front of me, say, and I went to throw these two stones and obviously I didn't get to throw them. The first thing I felt was a terrible, heavy, thud, a massive thud."

1 X4.2.11

55.249 Although in his written statement to this Inquiry Michael Bradley told us that he definitely had nothing in his hands when he was shot,[1] his evidence to us as a whole was to the effect that he had no recollection of throwing stones but could not say that he had not done so. When asked about what he had said to Tony Stark, he said:[2] "*Well, I do not have any recollection of it, sir, because as I said, everything happened so quick. It was within seconds, but I make no apologies if I did throw a stone.*" He also said:[3]

> "… I know I have said on several occasions, sir. It is because, when speaking to so many people, you get the reaction that maybe you did pick up a stone and maybe you did not, and do not forget I was angry, so I had every option to pick up the stone. I possibly could have picked it up, but my recollection today is I do not remember."

1 AB66.6
2 Day 94/22
3 Day 94/19

55.250 In these circumstances, while we take the view that Michael Bradley was not trying to deceive the Tribunal into believing that he had not thrown stones, and that by the time he came to give evidence to us he had no recollection of having done so, nevertheless his accounts to others in the past lead us to conclude that very shortly before he was shot he had been throwing stones, and that he was probably on the point of throwing more when he was shot.

Where Michael Bradley was taken

55.251 After Michael Bradley was shot, he pulled himself over the wall to the north of Block 2 of the Rossville Flats and stumbled towards the passage between Blocks 2 and 3. From there he was assisted to a house in Joseph Place, where he was put down in the hall.[1]

1 AB66.31; AB66.17; AB66.26; AB66.79-AB66.80; AB66.42; AB66.6

55.252 Much of the evidence was to the effect that the house to which Michael Bradley was taken was the northernmost house in Joseph Place. Michael Bradley so stated in his written statement for the Widgery Inquiry,[1] and more recently in his interviews with Don Mullan[2] and Jimmy McGovern,[3] although in his NICRA statement[4] he had said that he could not remember exactly which house it was.

1 AB66.17
2 AB66.79-AB66.80
3 AB66.42
4 AB66.31

55.253 The evidence of some witnesses suggests that the house to which Michael Bradley was taken was further south in Joseph Place. Mary Anne Murray said in oral and written evidence to this Inquiry[1] that an injured man was carried into the house of Anna Brennan at 13 Joseph Place, and that this was the fourth house from the north end. She heard someone mention the name Bridge but accepted[2] that the injured man might have been Michael Bradley. Kay Campbell said in her written statement to this Inquiry[3] that Michael Bradley was taken into the flat of "*Robert Bremen*" but that she could not remember where in the north block of Joseph Place this was. In his interview with Jimmy McGovern,[4] Michael Bradley said that the house into which he was carried was 13 Joseph Place, and that this was the northernmost house, although he had previously believed that it was 1 Joseph Place. He told Don Mullan,[5] Jimmy McGovern[6] and this Inquiry[7] that the house was that of Michael McConnell.

1 AM462.2; Day 174/120-122
2 Day 174/122
3 AC15.5
4 AB66.42
5 AB66.79
6 AB66.42
7 AB66.6

55.254 While there seems to have been a degree of confusion on this point, in our view nothing turns on it.

55.255 Those who assisted Michael Bradley to Joseph Place included Eugene Lafferty[1] and John McIntyre.[2] Eugene Lafferty said that Michael Bradley was taken to the first house in Joseph Place, and John McIntyre that he was taken to the first or second.

1 AL1.16-AL1.17; AL1.4; Day 64/95-97
2 AM286.3

55.256 The Order of Malta Ambulance Corps volunteer Noel McLoone stated in his report to the Ambulance Corps[1] that he gave first aid treatment to Michael Bradley. In his written statement to this Inquiry[2] Noel McLoone explained that he knew Michael Bradley and had helped to carry him into the northernmost house in Joseph Place. He applied a shell dressing to the wounds on Michael Bradley's arms.

1 AM359.13

2 AM359.2-AM359.3

55.257 Fr Thomas O'Gara briefly attended to Michael Bradley in a house in Joseph Place before leaving to attend to others who had been fatally injured.[1]

1 H19.6

55.258 In due course Michael Bradley was taken from the house in Joseph Place to an ambulance in Rossville Street and driven to Altnagelvin Hospital with a number of other casualties. We are satisfied that he is the man described in a statement made on 4th February 1972 by the ambulance driver John Gilchrist[1] as having had injuries to both his arms and his left side, and as having been brought to the ambulance from the hall of the first house in Joseph Place.

1 ED33.7

55.259 Michael Bradley is shown being moved from Joseph Place to the ambulance in the following photographs, taken respectively by Colman Doyle, Constable Robert S Simpson, Gilles Peress and Larry Doherty.

55.260 We have found no evidence to suggest that Michael Bradley was hit by non-Army gunfire. Since he was more or less facing the soldiers, not far from the low wall in front of Block 2 of the Rossville Flats, there is no conceivable reason why a paramilitary gunman should have fired in his direction. We are sure that a soldier shot Michael Bradley.

55.261 There is nothing to suggest, and no-one has suggested, that Michael Bradley was armed or posing or about to pose a threat of causing death or serious injury. Whether his actions could have led a soldier mistakenly to believe that he was or might have been about to throw a bomb is a matter to which we return[1] when we consider whether it is possible to identify the soldier who shot Michael Bradley.

[1] Chapter 64

Patrick McDaid

55.262 Unlike the casualties in Sector 2 whom we have discussed above, who we have no doubt were hit by Army rifle fire, we are sure, for the reasons set out below, that while Patrick McDaid was wounded in Sector 2, this was not the result of him being hit by a lead bullet.

Biographical details

55.263 Patrick McDaid was 24 years old at the time of Bloody Sunday. He was then an unmarried man living with his parents in Dunaff Gardens, Creggan. He was a plumber employed by the Londonderry Development Commission.[1]

1 N38; AM172.21; AM172.1

Prior movements

55.264 Patrick McDaid went on the march on Bloody Sunday with his brother-in-law.[1] In several accounts given in 1972, he said that he followed the march down William Street and turned into Rossville Street, where he stood among the crowd for a time. He saw people stoning the soldiers in the area of Sackville Street and Little James Street. The soldiers fired CS gas and baton rounds at the stone-throwers. He then moved up Rossville Street away from the gas, and along Eden Place into Chamberlain Street.[2]

1 AM172.1

2 AM172.21; AM172.14; AM172.33; AM172.12

55.265 In his statement to the RUC,[1] Patrick McDaid said that when he reached Chamberlain Street he headed towards the Rossville Flats. In another statement made in 1972,[2] he said that he looked towards William Street but turned to walk towards the Rossville Flats. According to Philip Jacobson's interview note,[3] Patrick McDaid told him that he "*went to turn left*" towards William Street, but could see that there was more trouble there, with clouds of CS gas and the water cannon being used, and decided to turn right instead. In a further statement made in 1972,[4] Patrick McDaid said that he looked up Chamberlain Street from the end of Eden Place and saw stones being thrown, but did not see any soldiers, and then moved down Chamberlain Street towards the Rossville Flats.

1 AM172.21

2 AM172.14

3 AM172.33

4 AM172.12

55.266 On the other hand, in his note of his research interview of Patrick McDaid,[1] Tony Stark wrote that Patrick McDaid was at the junction of Chamberlain Street and William Street, and watched the marchers approach Barrier 14 and begin to throw stones. In his interview with Paul Mahon,[2] Patrick McDaid also said that he reached the corner of Chamberlain Street and William Street. A lot of stones were being thrown but he did not think that there was as much rioting as usually occurred on a Saturday afternoon. After a while he made his way back down Chamberlain Street. As he did so, people started to run past him and he began to run too. Patrick McDaid gave a similar account in his written statement to this Inquiry.[3] He confirmed this in his oral evidence,[4] but explained[5]

that he had remained some distance to the south of the junction of Chamberlain Street and William Street while watching the rioting. He also gave a similar account in his interview with Jimmy McGovern.[6]

1 AM172.38
2 X4.24.3-X4.24.4
3 AM172.2
4 Day 92/105-106
5 Day 92/123
6 AM172.45-AM172.46

55.267 In these circumstances Patrick McDaid's movements before he reached the southern half of Chamberlain Street remain uncertain, but there is no evidence that he took part in the rioting at Barrier 14.

Medical evidence

55.268 Mr HM Bennett, the consultant surgeon at Altnagelvin Hospital, gave the following description of an injury to Patrick McDaid's back in a letter to the RUC dated 7th February 1972:[1]

> "This patient was admitted about 4.45 p.m. on Sunday, 30th January, 1972 with laceration over the upper part of the left scapula.
>
> Later the same evening he was operated on by Mr. Malhotra who excised the wound edges noting that many carbon particles were present. The wound affected merely the supraspinatus muscle along the back of the left shoulder – i.e. a glancing wound which had been fired as the patient was ducking down and did not indicate a direct hit from behind. The wound was noted to be full of carbon particles which would indicate a fairly close range discharge.
>
> The patient's life appears to be in no danger and he should make an excellent recovery."

1 ED28.3

55.269 In his notes[1] Mr Malhotra, the surgeon who debrided the wound, referred to "*black edges (carbon)*" and a "*lot of carbon particles*".

1 D841

55.270 The wound is shown in two photographs, not reproduced here, which were taken by Eamon Melaugh in the house in Joseph Place to which Patrick McDaid went after he had been injured.

55.271 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who might have received non-fatal gunshot wounds on Bloody Sunday. In March 2000, in their report on these cases,[1] Dr Shepherd and Mr O'Callaghan made the following comments about Patrick McDaid's injury:

> "Mr. McDaid had a ragged 3" x 2" lacerated injury over the upper part of the left scapula. No true entrance or exit wounds are described. The wound was surgically debrided by Mr Malhotra who recorded that the wound had 'black edges (carbon) lot of carbon particles'
>
> A letter to the Royal Ulster Constabulary from Mr Bennett, Consultant Surgeon, dated 7th February suggested that the injury was a 'glancing wound' fired as the patient was 'ducking down' which 'did not indicate a direct hit from behind'. He drew attention to the carbon particles which he suggested 'would indicate a fairly close range discharge'. In a discharge summary dated 11th February it is again suggested that this is possibly a glancing wound with tearing of the skin and superficial tissues.
>
> [One of the photographs] shows a wound with sharply demarcated margins. The carbon soiling of the edges cannot be confirmed in this photograph.
>
> Comment
>
> The nature of the projectile(s) cannot be determined and in the absence of any further evidence no meaningful conclusions can be made about the 'black edges' of the wound. There is no evidence that would allow any conclusions to be drawn about the position of Patrick McDaid at the time he received this injury."

1 E10.7-8

55.272 In August 2001, after consideration of the photographs and of enlargements made from the negative of one of them, Dr Shepherd and Mr O'Callaghan commented in a supplementary report:[1]

> "The photographs show an, essentially, semi-circular wound with little apparent bleeding. The wound seems shallow, as if the tissues had been sliced.
>
> The top edge of the wound appears to be composed of a flap of skin pushed or folded upward exposing the underlying tissue.
>
> There is a relatively straight margin at the right side and a rather more curved margin at the left.

Conclusions

Even with these photographs, a fresh interpretation of the injury remains difficult, mainly due to the overall lack of reliable information. However, the appearance of the injury suggests that it may have been caused by a thin 'disc' or 'sliver' of material moving rapidly, which has sliced through the skin of the back from a generally right to left direction leaving a flap of tissue at the upper margin. It does not have the appearance of a typical bullet wound.

There are no obvious features visible in the photographs to help explain or identify the 'black particles' described by Mr. Malhetra [sic]."

1 E18.6.1

55.273 In August 2002, having again reviewed the medical records and photographs, and having been invited to consider the possibility that Patrick McDaid had been injured by a modified baton round or by a non-standard object fired from a baton gun, Dr Shepherd and Mr O'Callaghan made the following comments:[1]

"1. We are of the opinion that Patrick McDaid was not struck by a bullet.

2a. Objects that could cause such a slicing wound include a penny (old coinage), other metal discs, the top or bottom plates of a 'U2' type battery etc and we understand that these items were attached to or fired in place of baton rounds in Northern Ireland in the period of time around Bloody Sunday.

2b. The 'black particles' might be explained by the disc being contaminated by either the contents of the battery or by soiling of a penny if it were placed against the charge in the baton round gun. No material suggestive of 'black particles' can be seen in the photographs of the wound.

3. There are no specific features that would allow us to make a positive interpretation and we cannot distinguish between the possibilities noted above and we accept that other possibilities may exist."

1 E20.1-2

55.274 In his oral evidence to this Inquiry,[1] Dr Shepherd was asked what significance might be attached to the presence of carbon particles around the wound if, contrary to his view, the wound had been caused by a lead bullet. He replied:

> "Carbon particles around the wound are commonly associated with a close discharge of a weapon. That would be of significance, but one would need to see them, in this case also on the overlaying clothing and on other points adjacent to the wound for that conclusion to be drawn."

[1] Day 229/60

55.275 However, Dr Shepherd said that he thought that it would be fair to say that he and Mr O'Callaghan were "*confident*" in the view that they had reached that Patrick McDaid's injury was not caused by a lead bullet.[1]

[1] Day 229/62

55.276 Dr Shepherd was asked[1] whether he and Mr O'Callaghan had considered a metal nut as a possible cause of the injury. He replied:

> "No, I do not believe we had considered nuts and bolts because I think the appearances of the injury, having considered it, were so suggestive of this flat slicing action that I do not think you could achieve with a nut or a bolt. If there was a flat base, a tin can lid, for instance, placed on the bottom of a nail bomb or some other explosive device or within it, and it flew in the correct way, then that possibly could be one force. But I could find nothing of the appearances of explosive injuries in the injury to the back of Patrick McDaid."

[1] Day 229/75

55.277 Dr Shepherd made it clear that the penny and the U2 battery plates were put forward only as two possible causes of the injury, and that he and Mr O'Callaghan did not exclude others. He said:[1]

> "That injury is an extremely difficult one to interpret. I think I understand now the mechanism that caused it, but I do not have any particular idea of – other than the broadest terms of a sliver or disc – of the object that actually damaged the skin in that way."

[1] Day 229/77

55.278 We accept the evidence of Dr Shepherd and Mr O'Callaghan that the appearance of Patrick McDaid's wound indicates that it was caused by something other than a lead bullet. We return later to the question of what that object might have been.

Accounts given by Patrick McDaid

55.279 Patrick McDaid gave the following accounts in 1972:

1. a statement taken by Detective Sergeant Cudmore on 4th February 1972 in the presence of a solicitor acting on behalf of Patrick McDaid;[1]
2. a statement witnessed by Marjorie Donaghy on 7th February 1972;[2]
3. an undated statement,[3] which the Inquiry obtained from a collection deposited in the Public Record Office of Northern Ireland by the solicitor who acted for the next of kin of 12 of the deceased at the Widgery Inquiry. It is similar in form to other statements believed to have been sent to that solicitor on 29th February 1972, in order that he might pass them to the Widgery Inquiry, by an apprentice solicitor in the firm that represented the wounded. We think it highly likely that the statement of Patrick McDaid was taken by that firm in preparation for the Widgery Inquiry;
4. a written statement for the Widgery Inquiry dated 27th February 1972;[4]
5. oral evidence to the Widgery Inquiry on 29th February 1972;[5] and
6. an interview with the *Sunday Times* Insight Team journalist Philip Jacobson on 7th March 1972.[6]

1 AM172.21-22; AM172.24
2 AM172.14-16
3 AM172.12-13
4 AM172.27-28
5 WT7.82-85
6 AM172.33-37

55.280 Patrick McDaid gave interviews to Tony Stark in 1991,[1] to Don Mullan[2] on 24th August 1998,[3] to Paul Mahon in or about 1998[4] and to Jimmy McGovern in or about 1999.[5]

1 AM172.38
2 Don Mullan was the editor of *Eyewitness Bloody Sunday*, a collection of some of the NICRA statements made by witnesses to the events of the day. The collection was published in 1997.
3 AM172.70-AM172.86
4 X4.24.1-X4.24.33
5 AM172.40-AM172.69

55.281 Patrick McDaid gave written and oral evidence to this Inquiry.[1]

1 AM172.1-AM172.26; Day 92/103-143

55.282 In his statement to Detective Sergeant Cudmore, Patrick McDaid described how he had gone along Rossville Street to get away from the CS gas, and then through the Eden Place alleyway into Chamberlain Street, and had headed towards the Rossville Flats. His statement continued:[1]

> "I was walking up Chamberlain Street whenever crowds started to run pass me going towards the Rossville high flats because somebody had shouted, 'The Armys coming'. I ran along with this crowd to the top of Chamberlain Street where I slowed down. Two or three youths then appeared from the direction of the Rossville flats and to my right. They were carrying a woman who I now know to be a Mrs. Deery and I saw that she had been shot in the leg. I went over and helped then to carry Mrs. Deery into a house in Chamberlain Street where I tied a piece of scarf around her leg to stop it bleeding. I went outside and started to shout for first aid or an ambulance. I then heard shooting going on in the area and I saw a young fellow fall and I believe his name was Duddy. He fell in the square of the flats but I didn't see who had shot him. I then moved in along the side of a woman's house to a wall and I made a run for it over towards an entrance between the flats, that is the flats facing onto Fahan Street and the flats with the shops in them. As I neared the entrance between the flats I bent my head forwards in order to fall to the ground as there was still lots of shooting going on. I then felt a blow to the back of my shoulder and this made me fall to the ground. Another fellow, whose name I don't know, fell nearly on top of me and he said, 'You've been shot'. This man then dragged me through to the front of the shops and then I was assisted into a maisonette where someone treated my wound."

1 AM172.21

55.283 The other accounts that Patrick McDaid gave in 1972 are to similar effect, as are the accounts he gave later. As we have explained above,[1] we are of the view that the young man he described seeing fall was not Jackie Duddy, but could have been Michael Bridge. Patrick McDaid told the Widgery Inquiry that he did not know who this man was.[2]

1 Paragraph 55.118 2 WT7.83

Where Patrick McDaid was injured

55.284 In his written statement for the Widgery Inquiry, Patrick McDaid described being hit as he bent to take cover behind some steps when trying to reach the passage between Blocks 2 and 3 of the Rossville Flats.[1] In his oral evidence to the Widgery Inquiry he said that he was just at the top of three steps that led down to the passage for which he was heading.[2] According to Philip Jacobson's note Patrick McDaid told him:[3]

> "i carried on running but just before i got to the end, it goes down over a small wall and i was going to sort of dive over behind it, just then i felt something flick my shoulder."

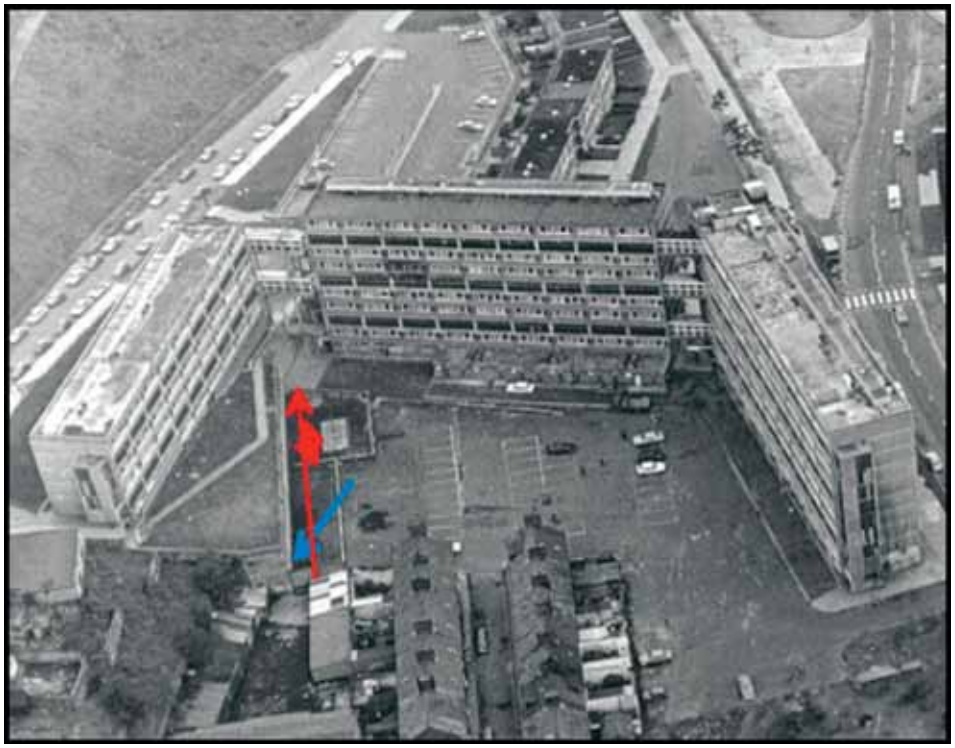
1 AM172.27
2 WT7.83
3 AM172.34

55.285 In the course of his interviews with Don Mullan,[1] Paul Mahon[2] and Jimmy McGovern,[3] and in his written statement to this Inquiry,[4] Patrick McDaid recounted that at the time when he was hit he had been diving to get behind the wall (which must have been the low wall mentioned in Philip Jacobson's note) and did not appreciate that the steps were there until after he had landed on the ground. In his oral evidence to this Inquiry,[5] Patrick McDaid confirmed this and said that he did not know whether he had jumped over the steps or over the wall beside the steps.

1 AM172.72
2 X4.24.14
3 AM172.48
4 AM172.3
5 Day 92/115

55.286 Patrick McDaid marked his position on the following photograph with the long red arrow.[1]

1 AM172.39



55.287 The tip of the red arrow marks where a set of steps led down to the area immediately to the north of the gap between Blocks 2 and 3 of the Rossville Flats. The top of these steps can be seen in the following photograph, which was not taken on Bloody Sunday.

55.288 Although in recent years Patrick McDaid recalled that he did not feel anything before he was told he was shot,[1] in statements made soon after the event he said that he did recall feeling something hit him. As noted above, in his statement to Detective Sergeant Cudmore he said that he felt a blow to the back of his shoulder, and in his interview with Philip Jacobson he said that he felt something flick his shoulder just as he was about to dive over the small wall. In his statement of 7th February 1972[2] he said that he was struck on the back left shoulder as he bent forwards to fall. In his written statement for the Widgery Inquiry,[3] he recorded that a bullet hit him on the back of the left shoulder as he bent down, and that initially he thought that the shot had missed him but hit his coat. In oral evidence to the Widgery Inquiry[4] he said that until someone told him that he had been shot he thought that he had just hurt his shoulder. In his undated statement[5] he said that he dived for cover and felt something hitting the back of his shoulder.

1 AM172.72; X4.24.14; AM172.48; AM172.6; Day 92/116; Day 92/127; Day 92/138-142
2 AM172.15
3 AM172.27
4 WT7.83
5 AM172.13

55.289 In these circumstances we are sure that something hit Patrick McDaid in the back of his shoulder as he reached the area of the steps and jumped or was about to jump over the steps or the low wall beside them.

55.290 Earlier in this chapter,[1] in our discussion of the shooting of Jackie Duddy, we have reproduced a photograph taken by Gilles Peress showing Fr Daly and Charles Glenn attending Jackie Duddy in the car park of the Rossville Flats.

1 Paragraph 55.18

55.291 In his written account for the Widgery Inquiry, Gilles Peress described how, having taken that photograph, "*I went over towards the centre block taking cover along the wall past Chamberlain Street. I went to the end of the small wall in the centre of the centre block but the body had been taken away.*"[1] Gilles Peress said that he then took the photograph showing the low wall running parallel to Block 2 of the Rossville Flats, which can be seen above,[2] where we deal with the wounding of Michael Bradley.

1 M65.1.1

2 Paragraph 55.236

55.292 Gilles Peress told the Widgery Inquiry that he then went back a few yards towards the big concrete wall between the flats, by the children's playground.[1] He said that "*Shooting was heavy at this time*".

1 M65.1.1-M65.2

55.293 At this stage Gilles Peress took six more photographs. The first he described as showing seven men hiding from gunfire, which was coming from two soldiers, "*one at the far corner of the high flats and one at the back of 36 Chamberlain Street*".[1]

1 M65.2

55.294 Gilles Peress said that he took the next photograph about 30 to 40 seconds later.

55.295 Gilles Peress took four more photographs of the scene at the bottom of the concrete wall. We return to consider these in our discussion of events in Sector 5,[1] to which they are relevant for reasons there explained.

1 Paragraph 117.2

55.296 In his written statement to this Inquiry,[1] Patrick McDaid told us that he did not recognise himself in either of the photographs shown above. In his interview with Paul Mahon,[2] he said that although it was hard to say, it was possible that he was in these photographs. However, in his oral evidence[3] he said that he believed he was the man seen lying on the ground on the right of the group in the first photograph; and it is clear that the second shows the same individual. Furthermore, the balding man seen in the first photograph apparently looking at the back of the man lying on the ground, and in the second holding the right side of that man's back, is Patrick Walsh; and while Patrick Walsh did not recall the incident when making his written statement to this Inquiry,[4] in his interview with Philip Jacobson on 13th April 1972[5] he described seeing an injured man whose wound looked as it would if flesh had been scooped away with a butter knife.

1 AM172.5
2 X4.24.17-X4.24.18
3 Day 92/117; Day 92/128
4 AW5.2-AW5.3
5 AW5.35

55.297 The account Patrick Walsh gave to Philip Jacobson[1] was that he had decided to run from the steps shown in Gilles Peress's photographs to the passage between Blocks 2 and 3 of the Rossville Flats; as he was getting into his stride the youth who turned out to be injured cannoned into him and they both fell; he then felt the youth's back and found a rent in his jacket. Philip Jacobson has added in the notes of the interview that this is shown in "*gilles first shot*" (ie the first of the photographs shown above), in which "*walsh has his hand on mcdaid's back*". When he gave oral evidence to this Inquiry, Patrick Walsh's memory had been refreshed to a limited extent and he agreed that the first two photographs showed him with a man who could have been Patrick McDaid.[2]

1 AW5.34-AW5.35

2 Day 171/30-32

55.298 In the light of the evidence discussed above we have no doubt that the first two of these photographs show Patrick McDaid lying face down on the ground.

When Patrick McDaid was injured

55.299 It seems to us that Gilles Peress's photographs of Patrick McDaid must have been taken very soon after he was injured. This in turn leads us to conclude that Patrick McDaid was injured after both Michael Bridge and Michael Bradley, since at the time these two were injured Jackie Duddy was still lying in the car park, whereas Gilles Peress took the photographs of Patrick McDaid after he had gone along the low wall running along the car park side of Block 2 of the Rossville Flats to find that Jackie Duddy had been taken away.

What Patrick McDaid was doing when he was injured

55.300 There is nothing to suggest, and no-one has suggested, that Patrick McDaid was doing anything except trying to run away from the shooting when he was injured.

What injured Patrick McDaid

55.301 It was submitted by the representatives of the majority of represented soldiers that Patrick McDaid might "*have been hit by a malfunctioning nail bomb*".[1] It was submitted by the representatives of the majority of the families that "*It is overwhelmingly likely that he was wounded by a projectile fired from a rubber bullet gun*"[2] and that the round had been "*doctored*" so as to cause an injury of the kind sustained by Patrick McDaid. By "*doctored*" was meant that some object, such as a razor blade or coin, had been inserted into the nose of the baton round.

1 FS7.1611

2 FS1.1182

55.302 We are not persuaded by either of these submissions. As to the first, no witness who was near Patrick McDaid gave evidence of any explosion close to him. Had a nail bomb exploded in the area, we have no doubt that the Mortar Platoon soldiers who were in or around the entrance to the car park would have heard and reported it. Having considered their evidence, we have already concluded earlier in this report[1] that no nail bombs exploded in Sector 2.

1 Chapter 47

55.303 As to the suggestion that Patrick McDaid was hit by a doctored baton round, it was submitted that of the four baton gunners in Mortar Platoon, Private 013 was "*a prime contender*" to have fired the round in question.[1] As we have explained earlier in this report,[2] his evidence was that he had advanced to the forecourt of the Rossville Flats where he fired his baton gun at the crowd in the car park. He did not say that he had fired towards the area where Patrick McDaid was injured. He did fire a baton round into the stairway at the northern end of Block 1 of the Rossville Flats and in our view injured Patrick "Barman" Duffy. However, the distance from this area to where Patrick McDaid was injured was about 100 yards. According to the then current standard operating procedures of 22 Lt AD Regt, baton rounds were ineffective at ranges greater than 50m.[3] For this reason it seems to us unlikely that a baton round fired by Private 013 could have been responsible for Patrick McDaid's injury. In addition, there is no evidence either that anyone saw a baton round hit Patrick McDaid, or that one was afterwards found in the area.

1 FS1.1181
2 Paragraphs 26.30–32 and 46.23–24
3 G38B.255.8

55.304 Of the other baton gunners, Private 017 was, as we have explained above,[1] in Rossville Street, and there is no evidence that Private 019, who had accompanied Lieutenant N to the Eden Place alleyway, later fired baton rounds in the area of the car park. Private 112 was at the north-east corner of Block 1 of the Rossville Flats and did fire into the car park, but doubted whether he would have fired towards the gap between Blocks 2 and 3 of the Rossville Flats, because of the distance.[2] As with Private 013, it seems to us that even if he had done so, the distance was such that he would have been unlikely to have injured Patrick McDaid.

1 Paragraphs 24.18–25 and 24.32–36
2 Day 320/143

55.305 As already noted,[1] the Inquiry's experts were of the view, which we accept, that a live round did not hit Patrick McDaid. In these circumstances, since we do not accept the submission that he was hit either by shrapnel from a nail bomb or by a doctored baton

round, it seems to us that the most likely cause of his injury was a piece of debris sent flying when an Army bullet hit the ground or some other object. As Gilles Peress told the Widgery Inquiry, there was heavy Army fire at what must have been about the time Patrick McDaid was hit, and Sergeant O, Private Q and Private R all gave accounts of firing towards the gap between Blocks 2 and 3 of the Rossville Flats, only a few yards from where Patrick McDaid was injured.

1 Paragraphs 55.268–278

Where Patrick McDaid was taken

55.306 After he was injured, Patrick McDaid was helped to a house in Joseph Place where his wound was dressed by Order of Malta Ambulance Corps volunteers.[1] In his statement made on 7th February 1972[2] he said that he was taken by the back entrance into the second or third house in Joseph Place. In later accounts he said either that it was the second house,[3] or that it was the first,[4] or that it was one of the first two houses.[5]

1 AM172.21-AM172.22; AM172.15; AM172.35; AM172.38; AM172.73; AM172.48-50; AM172.4; Day 92/120
2 AM172.15
3 AM172.35
4 AM172.73; X4.24.20-X4.24.21; AM172.4; Day 92/120
5 AM172.49

55.307 The Order of Malta Ambulance Corps volunteer Noel McLoone recorded in his written statement to this Inquiry[1] that he treated a man with a wound in the centre of his back in the second house in Joseph Place. He stated that this man seemed elderly to him but in his oral evidence[2] he said that this recollection was not completely clear. He said that the man's wound was similar to that shown in Eamon Melaugh's photograph of Patrick McDaid's wound,[3] although he could not tell from the photograph whether this was the wound that he had treated.

1 AM359.21-AM359.22
2 Day 175/151-153
3 P760

55.308 In his report to the Order of Malta Ambulance Corps,[1] another volunteer, James Norris, described how he and Noel McLoone treated a man with a back wound. He said that the bullet had "*scooped a piece out and left an overlap of skin*". In his written statement to this Inquiry,[2] James Norris said that this happened in one of the houses in Joseph Place and that he thought that Michael Bradley had been in the same house. He could not recall the identity of the man with the back wound, but in our view it was Patrick McDaid.

1 AN20.22
2 AN20.11

55.309 In due course Patrick McDaid was taken from the house in Joseph Place to an ambulance in Rossville Street and driven to Altnagelvin Hospital with a number of other casualties, including Michael Bradley. We are satisfied that he is the man described in the statement made on 4th February 1972 by the ambulance driver John Gilchrist[1] as having said that he had been shot in the shoulder.

1 ED33.7

55.310 Patrick McDaid is shown being escorted from Joseph Place to the ambulance in a photograph found in the *Sunday Times* archive, and in one of Jeffrey Morris's photographs.

Patrick Brolly

Biographical details

55.311 Patrick Brolly was 40 years old at the time of Bloody Sunday. He was a married man who lived with his wife and children in Leenan Gardens, Creggan.[1]

1 AB90.1; AB88.1

Prior movements

55.312 In his written statement to this Inquiry,[1] Patrick Brolly said that he took part in the march on Bloody Sunday and reached the front of the crowd at Barrier 14. When the soldiers came in, he went down Macari's Lane and across the waste ground to Rossville Street, and entered Block 1 of the Rossville Flats by the main entrance at the south end of the block.

1 AB90.1

Medical evidence

55.313 We have no medical evidence relating to Patrick Brolly's injury.

55.314 In a letter to the secretary to the Widgery Inquiry dated 2nd March 1972,[1] the Patient Services Officer at Altnagelvin Hospital confirmed that Patrick Brolly had received treatment at the hospital for "*Lacerations to face*". In her written statement to this Inquiry,[2] Marie Dunne, the Communications Manager at Altnagelvin Area Hospital, told us that Patrick Brolly's hospital record contained no reference to injuries sustained on Bloody Sunday, and that it was likely that he had been treated and discharged on the same day, in which case the records of his treatment would have been destroyed.

1 D1093 2 D1086

55.315 This is consistent with Patrick Brolly's written statement to this Inquiry,[1] in which he said that he was sent home on the evening of Bloody Sunday.

1 AB90.2

Accounts given by and relating to Patrick Brolly

55.316 Although he made a written statement to this Inquiry,[1] Patrick Brolly was not well enough to give oral evidence. He died on 27th January 2002.

1 AB90.1

55.317 According to Patrick Brolly's account,[1] while in the flat of Kathleen Cunningham (she was his brother-in-law's sister) in Block 2 of the Rossville Flats, which he marked as being towards the end nearest Block 1, he saw Fr Daly giving the last rites to a young boy in the car park. As he turned away from the window he heard a loud bang and was hit by a bullet "*which came through the window and skimmed the left side of my head just above my forehead. I fell to the ground and was knocked out for a while.*"

1 AB90.1-AB90.2

55.318 Patrick Brolly was taken to Altnagelvin Hospital in the same ambulance as Alana Burke and others but was discharged the same day. Samuel Hughes, the attendant in the ambulance, confirmed that one of the casualties had a cut on his left forehead.[1]

1 ED39.6-7; GEN3.10-11

55.319 Patrick Brolly's wife Celine Brolly made a NICRA statement[1] in which she described going into a second floor flat and, from the back bedroom, looking with her husband at the scene in the car park. They could see three soldiers by an Army vehicle and tried to "*draw their attention that Father Daly wanted them as the other soldier against the wall was shooting away*". A small blond stout soldier directly behind the vehicle "*aimed the gun*

and my husband threw me to the ground and they fired right in at the bedroom window. My husband [was] hit in the head with glass and a rubber bullet and was unconscious for half an hour."

1 AB88.9

55.320 The account given by Celine Brolly in her written statement to this Inquiry[1] differs in a number of ways. She there stated that she and her husband had seen Fr Daly escorting Jackie Duddy out of the car park of the Rossville Flats while two soldiers on either side of the exit into Chamberlain Street were shooting into the crowd. Her husband told her that one of the soldiers was pointing his gun at them, and threw her to the floor. A bullet then smashed the window and Patrick Brolly was wounded on the top of his head. Celine Brolly told us that for a long time afterwards she thought that a baton round had been fired at the window and that splinters of glass had caused her husband's injury. According to this account, however, the hole in the window was only small, and she was later told that the projectile was a lead bullet.

1 AB88.1-4

55.321 Kathleen Cunningham was the owner of the flat. Celine Brolly told us that according to one of Kathleen Cunningham's relatives the bullet had lodged in the top of a wardrobe in the sitting room.[1] According to Celine Brolly's NICRA statement[2] her husband was in the back bedroom when he was hit.

1 AB88.3

2 AB88.9

55.322 Celine Brolly told us that Kathleen Cunningham's flat was on the second floor of Block 2 of the Rossville Flats towards the end nearest Block 3[1] (ie much closer to Block 3 than the position indicated by her husband).

1 AB88.2

55.323 In her oral evidence[1] Celine Brolly, while evidently in a state of some confusion on the point, ultimately reverted to saying that the blond soldier by the vehicle had fired the shot that hit her husband.

1 Day 94/63-64; Day 94/75-78

55.324 In her written statement to this Inquiry Celine Brolly told us that in the last few years she had suffered a stroke and had also had a nasty fall as a result of which she was unconscious, lost her memory and was unable to speak for some months. She admitted

that her recall was therefore not as clear as it had been in 1972.[1] In these circumstances we treat the evidence that she gave to us with caution, though there is no doubt that she was doing her best to help us.

1 AB88.4

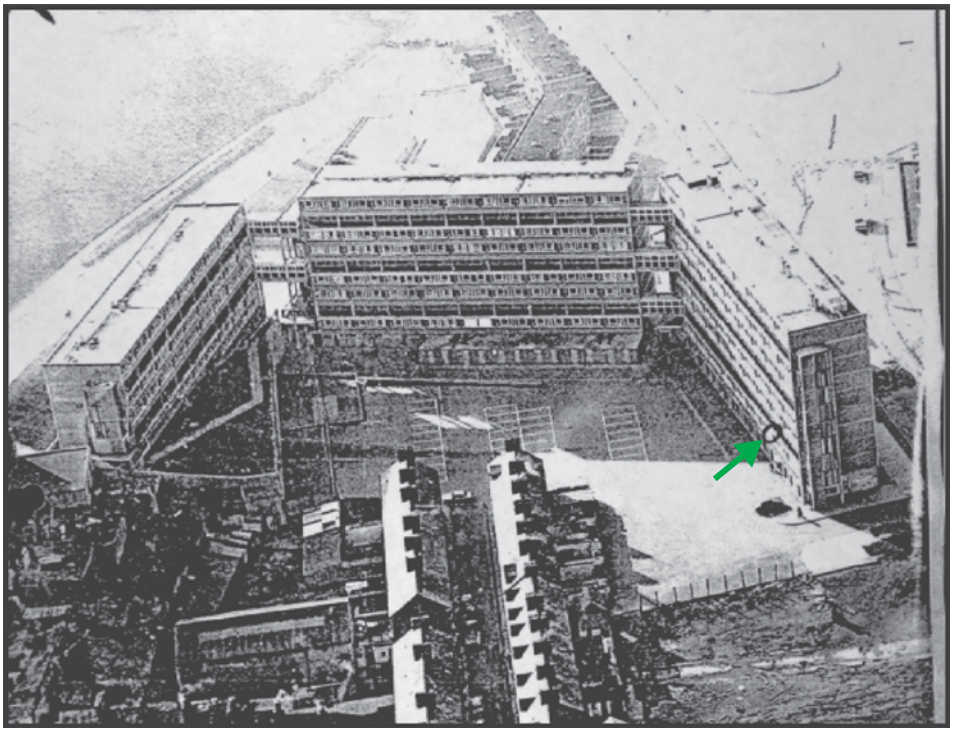
55.325 As Celine Brolly recorded in her NICRA statement, Annie Curran (Patrick Brolly's sister) was also in the flat at the time. In her written statement to this Inquiry,[1] Annie Curran told us that from the living room she saw her brother go into the bedroom, and that through the open door she saw him fall with blood streaming from his head. She could not remember whether the bullet had completely shattered the window or just made a hole. They looked for a bullet but could not find one.

1 AC156.2

Where Patrick Brolly was injured

55.326 As we have explained, in their accounts to us, both Patrick and Celine Brolly described the flat as being in Block 2 of the Rossville Flats, though in different positions in that Block. However, Annie Curran told us that Kathleen Cunningham's flat was 3 Garvan Place, on the first floor of Block 1 of the Rossville Flats. She marked the position of this flat on a photograph, reproduced below.[1]

1 AC156.4



55.327 3 Garvan Place was in fact where Annie Curran marked it.[1]

1 GEN3.12

55.328 In her NICRA statement,[1] Celine Brolly did not specify which block the flat was in. However, she recorded that she and the others looked out of the living room windows and "*saw the Saracen tanks charging up*". They then went to watch from the back bedroom, which was where her husband was injured. Had the flat been in Block 2, Celine Brolly could not have seen the Army vehicles moving in from the front windows, though they would have been visible from the front of Block 1.

1 AB88.9

55.329 Marie Cregan is Patrick Brolly's daughter. She was not present when her father was injured, but told us in her written statement to this Inquiry[1] that he had been in a flat in Block 1 of the Rossville Flats when it happened. According to this account, Patrick Brolly initially thought that a baton round had hit him, but in fact it had been a live round. Someone apparently removed a lead bullet from a wardrobe in the flat on the day after Bloody Sunday.

1 AC121.4

55.330 In the light of this evidence it seems to us that Patrick and Celine Brolly's recollection that the flat was in Block 2 was mistaken; and we are sure that the flat was in fact in Block 1, where Annie Curran marked it. This conclusion is supported by the evidence of Patrick Friel[1] and Gearóid Ó hEára.[2]

1 AF38.1; AF38.3

2 AO79.3-AO79.5; Day 406/209-212

What Patrick Brolly was doing when he was injured

55.331 There is nothing to suggest that Patrick Brolly was doing anything that could have led a soldier to believe, albeit mistakenly, that he was either posing or about to pose a threat of causing death or serious injury or doing anything to justify the firing of a baton round.

What injured Patrick Brolly

55.332 As noted above, Celine Brolly originally believed that her husband had been hit by flying glass and a baton round while he was in the bedroom. Annie Curran told us that she and the others looked for a bullet but could not find one, and so she did not know whether a rubber bullet or a live bullet had hit Patrick Brolly.[1] At the same time, in her statement to this Inquiry Celine Brolly told us that there was only a small hole in the bedroom window;

and there is the evidence, to which we have referred,[2] that a bullet was later found in a wardrobe in the living room. We consider that Patrick Brolly was injured in the bedroom, as he, Celine Brolly and Annie Curran have all said.

1 AC156.2
2 Paragraph 55.321

55.333 The matter is complicated by the fact that, according to Celine Brolly's NICRA statement,[1] after her husband had been injured and a "*First Aid man*" was attending him, she went to the window in the living room, at which point a soldier shot a rubber bullet at her "*and Mr McGill who was in the flat helping to attend my husband*". Celine Brolly, in her oral evidence to this Inquiry, said that this incident had gone out of her mind.[2]

1 AB88.9
2 Day 94/66

55.334 James McGill, who is dead and gave no evidence to this Inquiry, gave a Keville interview[1] in which he said that he went into the flat with a "*boy of the Red Cross*" after hearing Celine Brolly shouting that her husband was dead, and looked after Mr Brolly. Asked what had happened to Patrick Brolly, James McGill said that a bullet had come through the window, hit Patrick Brolly and then hit the ceiling. He does not appear to have witnessed a later incident of a rubber bullet coming in through the living room window.

1 AM231.2

55.335 The Order of Malta Ambulance Corps volunteer Bernard Feeney said in his NICRA statement[1] that he was called to attend to a man (in our view Patrick Brolly) who was "*said to be shot in the head*" but that on arrival "*it turned out that a rubber bullet had come through the window and glass had embedded in his head*". In his written statement to this Inquiry,[2] Bernard Feeney told us that when he arrived at the flat he found a man slumped "*on the chair immediately in front of the window which looked out on Rossville Street. People thought that he had been shot in the head, as his head was bleeding. The window had been entirely shot away but as it then turned out, in fact he was simply bleeding from the glass in the window.*" In his oral evidence to this Inquiry, Bernard Feeney said that he knew that a rubber bullet had come through the window because he saw the bullet lying in the apartment.[3]

1 AF8.10
2 AF8.4
3 Day 141/54-55

55.336 In these circumstances it could be the case that Bernard Feeney wrongly concluded that Patrick Brolly had been injured by a rubber bullet that had come in through the living room window.

55.337 Gearóid Ó hEára told us in his written statement to this Inquiry[1] that he was called into a flat from the lowest balcony of Block 1. According to this account Patrick Brolly and others were there. He stood with Patrick Brolly at the front window, overlooking Rossville Street. Patrick Brolly hammered on the window to attract the attention of two photographers, and shouted to them to take photographs of what was happening. The photographers had come from behind two soldiers who were lying on the ground near the ramp at the north-east corner of Glenfada Park North, firing down Rossville Street. Suddenly the window blew in. Patrick Brolly fell into the room with blood on his face. At first those in the flat thought he had been shot in the head, but after he had been cleaned up it turned out that the window had been hit by a baton round at close range. It must have been fired either from the west side of Rossville Street or from the Ferret scout car which was beneath the window. In his supplementary written statement,[2] Gearóid Ó hEára told us that the two soldiers could have been at the ramp at the south end of Kells Walk, but he did not think so. He believed that Patrick Brolly had been trying to make a photographer take pictures of the soldiers firing. In his oral evidence to this Inquiry,[3] Gearóid Ó hEára said that the two soldiers were by the ramp at the north-east corner of Glenfada Park North. The projectile, which was later found to have been a baton round, seemed to come straight through the window and hit Patrick Brolly "*on the face, glass and all*". He said[4] that despite other evidence to the contrary he was "*pretty clear*" that the shot came from Rossville Street. He thought that someone had found the baton round in the living room, or at least that "*that was the explanation we then had*".

1 AO79.3-AO79.5
2 AO79.17
3 Day 406/149-161
4 Day 406/209-215

55.338 In our view Gearóid Ó hEára's memory was playing him tricks. He might have witnessed a rubber bullet coming through the living room window, but in our view this was after Patrick Brolly had been injured.

55.339 In his NICRA statement[1] Patrick Friel recorded that he went into Kathleen Cunningham's flat after hearing her call out that there was a man dead. "*I went into this lady's flat and there was a man lying on the floor, his face covered in blood with glass splinters stuck in his face and forehead … I was later informed that an army rubber bullet had been shot through the window.*" He did not claim to have direct knowledge that this was so. Patrick Friel is dead and gave no evidence to this Inquiry.

1 AF38.3-4

55.340 In these circumstances it is not possible to be certain whether a live round or a rubber bullet caused Patrick Brolly's injuries. In the end we have concluded that it was probably a live round. If it had been a rubber bullet, it would have been found without difficulty, whereas a bullet lodged in a wardrobe in another room could well have escaped immediate notice. Bernard Feeney's and Gearóid Ó hEára's evidence of the window being entirely broken, and the former's evidence about seeing a baton round, appear to us to be more likely to relate to the later incident in the living room. We cannot tell whether the round itself hit Patrick Brolly, or whether his injuries were all caused by flying glass. If a live round hit Patrick Brolly, it must have only lightly grazed him, for otherwise he would have been killed or seriously injured.

55.341 The only soldier who admitted firing live rounds into the south-east side of Block 1 of the Rossville Flats was Private T. We have considered earlier in this report[1] the evidence relating to the two shots that he said that he fired towards somebody who had thrown down bottles containing acid or some other corrosive liquid.

1 Paragraphs 51.266–384

55.342 In the course of that analysis[1] we noted that the Loden List of Engagements records that this person was on the "*top floor*" of the flats.[2] This contrasts with Private T's Royal Military Police (RMP) statement in which he referred to the bomber being on a balcony "*some 20 to 30 feet above me*".[3] Private T told the Widgery Inquiry that the "*verandah*" on which he saw his target was "*about three storeys up*".[4] Private T's trajectory photograph[5] shows a position on the fifth floor balcony of Block 1 of the Rossville Flats. Private T told the Widgery Inquiry that both his shots missed and that the second shot hit "*the wall a few feet above his [the man's] head*"[6] or "*the roof of the building*".[7]

1 Paragraphs 51.277–281
2 ED49.12
3 B725-726
4 WT13.89
5 Paragraph 64.91
6 B736
7 WT13.90

55.343 There is thus some uncertainty as to how high up in Block 1 was the man at whom Private T fired. On his RMP map,[1] on the co-ordinates given in the Loden List of Engagements[2] and on his trajectory photograph[3] Private T's target is shown as slightly further along Block 1 (to the south-west) than the flat where we have concluded that Patrick Brolly was injured. In his RMP statement,[4] Private T recorded that the balcony was "*almost directly above me*", which would suggest a position towards the north end of the block.

1 B727
2 ED49.12
3 B747
4 B725

55.344 In the end, it is our view that it was probably one of Private T's shots that went through the bedroom window of the flat and caused Patrick Brolly's injury. If we are wrong about this and the injury was caused by a rubber bullet, then in our view this is likely to have been fired by Private 013. In his written statement to this Inquiry,[1] this soldier told us that he fired a number of rounds at windows in the Rossville Flats "*as these were also good firing positions. I wanted to keep people away from the windows to prevent them shooting at us. I cannot now recall which windows I fired at.*" He was the only one of the soldiers in Mortar Platoon equipped with a baton gun to admit to firing it at windows in the Rossville Flats.

1 B1408.003

When Patrick Brolly was injured

55.345 According to Celine Brolly's NICRA statement and her husband's written statement to this Inquiry, Patrick Brolly was injured when Jackie Duddy was still lying in the car park attended by Fr Daly. We take the view that we should not, because of her later health problems, rely on the different account given by Celine Brolly in her evidence to us. Gearóid Ó hEára told us in his written statement to this Inquiry[1] that it was only after he had seen Michael Bridge fall that he went into the flat in which he witnessed the incident in which Patrick Brolly was injured. In his oral evidence to this Inquiry,[2] he said that some time elapsed between the two incidents, possibly about five minutes. However, as we have pointed out above,[3] we are of the view that Gearóid Ó hEára did not witness Patrick Brolly being injured. Thus all that we can say is that Patrick Brolly was injured after Jackie Duddy was shot but before he had been carried from the car park.

1 AO79.4-AO79.5
2 Day 406/155
3 Paragraphs 55.337–338

Where Patrick Brolly was taken

55.346 Patrick Brolly said in his written statement to this Inquiry[1] that he was taken to Altnagelvin Hospital in the same ambulance as Alana Burke. In their statements made on 2nd February 1972,[2] John Rafferty and Samuel Hughes, respectively the driver of that ambulance and the attendant, said that they carried a man with an injured forehead who came and sat in the ambulance. We are satisfied that this was Patrick Brolly.

1 AB90.2
2 ED39.8; ED39.6

Pius McCarron

55.347 Pius McCarron made no statement in 1972 and was unable through ill health to give evidence to this Inquiry. He died in 2004. We have no biographical details of him, save that James Deeney told us in his written statement to this Inquiry[1] that Pius McCarron was about 30 years old on Bloody Sunday. We have no medical evidence either. His name does not appear on a list, submitted to the Widgery Inquiry on 2nd March 1972 by the Patients' Services Officer at Altnagelvin Hospital, of the names of those who had been treated at the hospital for injuries sustained on Bloody Sunday.[2]

1 AD27.2 2 D1093

55.348 However, there is evidence that he was injured in the gap between Blocks 2 and 3 of the Rossville Flats.

55.349 In his NICRA statement[1] Patrick Clarke described running along Chamberlain Street towards the Rossville Flats and seeing, when he reached the car park area, someone lying flat on his back being tended by two people. He continued:

> "At this particular point I was able to see British soldiers in firing positions and shooting over the head of the priest at other people who were taking cover behind a low wall at the rear of the steps in the high flats. I made my way round to the passage at the lower intersection of the two blocks of High Flats and here I came upon a member of the Knights of Malta in attendance on another injured person. He asked for assistance. We were unable to determine there and then what was wrong with him as he did not seem to have any wounds. I knew the man to be Pius McCarran [sic]. Another fellow and myself started to carry him to one of the nearby houses, and while doing so some shots were also fired at us, hitting the wall above our heads.
>
> When we got him into a house we found out that he had been hit in the head by a piece of masonry from a ricochet. This he told us himself when he recovered. In that same house was a young girl who had been hit by a Saracen and was in great pain from back injuries."

1 AC64.1

55.350 In his written evidence to this Inquiry,[1] Patrick Clarke told us that he had discovered Pius McCarron at the car park entrance to the small alleyway between Blocks 1 and 2 of the Rossville Flats. He said that he saw Pius McCarron lying on the ground. He thought that he had been shot dead. He stopped and looked for a bullet wound but could not see one.

He saw the piece of masonry lying next to Pius McCarron. It was a piece of cladding from the wall of the Rossville Flats. He did not see a hole in the wall but saw a gash on Pius McCarron's head. He and someone else carried him to a house in Joseph Place, on the other side of the Rossville Flats.

1 AC64.5

55.351 Patrick Clarke's oral evidence[1] was to the same effect, though he agreed, on being shown his NICRA statement, that it was likely that he had come across Pius McCarron in the passageway between Blocks 2 and 3 of the Rossville Flats.

1 Day 74/97-102

55.352 In his written evidence to this Inquiry,[1] Eamonn Baker described running along Chamberlain Street to the Rossville Flats car park, where he saw the body of Jackie Duddy. He then decided to leave the car park through the passage between Blocks 2 and 3. He told us that he saw Michael Bradley shot and helped to get him round the corner into the passage:

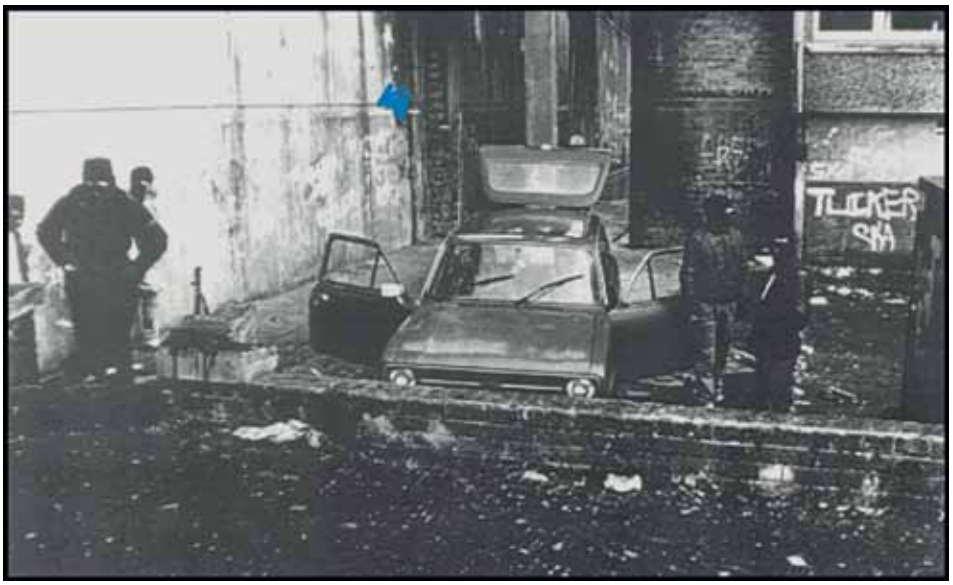
> "There was another lad in the gap between Block 2 and Block 3 who I knew, called Pius McCarron. He was rushing through the gap trying to escape with his back to a wall and the position where I think this wall was is marked with a C on the attached map (grid reference L18). I have a blurred feeling of shots being fired into this wall at just above head height. Just as the bullets struck the wall, Pius seemed to faint and he slumped to the ground. I am unable to say how many shots hit this wall, but there was more than one."

1 AB2.3-AB2.4

55.353 The position marked by Eamonn Baker was indeed on the concrete wall below Block 3 just by the passage between Blocks 2 and 3. During his oral evidence to this Inquiry,[1] he marked with a blue arrow on the following photograph the approximate position where he recalled the bullets striking.[2] This photograph was not taken on Bloody Sunday.

1 Day 96/141-142

2 AB2.7



55.354 James Deeney also gave written and oral evidence to this Inquiry. In his written statement[1] he told us that as he ran for the gap between Blocks 2 and 3 he saw Pius McCarron, whom he knew, running ahead of him. "*Before we made it through the gap there were, I think, two shots fired. At this point Pius fell in front of me and I thought he had been shot. However, the shots hit the masonry above us, and the dust from the masonry had got into his eyes and stunned him.*" In his oral evidence to this Inquiry, James Deeney said that he recalled Pius McCarron stumbling rather than actually falling: "*he was able to go up and carry on, so I think he was okay.*"[2] He also marked on a photograph where he recalled the masonry had come from,[3] which was almost exactly the same spot as that marked by Eamonn Baker and shown above.[4]

1 AD27.2
2 Day 75/132
3 AD27.6
4 Day 75/131

Where Pius McCarron was injured

55.355 From the evidence examined above, we have no doubt that Pius McCarron was injured at the entrance to the passageway between Blocks 2 and 3 of the Rossville Flats.

What Pius McCarron was doing when he was injured

55.356 From the evidence of Eamonn Baker and James Deeney it seems clear to us that Pius McCarron was running away when he was injured. There is no evidence that before this he was doing anything that could have justified shots being fired towards him.

What injured Pius McCarron

55.357 Patrick Clarke recorded in his NICRA statement that Pius McCarron told him that he had been hit by a piece of masonry dislodged by a ricochet. From this and the other evidence examined above we are sure that he was hit on the head by masonry dislodged by a bullet or bullets striking the concrete wall in or near the position shown in the photographs marked by Eamonn Baker and James Deeney.[1]

1 In the *Derry Journal* newspaper of 29th January 2010 it was reported that Donna McElhinney (daughter of Pius McCarron) had said that her father had been grazed by a bullet on Bloody Sunday, and that this was the cause of a brain haemorrhage that developed a year and half later. At this stage of the Inquiry it is not possible to investigate whether the injury sustained by Pius McCarron on Bloody Sunday was causative of his later illness. In the light of the evidence to which we have referred above, we remain of the view that Pius McCarron was hit by masonry, and not by a bullet.

55.358 We should note at this point that it was submitted by the representatives of the majority of represented soldiers that a far more likely explanation is that Pius McCarron was "*knocked unconscious by a blast from a bomb of some description*".[1] We have found no evidence of any kind that to our minds supports this submission, which is inconsistent with the accounts that we have considered above.

1 FS7.1621

55.359 According to their accounts Sergeant O, Private Q and Private R fired in total six rounds in the direction of the passageway between Blocks 2 and 3 of the Rossville Flats. According to their trajectory photographs, which we have considered earlier in this report,[1] these shots, unless they hit an intermediate target, would have hit the concrete wall in more or less the very place where Eamonn Baker and James Deeney recalled bullets striking. It is impossible to tell which bullet or bullets may have indirectly injured Pius McCarron. For reasons explained later,[2] we cannot eliminate the possibility that Private S fired one or more shots in this direction and thus he might have been responsible for the injury to Pius McCarron.

1 Paragraphs 51.240, 51.145 and 51.167

2 Paragraphs 64.81–90

When Pius McCarron was injured

55.360 It seems to us from Patrick Clarke's NICRA statement that he saw Jackie Duddy lying in the car park before he came across Pius McCarron. According to Eamonn Baker, it was after he had seen Jackie Duddy lying in the car park, and Michael Bradley injured, that he saw Pius McCarron slump to the ground. Eamonn Baker,[1] Patrick Clarke[2] and perhaps also James Deeney[3] saw Jackie Duddy lying on the ground in the car park, and yet none said that he had seen Jackie Duddy lifted and carried away before he saw

Pius McCarron. In our view it is likely that Pius McCarron was injured before Jackie Duddy was carried away, but after Michael Bradley was injured. The fact that Gilles Peress took no photographs of Pius McCarron is to our minds an indication that he was injured and helped away before Gilles Peress got to the low wall parallel to the side of Block 2 and took the photographs of the men below the high retaining wall beneath Block 3, to which we have referred[4] when considering the wounding of Patrick McDaid. In our view, therefore, it is probable that Pius McCarron was injured before Patrick McDaid.

1 AB2.3
2 AC64.1; AC64.5
3 AD27.2; Day 75/124-126; Day 75/149-150
4 Paragraph 55.293

Where Pius McCarron was taken

55.361 In his NICRA statement[1] Joseph Doherty described going to the "*maisonettes near the flats*", where there were two men carrying Pius McCarron, "*and I helped get him into a house. He was unconscious but only from a graze atop his head, he came around alright.*" It seems to us that the house to which Joseph Doherty referred must have been one of the maisonettes in Joseph Place, where Patrick Clarke said that he had taken Pius McCarron.

1 AD76.7

55.362 We have no evidence of Pius McCarron's movements after he reached Joseph Place. He may simply have gone home.

Chapter 56: The order and position of the known casualties in Sector 2

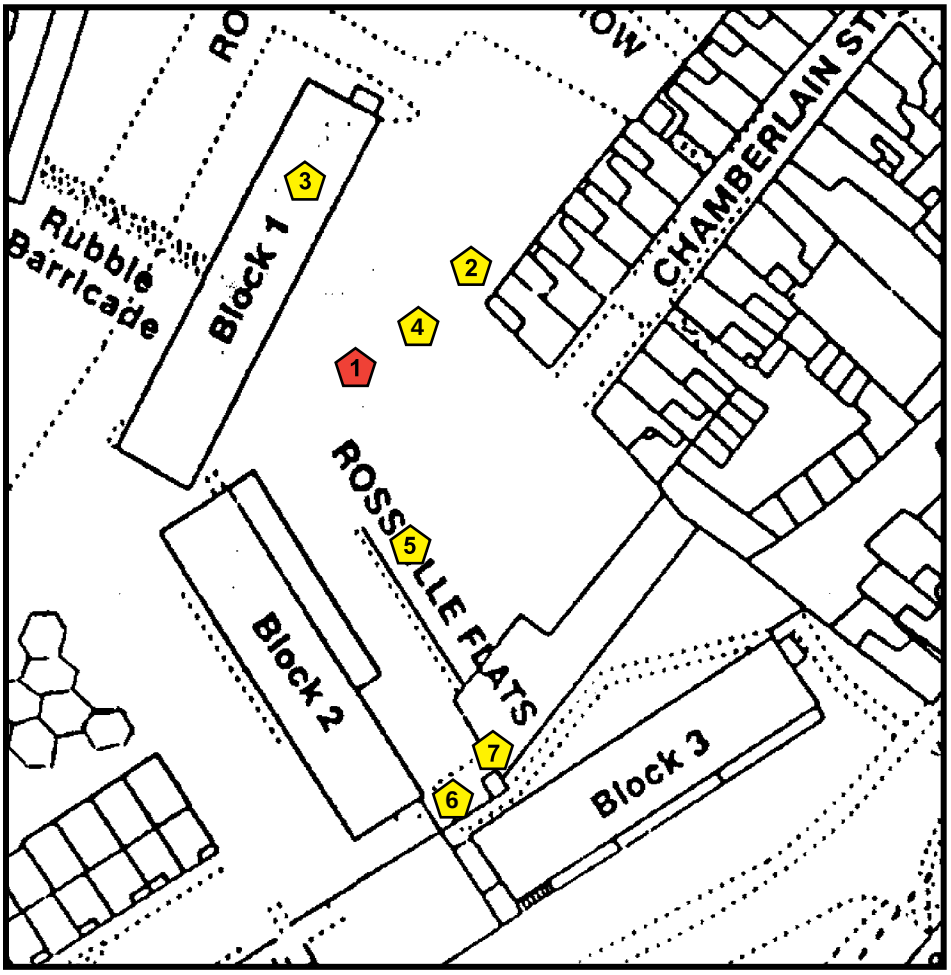
56.1 In the light of the evidence relating to the casualties in Sector 2 that we have considered above, it seems to us that the first person to be shot was Jackie Duddy, soon followed by Margaret Deery.

56.2 Patrick Brolly was injured after Jackie Duddy was shot but before the latter had been carried from the car park, as were Michael Bridge and Michael Bradley.

56.3 Pius McCarron was injured after Michael Bradley had been shot and was followed by Patrick McDaid.

56.4 We do not know how much time elapsed between the first and the last of the casualties, but our overall impression from our examination of the evidence relating to Sector 2 is that it could only have been a matter of a very few minutes.

56.5 From the evidence that we have considered above, it is possible to mark on a map the positions of these casualties when they were shot or otherwise injured.



Casualty who was killed or mortally wounded in the car park of the Rossville Flats

1 Jackie Duddy

Casualties who were wounded in this area

2 Margaret Deery
3 Patrick Brolly
4 Michael Bridge
5 Michael Bradley
6 Pius McCarron
7 Patrick McDaid

56.6 As will have been seen from the photographs reproduced above,[1] anyone looking from the northern side of the car park must have seen Jackie Duddy's body lying there, and also the group carrying his body away. Michael Bridge was on his own in the car park when he was shot and again must have been clearly visible to anyone looking from the north, as must Margaret Deery who was shot near the wall at the back of the houses at the Rossville Flats end of Chamberlain Street and then carried round the corner to 33 Chamberlain Street. Michael Bradley would not have been as clearly visible as a

casualty, since he quickly moved back over the low wall that ran parallel to Block 2 of the Rossville Flats. Patrick Brolly probably could not have been seen by anyone in the car park area, while it may not have been apparent that either Pius McCarron or Patrick McDaid had been injured.

[1] Chapter 55

56.7 In these circumstances it is important to consider the evidence that the soldiers of Mortar Platoon gave about the known casualties from gunfire in Sector 2.

Chapter 57: Evidence from the soldiers concerning the known casualties

Contents

Lieutenant N

57.1 In his oral evidence to the Widgery Inquiry,[1] Lieutenant N said that he did not see a young boy fall dead in the area of the car park of the Rossville Flats.

[1] WT12.78

57.2 In his oral evidence to this Inquiry,[1] Lieutenant N said that he had no recollection of seeing the body of a boy in the car park or of seeing a group of men gathered around what might have been the body of a boy. He said that he had no recollection of seeing the scenes shown in Gilles Peress's and Sam Gillespie's photographs of Jackie Duddy and the group around him,[2] which we have reproduced above.[3] He told us that he did not see anyone other than his own target shot in the leg in the area shown in Sam Gillespie's photograph of Michael Bridge on his own in the car park,[4] which we have also reproduced above.[5]

1 Day 322/97
2 Day 323/71-75
3 Paragraphs 55.18 and 55.166
4 Day 322/99
5 Paragraph 55.166

57.3 Lieutenant N was asked[1] how he had failed to see any of his soldiers shooting anyone, or to see anything of significance in the car park during a time when several people were shot, and said that he was very busy with the events in which he was directly involved.

1 Day 323/17-19

Sergeant O

57.4 In his written statement to this Inquiry,[1] Sergeant O said that he had no recollection of seeing a group including Fr Edward Daly around a body at any stage, or of the scene shown in Sam Gillespie's photograph of the group round Jackie Duddy. In his oral evidence to this Inquiry,[2] he said that he had no recollection of seeing Fr Daly attending to a body on the ground. He completely missed the shooting of Jackie Duddy, and the group of people attending to him. His only explanation of this was that he had "*tunnel vision*" while engaging his first two gunmen and was then concentrating on the location towards which Private S was firing. He said that he did not recall seeing the scene shown in Fulvio Grimaldi's photograph[3] of Jackie Duddy being carried out of the car park, or anything like it.[4]

1 B575.115
2 Day 335/78-79
3 Paragraph 55.68
4 Day 335/82

57.5 In his written statement to this Inquiry,[1] Sergeant O said that he did not remember a woman being shot in or around the car park.

1 B575.118

57.6 In his oral evidence to this Inquiry,[1] Sergeant O said that he did not remember a tall man being shot in the leg in the entrance to the car park. He accepted[2] that he was probably the soldier shown standing at the rear of his Armoured Personnel Carrier (APC) and marked with an arrow in Sam Gillespie's photograph of Michael Bridge (shown again below)[3] but said that he did not see Michael Bridge or the body that lay on the ground behind him, surrounded by a group of civilians that included a priest.

1 Day 335/80
2 Day 336/64-69
3 B575.171

57.7 Sergeant O said[1] that he did not see a man shot in front of Block 2 of the Rossville Flats either in the arm or in the chest. He was shown Larry Doherty's photograph[2] of Michael Bradley being taken away on a stretcher at a later stage, and said that so far as he was aware he had never seen his face before.

1 Day 335/83-84
2 Shown at paragraph 55.259.

Corporal P

57.8 Corporal P did not describe seeing any of the known casualties in Sector 2.

Private Q

57.9 In his oral evidence to this Inquiry,[1] Private Q said that he did not recall seeing a group of people around a body in the position shown in Fulvio Grimaldi's photograph of Fr Daly and Charles Glenn attending to Jackie Duddy,[2] nor did he see a group of people carrying a body out of the car park.

1 Day 339/49-50
2 Paragraph 55.20

57.10 Private Q said[1] that he did not see the shooting of Michael Bridge, nor did he see him being carried away towards Chamberlain Street.

1 Day 339/54-55

57.11 Private Q said[1] that he could give no assistance as to who might have shot Jackie Duddy, Michael Bridge or Michael Bradley.

1 Day 339/59-60

Private R

57.12 In his written statement to this Inquiry,[1] Private R said that he did not remember seeing any civilians shot in the car park other than the two at whom he fired, one of whom he might not have hit, and the gunman at whom he saw Sergeant O fire.

1 B691.005

57.13 In his oral evidence to this Inquiry,[1] Private R said that he had not seen the scene shown in Fulvio Grimaldi's photograph[2] of Jackie Duddy being carried out of the car park. He said[3] that he had no recollection of seeing scenes such as those shown in Gilles Peress's photograph of Jackie Duddy and the group around him,[4] or Fulvio Grimaldi's photograph of Fr Daly and Charles Glenn attending to Jackie Duddy,[5] and that he did not see Jackie Duddy being carried out of the car park, as shown in the CBS film.[6]

1 Day 337/39
2 Paragraph 55.68
3 Day 337/60-61
4 Paragraph 55.18
5 Paragraph 55.20
6 Vid 49 19.12

57.14 Private R said[1] that he did not see a man approaching Sergeant O's APC from around a group surrounding a body in the southern part of the car park, nor did he see anyone shoot a man in the leg in the car park. He also said[2] that he did not see anyone shot in the arms and chest near the low wall parallel to Block 2. So far as he was aware, he had not seen the man (Michael Bradley) shown being taken away on a stretcher in Larry Doherty's photograph.[3]

1 Day 337/67-68
2 Day 337/69
3 Paragraph 55.259

Private S

57.15 In his oral evidence to the Widgery Inquiry,[1] Private S said that he had seen what he took to be a body lying on the ground in front of him, at a stage which he thought was after he had taken up his position at the back of 34 Chamberlain Street but before he had fired his first shots. He did not notice whether there was a priest near the body at any time. A lot of people were milling about in the car park even after he saw the body. In his oral evidence to this Inquiry,[2] Private S said that he had no recollection of seeing the body. None was prompted when he was shown some of the photographs of Jackie Duddy lying on the ground reproduced above.[3] He said[4] that he had no recollection of witnessing the scene shown in Fulvio Grimaldi's photograph of Jackie Duddy's body being carried away.[5]

1 WT13.7-8
2 Day 331/85-88
3 Paragraphs 55.18 and 55.20
4 Day 331/95
5 Paragraph 55.68

57.16 Private S said[1] that he did not recall seeing anyone fall, or anyone who had fallen, in the area where he was positioned at the back of the Chamberlain Street houses. He was certainly not aware of a woman being shot in the leg close to him. He said[2] that he did not see a woman being shot by another soldier as he made his way along the back of the Chamberlain Street houses, and had no recollection of seeing a woman being carried away from that area.

1 Day 331/90-92
2 Day 332/54-55

57.17 Private S said,[1] after being shown Sam Gillespie's photograph of Michael Bridge standing on his own in the car park,[2] that he did not recall seeing anyone being shot close to the mouth of the car park.

1 Day 331/94
2 Paragraph 57.6

Private T and Private U

57.18 Neither of these soldiers gave any evidence of seeing any of the known casualties in Sector 2.

Lance Corporal V

57.19 In his RMP statement,[1] Lance Corporal V recorded that when he fired a shot at a man who had thrown a bottle with a fuse attached to the end, the man was thrown to the ground. The crowd scattered but four or five people returned. Lance Corporal V saw them waving white handkerchiefs and attending to the man.

1 B788

57.20 In his written statement for the Widgery Inquiry[1] and in his oral evidence to the Widgery Inquiry,[2] Lance Corporal V said that four or five male persons approached the body of the man whom he had shot, with their hands in the air, waving white handkerchiefs. He was asked[3] whether one of these people had been a priest in clerical clothes, and said that he thought so.

1 B802
2 WT13.13
3 WT13.22

57.21 In his oral evidence to this Inquiry,[1] Lance Corporal V said that although he had no present recollection, it had been his impression at the time, possibly mistaken, that a group of people including a priest had attended to the man whom he had shot. He then said that he had seen a body on the ground being attended to by a priest, which he had taken to be the body of the man whom he had shot. However, he repeatedly rejected the suggestion[2] that this man was Jackie Duddy, since he said that the man whom he shot had been wearing a white shirt and was hit in the centre of the body. Lance Corporal V said[3] that he did not recognise the scene shown in Gilles Peress's photograph of Jackie Duddy and the group around him,[4] and[5] that he could not explain how he had failed to see the body of Jackie Duddy lying on the ground. He said,[6] after being shown Fulvio Grimaldi's photograph of Jackie Duddy being carried,[7] that he did not see that scene.

1 Day 333/146-148
2 Day 333/86-90; Day 333/147-150; Day 333/156-157; Day 333/160; Day 333/169-171
3 Day 333/95-96
4 Paragraph 55.18
5 Day 333/152
6 Day 337/97-98
7 Paragraph 55.68

57.22 Lance Corporal V said[1] that he did not see the shooting of Margaret Deery. He also said,[2] after being shown Sam Gillespie's photographs of Michael Bridge reproduced above,[3] that he did not see a tall man shot in the leg in the car park. He said[4] that he could not explain how he had failed to see Michael Bridge approaching his position, shouting and gesticulating, and said that he did not see the shooting of Michael Bridge.

1 Day 333/169
2 Day 333/97
3 Paragraphs 55.166–167
4 Day 333/152-153

Private 006

57.23 Private 006 gave no evidence of seeing any of the known casualties in Sector 2.

Private 013

57.24 In his written statement to this Inquiry,[1] Private 013 said that he did not remember seeing "*anyone hit or anyone being shot*" in the car park, although he saw people falling over in the crowd.

1 B1408.004

Private 017

57.25 Private 017 gave no evidence of seeing any of the known casualties in Sector 2.

Private 019

57.26 Private 019 gave no evidence of seeing any of the known casualties in Sector 2. In his written statement to this Inquiry,[1] he told us that he saw no bodies other than the three placed inside Lieutenant N's vehicle, an incident that occurred later and to which we return in due course.[2]

1 B1494.004
2 Chapter 122

Private 112

57.27 In his oral evidence to this Inquiry,[1] Private 112 said that, as far as he could recall, while at the north-east corner of Block 1 he did not see anyone who had been injured. He said[2] that he did not see any civilians lying on the ground, nor did he recollect seeing a group of people gathered around the body of a young man, or seeing a priest in the car park.

1 Day 320/107

2 Day 320/142

Corporal 162

57.28 Corporal 162 gave no evidence of seeing any of the known casualties in Sector 2.

Lance Corporal INQ 768

57.29 Lance Corporal INQ 768 gave no evidence of seeing any of the known casualties in Sector 2. In his oral evidence to this Inquiry,[1] he said that he did not at any time see any civilian fall to the ground.

1 Day 323/147

Private INQ 1579

57.30 In his oral evidence to this Inquiry,[1] Private INQ 1579 said that he had no recollection of seeing the shooting of Jackie Duddy or of any of the other known casualties.

1 Day 336/189

Private INQ 1918

57.31 Private INQ 1918 gave no evidence of seeing any of the known casualties in Sector 2. In his oral evidence to this Inquiry,[1] he said that he had no idea when he first learned that civilians had been killed and wounded.

1 Day 342/120

57.32 As we have observed earlier in this report,[1] none of the soldiers has admitted shooting any of the gunfire casualties in Sector 2. With the exception, perhaps, of Private R, none admitted even the possibility that any of the gunfire casualties could have been hit by accident. When this is added to the fact that, while Lance Corporal V and Private S each said that he saw a body, none of the soldiers has admitted seeing any of the known

gunfire casualties and many have asserted that they did not do so, our view, that the evidence of one or more of them must be inaccurate and incomplete, is reinforced. Some at least of them must have seen Jackie Duddy lying in the car park and then being carried away, Margaret Deery shot and being carried away and Michael Bridge out on his own facing the soldiers and then shot in the leg, if not Michael Bradley being shot as well.

[1] Paragraph 54.6

Chapter 58: Other evidence of paramilitary gunmen in Sector 2

Contents

58.1 We now turn to consider evidence from others (apart from the members of Mortar Platoon) of paramilitary gunmen in Sector 2.

The gunman described by Fr Daly

58.2 In his written statement for the Widgery Inquiry, Fr Edward Daly, after describing giving Jackie Duddy the last rites and seeing Michael Bridge shot, recorded that he and the others there decided to try to carry Jackie Duddy to a position where he could receive medical aid.[1] His statement continued:

> "Just as we were about to get up and make a dash for Chamberlain a civilian gunman appeared at the gable of the last house in Chamberlain Street. I first of all saw the man move along the gable of the house. I thought his movements were strange and suddenly he produced a gun from his pocket … it was small hand gun and made a very different bang than the soldiers' rifles … he fired two or three shots at the soldiers at the corner of the flats … I think they fired back although I am not sure. I shouted at him to go away or he would get us all killed. He looked round at us lying out in the middle of the car park and then he moved away. Alter lying for a few more moments, I got up on my knees and was just about to rise when the army opened fire again. We all dived to the ground again and lay there for another while."

1 H5.19-H5.20

58.3 Fr Daly gave a similar account in his oral evidence to the Widgery Inquiry:[1]

> "LORD WIDGERY: Is that the way you went?
>
> A. That is the way we decided to go.
>
> Q. We see this in the film?
>
> A. There was an incident happened before that. Just as we were about to get up I saw a man with a brown jacket move along this gable here of this house here. He suddenly appeared on the corner of the house and moved along. I thought that his movements were rather strange and suddenly he produced a gun from his right hand pocket of his jacket, or it appeared in his right hand. It was a small gun, a hand gun and he fired two or three shots around this corner here at the soldiers. I think there were two soldiers; there certainly was one who stepped out from time to time. I remember the time he shot this boy here and he fired two or three shots at them.

> We screamed at him to go away because again we were frightened the soldiers might think the fire was coming from where we were and he looked around and then he just faded out across here and I do not know where he went to; he must have gone into Chamberlain Street or somewhere. Then we decided to make a dash for it and we got up first of all on our knees and I waved this handkerchief and there was a burst of gunfire that came at the time. I remember we had to lie down again."

1 WT4.11

58.4 Fr Daly told the Widgery Inquiry that this was the only firearm that he saw that afternoon "*outside of Army hands*".[1]

1 WT4.14

58.5 Fr Daly gave similar accounts of this gunman in:

- an interview with Philip Jacobson and Peter Pringle of the *Sunday Times* Insight Team on 16th March 1972;[1]
- an interview with the journalist Tony Parker, published in the *New Statesman and Society* at the time of the 20th anniversary of Bloody Sunday in January 1992;[2]
- an interview in 1991 with the journalist Peter Taylor, who was carrying out research for the BBC television documentary *Remember Bloody Sunday*;[3]
- his written statement to this Inquiry;[4]
- an interview with Jimmy McGovern on 29th January 2001;[5] and
- his oral evidence to this Inquiry.[6]

1 H5.59-60
2 H5.71-72; L244.2-L244.3
3 I43-44; I47-49
4 H5.6
5 H5.85-86; H5.91; H5.101
6 Day 75/36-39

58.6 According to Fr Daly's accounts, the gunman moved along the gable end at the southern end of Chamberlain Street and fired from the corner in the direction of the soldiers. That corner was at the end of the garden wall that extended westwards from the gable end of the last house (number 36) on the west side of Chamberlain Street. An enlargement of one of the photographs taken by Derrik Tucker Senior from Block 2 of the Rossville Flats on Bloody Sunday, reproduced below, shows this gable end and the wall extending from it. It will be noted that on the eastern side of Chamberlain Street there is also a gable end and a wall running eastwards that formed the southern wall of the garden of the last

house (number 33) on that side of Chamberlain Street. Many of the witnesses described the wall along which Fr Daly (and others) told us the gunman moved as "the gable end" or "the gable end wall". We use these expressions in this report, though, as will be seen, in some cases it is necessary to distinguish between the western and eastern gable ends and their adjoining walls.

58.7 Because this gunman was seen and described by Fr Daly, he has become known as "Fr Daly's gunman".

OIRA 4

58.8 OIRA 4 gave written evidence to this Inquiry in the form of two statements, one prepared by his solicitors and one taken by the Inquiry.[1] He was called to give oral evidence, but unfortunately fell ill soon after starting to do so and was unable for that reason to complete his evidence then or thereafter. As a result Counsel to the Inquiry could not finish his questioning of this witness, and the other interested parties were deprived of the opportunity to ask him any questions.

1 AOIRA4.1; AOIRA4.15

58.9 OIRA 4 told us that in 1972 he was a member of the Official IRA Command Staff in the north-west of Ireland, that he was based in Derry, and that he was the Adjutant and Finance Officer.[1] He told us that on Bloody Sunday he was carrying a .32in pistol "*to protect myself from the security forces*".[2]

1 Day 394/3

2 AOIRA4.15; Day 394/11-12

58.10 According to his written accounts to this Inquiry,[1] OIRA 4 was nearly 34 years old at the time of Bloody Sunday. He had been near the rioting at Barrier 14. He went along Chamberlain Street when he thought the Army was about to come in. He told us that it was as he was running down Chamberlain Street that he heard shooting for the first time that day. When he reached the car park he went in a few yards and saw Fr Daly attending to a body that he afterwards learned was that of Jackie Duddy. He then realised that the soldiers were firing live rounds, and so he ran back to the gable wall at the end of Chamberlain Street and moved westwards along this wall. From this point he said that he could see a "*Saracen*" which he recalled being near the north-east corner of Block 1 of the Rossville Flats. His second account continued:[2]

> "There seemed to be lots of shooting going on and I could see the paras firing but I cannot now recall exactly how many shots they fired because it all happened so quickly. I don't know whether the paras I could see were firing all of the shots I could hear, but all the shots I could hear were high calibre, heavy duty fire and I took them all to be coming from the army.
>
> I just lost my temper. The Brits were gunning down innocent civilians. I took my short weapon out of my pocket and fired two, possibly three, shots towards the Saracen at point D. I did it out of pure anger at what was happening around me. As I have said, my gun was a .32 calibre, a small, and looking back, pretty pathetic weapon, and I was probably well out of range to do any damage to the paras or their Saracen. I didn't hear any pings or anything to suggest I hit the Saracen. Not only do I think I was out of range, I don't even know if I fired well enough to hit it, but I was just firing out of pure frustration.
>
> I never even thought about what was around the corner of the wall (northwards) because I was only concerned with firing at the Saracen and obviously not thinking straight. I wasn't holding my gun around the corner shooting blindly northwards as has been suggested. I was shooting in a westerly direction towards the Saracen in front of me, and the paras near to the Saracen. I wasn't aiming at anyone in particular, I was just firing towards where I could see the shooting coming from. Someone told me later

that at the end of the wall, around the corner where I couldn't see, were a couple of paras and I know now that I was very lucky not to be seen and to have got out of the whole situation alive.

I don't think the soldiers even noticed me. I have a vague feeling as I stood there that I could feel bullets going over my head, but this might be a false memory. If there were bullets going over my head I think they must have been getting fired at someone else rather than me. If those paras had seen me they wouldn't have been firing over my head – I'd be dead now. They would have shot me to pieces. Even if I'd been caught with a weapon, let alone caught firing it, I would have been shot dead by the Brits. Of course, I didn't think of any of this at the time; I was just so angry and firing out of frustration. At no time did I hear any shots coming from the area around me or above me from the Rossville Flats. Also, I have no recollection of any shots striking anywhere near me, so I could just be imagining this sensation. The only shooting I heard coming from our side that day was mine. I never heard any explosions that day at all.

The minute I had fired I was confronted by people shouting at me to stop. They were yelling at me words to the effect of 'pack it in!' or possibly 'pack it in OIRA 4' if they knew me. I can't remember whether I knew any of the people who shouted to me, only that they wanted me to stop. Even Father Daly seemed to be shouting at me to stop from where he was attending to Jack Duddy. I was still mad as hell but these people brought me to my senses and I put my gun away in my coat pocket. It never left the pocket after that."

[1] AOIRA4.4-AOIRA4.5; AOIRA4.15-AOIRA 4.17 [2] AOIRA4.17-AOIRA4.18

58.11 The "*point D*" to which OIRA 4 referred in the second paragraph quoted above was, according to the map accompanying this statement, at about the north-east corner of Block 1 of the Rossville Flats.[1]

[1] AOIRA4.29

58.12 OIRA 4 told us that just after he had fired he saw Michael Bridge shot. He then went back to try to get into 33 Chamberlain Street, saw a group of people outside wondering what to do, and after a while followed the photojournalist Fulvio Grimaldi and his assistant Susan North, who had been in this group, through the alleyway between Blocks 2 and 3 of the Rossville Flats. According to his account he then left the area and went back to the Creggan.[1]

[1] AOIRA4.19

58.13 The representatives of the majority of represented soldiers did not accept that OIRA 4 was Fr Daly's gunman.[1] For reasons that we give below, we consider that he probably was.

1 FS7.1432

58.14 There is no evidence from the soldiers that any or them saw or reacted to a gunman firing from the garden wall of 36 Chamberlain Street. In his written statement for the Widgery Inquiry,[1] Fr Daly had said that he thought, but was not sure, that the soldiers had fired back, but in his evidence to this Inquiry he was more than doubtful that they had done so or that they had even seen the gunman.[2]

1 H5.19-H5.20

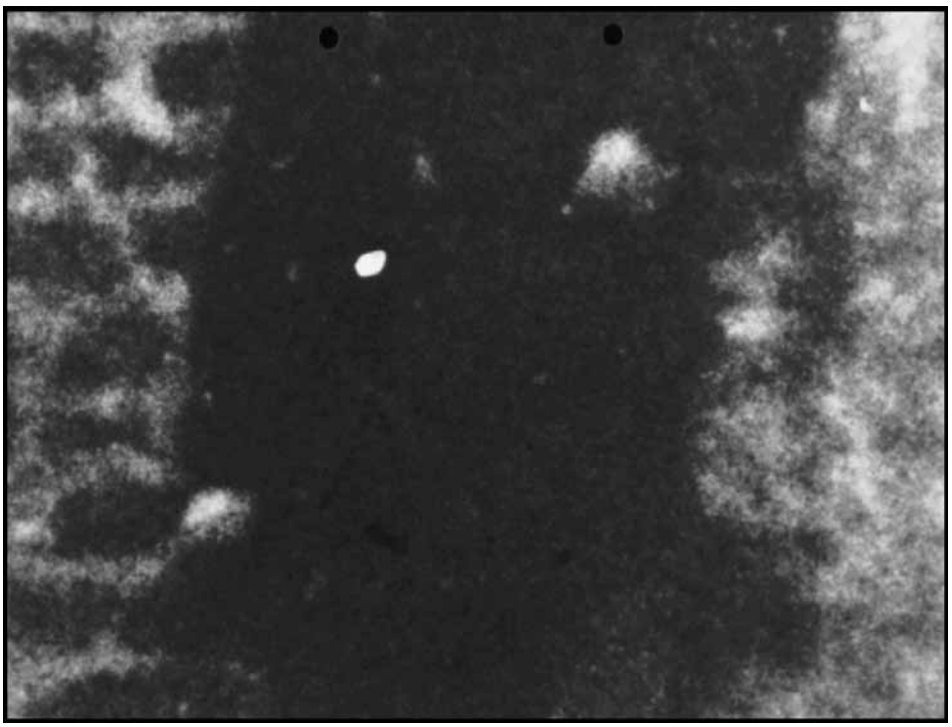
2 H5.6; Day 75/36-39

58.15 The first photograph reproduced below is an image of a photograph that was shown in a BBC documentary programme broadcast on 19th April 1972.[1] The reason why it is of poor quality is that the Inquiry does not have in its possession a print or negative of the original photograph. The image was produced from the 16mm film of the BBC programme by Alexis Slater of the Forensic Science Service, who also prepared two enlargements of sections of the photograph, which are reproduced beneath the complete image.[2] We set out and discuss later in this report[3] the evidence relating to the provenance of this photograph. For the reasons there set out we are of the view that the photograph was probably taken by Fulvio Grimaldi, despite his reluctance to admit that he had taken it. We are also of the view that this photograph probably does show Fr Daly's gunman, again for reasons given below.

1 X1.12.1-20

2 E14.001; KS1.43

3 Paragraphs 58.86–108



58.16 When he made his second statement to this Inquiry, OIRA 4 had been shown images of the photograph taken from a videotape of the BBC programme.[1] These were similar to the images produced by Alexis Slater albeit of lesser quality. OIRA 4 told us that he did not "*necessarily*" recognise himself, but he said: "*I know it must be me because of the location*."[2]

1 AOIRA4.33-AOIRA4.35

2 AOIRA4.20-21

Robert Brady

58.17 Robert Brady died in 1996 and gave no evidence to this Inquiry, but he did give a statement to the Royal Ulster Constabulary (RUC) in 1972.[1] He gave a description of a gunman: "*short, about 5´ 7˝ and he had black hair which just hung over his ears. He was wearing a black checked overcoat with a fur collar and black trousers.*" According to this account, the gunman fired two shots from the gable end of the last house in Chamberlain Street towards the waste ground, at a time when Fr Daly was assisting Jackie Duddy. Although OIRA 4 told us that he thought he was wearing a dark blue or black duffel coat,[2] while Fr Daly described the man he saw as wearing a brown jacket,[3] it seems to us that the man Robert Brady saw was probably the one seen by Fr Daly, since both describe a

man firing from this position while Fr Daly was assisting Jackie Duddy. We return later in this report[4] to consider a submission based on the fact that a number of witnesses gave different descriptions of the gunman that they said that they saw.

1 AB71.1
2 AOIRA4.21
3 WT4.11; H5.59; H5.85-H5.86
4 Paragraph 58.81

Gerard Grieve

58.18 We formed the same view of the evidence of Gerard Grieve[1] who told us that as he went across the car park from Chamberlain Street to the gap between Blocks 1 and 2 of the Rossville Flats, he passed the group that included Fr Daly and looked back to see a civilian with a handgun walking along the gable end wall of Chamberlain Street: "*All I can remember about this man is that he was approximately 5´ 6˝, tall with grey hair and a grey moustache. I did not see him fire his gun.*"[2]

1 At the beginning of his oral evidence he told us that his name had been misspelt as "Greeve" in his written statement (Day 147/1).
2 AG55.4

William Harley

58.19 William Harley told us, in his written statement to this Inquiry,[1] that he watched events from 37 Donagh Place, which was on the top floor in the centre of Block 2 of the Rossville Flats. He stated:[2]

> "One final recollection concerns a civilian gunman. I knew him from work but I will not name him. While I was standing at the balcony looking out on the Rossville Flats car park (before going inside my flat as I have described above) I noticed him at the gable end of Chamberlain Street at the south western corner of grid reference M15. His hair was black with a moustache and he wore a black coat and black trousers. I saw him before the armoured car reached point B described above. I remember him looking out around the western corner of the gable end in a northerly direction across the waste ground in Rossville Street. It was only a quick, furtive look after which he stepped back behind the gable end and took out a revolver with a 3" barrel from his right hand coat pocket. With his back to the gable end wall, the man reached out his right hand and bent his wrist around the corner of the wall and fired five or six shots without looking. From my vantage point in Block 2 of Rossville Flats, I watched the five or six shots simply fire into the ground. As far as I can recall, this all happened before I saw any soldiers on foot and before I saw or heard any gunfire from the

> soldiers. I do not believe that the soldiers were aware of this man or his actions. I then watched the man turn and walk towards the southern end of Chamberlain Street in a south easterly direction."

1 AH36.1 2 AH36.5-AH36.6

58.20 The grid reference M15 refers to the area of the garden wall of 36 Chamberlain Street and point B is the position where, from other evidence discussed above, Sergeant O's Armoured Personnel Carrier (APC) stopped in the car park. William Harley gave this Inquiry the name of the gunman that he said he saw. This was the name of OIRA 4.[1]

1 Day 78/172

58.21 In his oral evidence to this Inquiry[1] William Harley corrected what he had stated about when this incident occurred:

> "Q. You say that you saw this all happen before you saw any soldiers on foot and before you saw or heard any gunfire from the soldiers. Had you seen Jack Duddy's body on the ground before this?
>
> A. May I correct that statement, please?
>
> Q. Yes, certainly.
>
> A. That was a, an error on my part. The incident is exactly as I have described it, but the timing is completely wrong. The reason, at the time there were no soldiers anywhere near that gunman and that is what confused my thinking as to the time. I know now that he fired round that corner while Jack Duddy's body was lying on the ground."

1 Day 77/29

58.22 It was submitted by the representatives of the majority of represented soldiers that this correction by William Harley of his written statement was "*simply not credible*" and that he (apparently dishonestly) later altered his evidence "*to fit in with the accepted explanation*".[1]

1 FS7.1436-7

58.23 We reject this submission. William Harley was in our view doing his best to assist this Inquiry and we do not find it surprising or suspicious that on reflection he changed his mind about when he saw the incident in question. In our view what he was recalling was a sighting of Fr Daly's gunman.

Maureen Gerke

58.24 Maureen Gerke gave evidence to this Inquiry that "*Quite late on*" she saw from Block 3 of the Rossville Flats someone flattened against the wall at the gable end of Chamberlain Street with his right hand poking something round the corner into Chamberlain Street.[1] In her oral evidence to this Inquiry[2] she told us that this was after Jackie Duddy had been taken from the car park. She said that she did not know whether the man had a gun, but did recall people shouting at him to go away.[3]

1 AG27.9
2 Day 133/91
3 Day 133/92-93

58.25 Since people were, according to Maureen Gerke, shouting at the man to go away, it is reasonable to infer that they may have seen that he was armed. In our view this man was probably OIRA 4, since on his own account he did not leave this area until he followed Fulvio Grimaldi and Susan North to the gap between Blocks 2 and 3 of the Rossville Flats; and their evidence was that this was after Jackie Duddy had been taken along Chamberlain Street, and after Fulvio Grimaldi had photographed Margaret Deery and Michael Bridge in 33 Chamberlain Street.[1] Maureen Gerke did not suggest that she saw this man fire into Chamberlain Street. We return to her evidence below[2] after considering the accounts of those who suggested that a gunman fired up Chamberlain Street from its southern end.

1 M34.1-2; M34.10; M34.59-61; M35.4-7; Day 130/25-37
2 Paragraph 58.38

Evidence of shots fired up Chamberlain Street

Bernard Gilmour

58.26 Bernard Gilmour, a brother of Hugh Gilmour who was killed on Bloody Sunday, told us in his written statement[1] that he saw a gunman near Chamberlain Street after Jackie Duddy had been shot. He stated that he knew who the gunman was, described him as "*a big, tall fellow wearing a mask*" and stated that he saw him fire some shots up Chamberlain Street.

1 AG38.4-AG38.5

58.27 During his oral evidence to this Inquiry, Bernard Gilmour wrote down the name of this man.[1] It was the same man as William Harley had identified, namely OIRA 4. However, Bernard Gilmour also told us that he could have been mistaken in recalling that the man had fired up Chamberlain Street, and on being shown one of the images of the gunman taken from the videotape of the BBC programme, to which we have referred above, said:[2]

> "Q … Anyway, you cannot specifically recall now whether he fired up Chamberlain Street or into the waste ground?
>
> A. No. I still get the recollection it was up Chamberlain Street – well, maybe I was wrong, but I thought he was firing up Chamberlain Street. This photograph here, he was firing up towards the waste ground, is he not?
>
> Q. Yes, undoubtedly, if that is the same man?
>
> A. Well, there was only one man there at that wall at the time, so I assume he must have been firing at the waste ground."

1 Day 88/14

2 Day 88/15

58.28 Bernard Gilmour's description of the gunman's appearance does not fit OIRA 4's evidence that he was not a big, tall man and never wore a mask.[1] But the name matches OIRA 4, and in our view Bernard Gilmour probably saw OIRA 4 fire. It seems to us that his recollection of the description of the gunman may well have become distorted over the years. Again, we return to consider below[2] his recollection that the gunman fired up Chamberlain Street.

1 AOIRA4.26

2 Paragraph 58.38

58.29 In addition to Maureen Gerke and Bernard Gilmour, there are two other witnesses who gave evidence that a gunman fired up Chamberlain Street from its southern end.

Frank Lawton

58.30 Frank Lawton made a Northern Ireland Civil Rights Association (NICRA) statement of which two typescript versions exist.[1] The texts of the two versions of this statement are substantially identical. Frank Lawton then made a further statement, which was witnessed by a Londonderry solicitor.[2] This statement is undated but was clearly made in 1972. In large part it reproduces the content of the NICRA statement but it contains some additional material. Frank Lawton also gave written and oral evidence to the Widgery Inquiry.[3]

1 AL6.19; AL6.27

2 AL6.29

3 AL6.21; WT6.77

58.31 In all the written accounts that he gave in 1972 Frank Lawton said that he had seen no-one other than members of the security forces carrying guns. In his oral evidence to the Widgery Inquiry he made no reference to, and was not asked about, any paramilitary gunman.[1] However, in his interview for Praxis Films Ltd[2] in 1991 he told Tony Stark that he had seen an elderly man wearing a long raincoat and a flat cap: "*And he was running about and he fired a handgun, as far as I could see, along the street where the soldiers were coming down, and then he disappeared out of sight, I don't know where he went after that, you know?*" This interview continued:

> "Q: Where was he when he fired the gun?
>
> A: He was running about in the middle of the – the car park at the back. In actual fact er – as far as I remember Father Daley at the time, he passed – he passed him on his way to the corner of the flats where they were running for cover, you know.
>
> Q: And when he fired at the soldiers, when was this?
>
> A: It was – it was – as I say, it was er – as they were bringing the body across the back of the square, he – he appeared from somewhere. Where he appeared from, I do not know, but he started firing a gun and he fired about five or six shots as far as I could see along the street, and then he disappeared."

1 AL6.28; AL6.20; AL6.22

2 O8.1-O8.2

58.32 The note made by Tony Stark's colleague John Goddard concerning this witness[1] included the following: "*Gunman ran along wall, pulled out pistol, idiot, fired at troops, stopped by three people thrown against wall and 'admonished'. Could have been .22 or even starting pistol.*"

1 O8.13

58.33 Frank Lawton gave written and oral evidence to this Inquiry. He said nothing in his written statement[1] about the gunman, but he was asked about him during the course of his oral evidence.[2] He told us that he did not know why he had not mentioned the gunman in his written evidence to this Inquiry. He said, "*I may not have been asked that question.*"[3] He initially told us that he did not know why he had not mentioned the gunman in the accounts that he gave in 1972,[4] but said that "*I just must have overlooked that particular piece; there was so much going on and there was so much I wanted to get down on that paper while it was still fresh in my mind that I must have just overlooked this particular incident.*"[5] He told us that his recollection was that the gunman had fired up Chamberlain Street[6] and, though later in his evidence he agreed that the gunman could in fact have

fired from the garden wall of 36 Chamberlain Street towards the armoured vehicle,[7] at the end of his evidence he again said that to the best of his recollection the man had fired round the corner of Chamberlain Street.[8]

1 AL6.1
2 Day 389/103-111
3 Day 389/105-106
4 Day 389/106
5 Day 389/142
6 Day 389/138
7 Day 389/144
8 Day 389/145

Peter McLaughlin

58.34 Peter McLaughlin was watching events from 27 Garvan Place in Block 2 of the Rossville Flats, moving between one of the bedrooms overlooking the car park on the north side and the living room overlooking Joseph Place on the south side.[1] He gave us the following account in his written statement to this Inquiry:[2]

> "Between five and ten minutes after I first became aware of the shooting, I saw a civilian man armed with a gun inching his way west along the southern gable end of the houses on the eastern side of Chamberlain Street. He particularly stood out because when I first saw him there was a lull in the shooting. There was a group of people sheltering in the fenced play area to the east of the gable end and the gunman was within 60 feet of this group of people. There is attached to this statement marked Photo 3, a photograph of the south gable end of the houses on Chamberlain Street. I saw the gunman along the gable end indicated by the arrow and the fenced play area I have described is in the area marked by the asterisk.
>
> The man seemed to be a fairly young, in his early twenties. I could not see the colour of his hair. He seemed to be wearing casual clothing. I cannot remember the colour of his clothes although he was not wearing anything bright that stood out. I cannot be more specific than that.
>
> I remember seeing the man with a hand pistol in his right hand although I cannot be not certain [sic] about the exact nature of the gun; I do not have the necessary expertise to tell one weapon apart from another. The crowd in the fenced play area also seemed to be aware of him although, it appeared to me, that they had no reason to believe he was armed or any idea of what he was going to do.

> As the man reached the south western corner of the gable end he stretched his right arm and wrist around the corner and pointed the gun in a northerly direction up Chamberlain Street. He then fired, to the best of my recollection, between three and five shots. The man did not take aim before he fired. In fact he couldn't see what he was shooting at. The shots he fired were markedly different from those I had heard previously since they produced low velocity sounds rather than the high pitched crack of high velocity shots. He then put the gun away. I thought to myself, 'how stupid,' because this was clearly a danger to the people in the play area. I had a general sense of people in the play area and other people in the flats shouting their disapproval to him. No one moved or went near to him. It would have been dangerous in an open area to move towards a gunman.
>
> I was afraid that soldiers were going to come from any direction towards the gunman and to the other people in the play ground, however, there was no response by the army. I have no recollection of where the man went. I only watched the scene for a couple of minutes."

1 AM352.2
2 AM352.2-3

58.35 On the photograph to which Peter McLaughlin referred, the gable wall is shown, consistently with his statement, as being the one on the *eastern* side of Chamberlain Street. As we have described earlier in this report,[1] there was a fenced area to the east of this wall, as Peter McLaughlin stated.

1 Paragraph 23.4

58.36 In his oral evidence to this Inquiry, Peter McLaughlin's attention was drawn to the evidence given by his father, Charles McLaughlin, who had been watching events from the same flat.[1] Charles McLaughlin's evidence was that he had seen a gunman move along the gable wall on the *western* side of Chamberlain Street and fire from the end of the garden wall of 36 Chamberlain Street into the waste ground.[2] In other words, his account of this man's movements was similar to that given by Fr Daly. When shown his father's account, Peter McLaughlin agreed that it was possible that he had seen the same gunman as his father, and when asked how certain he was as to which gable wall the gunman was at, he said that he could not be absolutely certain, but that for 30 years it had been his recollection that the gunman was against the east gable wall.[3]

1 AM322.1-2
2 AM322.2-3
3 Day 174/11-12

Joe Nicholas

58.37 We should note at this point that we have considered the evidence of Joe Nicholas, who told us that after he had seen Jackie Duddy lying in the car park and another person shot (in our view Michael Bridge) he saw a man at the south end of Chamberlain Street holding a handgun down by his side, but did not see him fire it or see where the man went.[1] In our view this was probably OIRA 4, who on his own account was in that area at that time.

1 AN17.4

Assessment of the civilian evidence of a gunman firing up Chamberlain Street

58.38 There are thus four witnesses whose accounts can be said to support the suggestion that a gunman fired up Chamberlain Street, namely Maureen Gerke (though she did not say that she saw the gunman fire), Bernard Gilmour, Frank Lawton and Peter McLaughlin. However, for the following reasons we are not persuaded that there was, or even might have been, any shooting by a man with a handgun into Chamberlain Street from its southern end.

58.39 There is no doubt that a gunman fired from the end of the garden wall of 36 Chamberlain Street, as Fr Daly and others have described. Yet none of the four witnesses mentioned in the previous paragraph (nor indeed any other witnesses) suggested either that the gunman they said they saw fired from two different positions, or that one gunman fired from one position and another from a different position. It seems to us that had either of these things occurred, one or more of the witnesses would have been bound to have seen and remembered it. There is no obvious reason why any of the witnesses should have wished to conceal one incident while being prepared to tell us of the other. At the same time, apart from the position in which the four witnesses put the gunman, their accounts of him firing from a corner and of the reaction of the people near him are similar to the descriptions given by Fr Daly and others. Finally, none of the witnesses gave an account in 1972 of a gunman firing up Chamberlain Street. In the light of these matters it is our view that the four witnesses saw the same gunman as Fr Daly, firing from the western end of the garden wall of 36 Chamberlain Street as Fr Daly described, but that over the years their recollection of where he was has become faulty.

58.40 For these reasons we reject the submission made by the representatives of the majority of represented soldiers that OIRA 4 may have fired an additional shot or shots up Chamberlain Street. However, we should note that in addition to relying on the evidence of Maureen Gerke (who they mistakenly suggested gave evidence of seeing a man firing up Chamberlain Street), they also relied on some evidence given by the BBC cameraman Cyril Cave about a sound heard at a certain point in the soundtrack of his footage.[1]

[1] Vid 1 05.12

Cyril Cave

58.41 In Cyril Cave's oral evidence to this Inquiry[1] he gave these answers:

> "Q. Is there anything in the previous clips of film that you may be able to spot from them but that we cannot simply by looking at the film?
>
> A. In this sequence?
>
> Q. No, in the whole sequences that I have been showing you?
>
> A. There is one sequence where the troops are running across ground where there is a zip of a bullet which could have been incoming fire. There is only the one zip, you can hear it very close and I would assume that in Father Daly's statement, he saw a man fire a revolver and that would coincide with that particular sequence in my film. That could have been – I did not notice it until the Inquiry sent me out a clip of the film and I was running through it – because I never had a clip of the film and I was running it through and I noticed this, so I ran it very slowly and there is one, just zip and – as soldiers run across. We would assume the soldiers would not have been firing at their own men, somebody was firing at them. That is the only occasion I heard any or seen any incoming fire – I did not see it, I did not know it existed until I saw that clip.
>
> Q. I wonder if we can identify whereabouts – what is the piece of film you are talking about. Have you seen that as we were looking through it?
>
> A. Yes.
>
> Q. I wonder if you could stop it when we get there.
>
> A. The troops are running towards the camera.

> Q. Let us run it forward, please.
>
> (Video played)
>
> A. There, that was the zip. You will have to run it back, it comes earlier in the sequence.
>
> Q. It is just after the sequence with Father Daly. I for my part heard what could be called a zip on the film: that is not a defect in the soundtrack, is it?
>
> A. (Witness shaking head)."

1 Day 141/118-119

58.42 A little later in his evidence,[1] he was asked:

> "Q. So we have the picture complete, Mr Cave: your understanding and your confirmation of the order of your film is that the whining shot we hear with the whine of the shot on the film, that of course takes place on the film and took place in your recollection of where the film was, after Father Daly is already escorting the body of the young man carried down Chamberlain Street?"

1 Day 141/134

58.43 Cyril Cave replied: "*That is correct.*"

58.44 As for Cyril Cave himself, as noted, he said that he was not aware of the sound that he identified as an incoming shot until he was sent a copy of his footage by the Inquiry.[1] The evidence that he gave in 1972 contains no indication that he was aware of an incoming shot while he was standing in Eden Place filming the soldiers running towards him.[2] In his written evidence to this Inquiry he stated that while he was filming on the (Eden Place) waste ground he was only aware of shots fired by soldiers: "*There was no incoming fire that I witnessed.*"[3]

1 Day 141/118-119; Day 141/134
2 M13.6
3 M13.26

58.45 We consider first the question of when this part of the film was taken.

58.46 Cyril Cave's colleague John Bierman edited the BBC footage in 1972, and although the latter told us that he thought that it was in the correct sequence,[1] it is clear that in fact the surviving material does not always follow the order in which the footage was filmed on Bloody Sunday. For example, after the section under discussion here, there are shots of soldiers taking an arrested civilian away towards William Street, at a time when APCs

were parked in Rossville Street.[2] By the time Cyril Cave came to film the soldiers running towards him in Eden Place, those vehicles had moved south to the area immediately north of Block 1 of the Rossville Flats.

[1] Day 111/27-28; Day 111/47-48 [2] Vid 1 05.35

58.47 In his written statement for the Widgery Inquiry,[1] Cyril Cave stated that he filmed events in the following order:

- He filmed Fr Daly leading the group carrying Jackie Duddy up Chamberlain Street and into Harvey Street.
- The BBC crew ran out of film and asked a lady in Harvey Street if they could change their magazines. This they did in her house, where they were also given a cup of tea. Cyril Cave estimated that they were in the house for five to eight minutes.
- They returned to Harvey Street and filmed some ambulances in the Eden Place and Chamberlain Street area.
- They filmed an Army ambulance with a red cross on it as it reversed along Rossville Street.
- He noticed, and then filmed, some prisoners who were being lined up against a wall at Kells Walk.
- Then they filmed "*troops running across the waste ground on the east side of Rossville Street … more or less opposite where we were at Eden Place, towards us in Eden Place*".[2]

[1] M13.4-6 [2] M13.6

58.48 It is in the last of these clips that the sound can be heard.

58.49 Cyril Cave told this Inquiry that in one respect he did not think that the sequence of events that he gave in 1972 was correct. He believed that he changed the magazine of his camera (and re-attached a filter to the lens) before taking the shots of Fr Daly.[1] He told us[2] that the filter on his lens became detached when he was in Columbcille Court, as a result of which he was unable to film properly, and that he was only able to fix it in the house of the lady in Harvey Street. He said in his oral evidence[3] that without the filter he

"*could not have taken any pictures because colour bands from the pictures would have been all completely wrong*", although he said[4] that if something had been happening he might have filmed it anyway, "*knowing basically that it probably was useless*".

1 M13.26; Day 141/88-90; Day 141/92-94
2 M13.25-M13.26
3 Day 141/89
4 Day 141/144-145

58.50 In our view Cyril Cave was right to correct the sequence of events he had given in 1972, and that the visit to the house in Harvey Street must have preceded the filming of Fr Daly and the group carrying Jackie Duddy, and of the soldiers coming across the waste ground. It seems highly unlikely that the crew would have spent any more time in the house than the minimum necessary to change the film and re-attach the filter if they had just seen Fr Daly with the group carrying Jackie Duddy, from which they would have known that a major news event was in progress. Finally, John Bierman, the reporter in the team (to whose evidence we refer below), told us in his written statement to this Inquiry[1] that the crew went into the house of the lady in Harvey Street before they filmed Fr Daly. They spent about five minutes in the house, recovering from the effects of CS gas and having a cup of tea. In his oral evidence to this Inquiry,[2] John Bierman said repeatedly that they would not have spent time having tea with the lady if they had known that the soldiers had entered the Bogside and that live rounds were being fired, and that it was his "*very clear recollection*" that they had gone to the house in Harvey Street before they saw Fr Daly with the group carrying Jackie Duddy.

1 M6.28
2 Day 111/17-23; Day 111/43-45; Day 111/76-80

58.51 According to Cyril Cave, it was before taking the portion of film under discussion that he saw and filmed two ambulances. According to his written statement for the Widgery Inquiry,[1] one of the ambulances was pointing up Chamberlain Street towards the Rossville Flats. This must have been the ambulance with registration number 4491 WZ in which Margaret Deery and Michael Bridge were taken from 33 Chamberlain Street. That registration number is faintly visible in the BBC footage[2] which would appear to show the ambulance moving forward into Harvey Street after having reversed into Eden Place to turn. According to the second entry in the emergency calls log,[3] that ambulance had reached the scene of the emergency at 4.27pm and arrived back at Altnagelvin Hospital at 4.50pm. According to the same statement, Cyril Cave saw the other ambulance moving from Eden Place across the waste ground and out of sight. This would seem to be the ambulance with registration number 7449 WZ shown entering the waste ground in the BBC footage.[4] According to the fourth entry in the emergency calls log, that ambulance was called at 4.30pm to deal with two injured people in Rossville Street, and reached the scene of the emergency at 4.37pm. Hence if Cyril Cave was correct in saying that he filmed the ambulances before he filmed the soldiers coming across the waste ground, then

the section of the soundtrack which it is suggested may record the sound of an incoming shot cannot have been recorded before about 4.35pm. We have found nothing to suggest that in this respect Cyril Cave's sequence of events was incorrect.

1 M13.5
2 Vid 1 06.19
3 D500.26-D500.27
4 Vid 1 06.24

Jim Deeney

58.52 Jim Deeney, the sound recordist who accompanied Cyril Cave throughout the day, made a written statement for the Widgery Inquiry, in which he too stated (in our view, for the reasons given above, mistakenly) that it was after seeing Fr Daly and the group carrying Jackie Duddy that the team went into the house in Harvey Street and were there for "*about 10 minutes*".[1] He did not mention the sound under discussion in his written evidence to either Inquiry.[2] He did not give oral evidence to us.

1 M20.2-M20.3
2 M20.3; M20.6-7

John Bierman

58.53 John Bierman, the reporter in the team, told the Widgery Inquiry that he could hear "*sporadic*" rifle fire when they were filming from Eden Place, but did not say from which direction it came, and did not refer to hearing any pistol fire.[1] John Bierman told the Widgery Inquiry[2] that "*Soon after*" filming Fr Daly "*we moved down to the bottom of Eden Street. We looked across the open ground that f[ronts] the Rossville flats. There was still sporadic rifle fire. We filmed some more scenes from this position, as the film shows.*"

1 M6.5
2 M6.5

58.54 In his written evidence to this Inquiry John Bierman stated that while they were at Eden Place, "*we kept hearing the 'crack, crack, crack' of live fire, although because we were still partially surrounded by the houses it was not possible to tell where it was coming from*".[1] In his oral evidence, which was given earlier than Cyril Cave's oral evidence, he said that once he moved on to the waste ground he formed an impression that the firing was coming from the direction from which the soldiers had deployed, and that he did not hear any shots going in the opposite direction at any stage.[2] John Bierman gave the following evidence in relation to the portion of film that Cyril Cave believed recorded an incoming round:[3]

> "Q. This is a shot of a whole lot of soldiers going down the back of Chamberlain Street to the south, which looks as if it was taken by your cameraman. Again, apart from what we can see for our own eyes on the film, is there anything you can add to what appeared to be going on at this stage?
>
> A. Not really, no."

1 M6.29
2 Day 111/12-13
3 Day 111/26

Private INQ 5

58.55 Private INQ 5, a signaller in 7 Platoon, C Company, identified himself as one of the soldiers running towards the camera in the BBC film footage.[1] His evidence to this Inquiry was that he had moved on to the Eden Place waste ground after being ordered through Barrier 14, but was forced to take cover because of heavy incoming fire.[2] We consider his evidence about this firing later in this report,[3] where we conclude that he ran across the Eden Place waste ground at a late stage and did not come under fire.

1 Day 379/15-16; C5.61
2 C5.2
3 Paragraphs 65.28, 65.151–153 and 65.189–191

The absence of stationary Army vehicles in Rossville Street

58.56 No stationary vehicles are present in the parts of Rossville Street shown on the relevant part of the film footage. Army vehicles can be seen moving north. This shows that by the time the events were filmed, Support Company had moved its vehicles to the northern end of Block 1 of the Rossville Flats.

Assessment of the evidence relating to the sound on the film clip

58.57 On the basis of the evidence to which we have referred above, we are of the view that this part of Cyril Cave's film was taken after Fr Daly went along Chamberlain Street with Jackie Duddy; and indeed after all the casualties had been sustained in Sectors 2, 3, 4 and 5, which was before any ambulances arrived. As we describe later in this report,[1] some minutes after these casualties had been shot, there was further shooting by soldiers in Sector 3 at a flat on the western side of Block 1 of the Rossville Flats. On the soundtrack of the BBC film footage of the soldiers running towards Chamberlain Street,

about a second after the sound that Cyril Cave believed might have been an incoming shot, a loud bang can be heard. In our view this bang was probably the sound of one of those shots.

1 Chapter 123

58.58 There remains the question as to whether Cyril Cave was correct in his belief that the sound under consideration could have been that of an incoming round. As to this it is noteworthy that none of the BBC team, including Cyril Cave himself, said either in 1972 or in their evidence to this Inquiry that they had heard an incoming round. It seems to us that had the sound on the film clip been that of an incoming round, one or more of the team would have heard it and mentioned it in their evidence. Furthermore, by this stage soldiers of C Company, as we discuss later in this report,[1] are likely to have reached the south end of Chamberlain Street and gone into number 33 where they made arrests. It seems to us unlikely that a paramilitary gunman would have fired from that area with soldiers close by. While we cannot exclude the possibility that the recording equipment did pick up the sound of an incoming round, it seems to us more likely, despite Cyril Cave's denial, that this was a fault in the recording.

1 Chapters 65 and 66

Summary of the civilian evidence of a gunman

58.59 We have already commented on the fact that witnesses have given differing descriptions of the gunman that they said they saw at or in the vicinity of the gable wall or garden wall of 36 Chamberlain Street. These differing descriptions led to the submission that there may have been more than one gunman operating in the area of the Rossville Flats car park.[1] For reasons already given, it is our view that there was only one incident of firing, namely as Fr Daly had described, and not another incident of firing into Chamberlain Street from its southern end. However, it is convenient to bring together at this point the descriptions that the witnesses gave of the gunman that they said they saw. We include in this list not only descriptions given by witnesses whose evidence we have considered above but also accounts given by other witnesses which in our view clearly relate to a gunman or possible gunman at the gable wall or garden wall of 36 Chamberlain Street.

1 FS7.610

Descriptions of the gunman

Fr Daly

58.60 In his oral evidence to the Widgery Inquiry,[1] Fr Daly said that the gunman was wearing a brown jacket. In his *Sunday Times* interview,[2] Fr Daly said that he thought that the gunman was in his thirties and that he was wearing a brown car coat. In his interview with Peter Taylor,[3] he said that the gunman was in his late twenties, early thirties or thereabouts. In his written statement to this Inquiry,[4] he said that he could no longer remember the details of the gunman's age and clothing. In his interview with Jimmy McGovern, he said that the gunman was wearing a brown coat,[5] and that it was a three-quarter length brown jacket.[6]

1 WT4.11
2 H5.59
3 I43-I44
4 H5.6
5 H5.85
6 H5.86

Peter McLaughlin

58.61 In his written evidence to this Inquiry,[1] Peter McLaughlin told us that the gunman appeared to be in his early twenties and was wearing casual clothing.

1 AM352.3

Robert Brady

58.62 In his statement taken by the RUC,[1] Robert Brady recorded that the gunman was about 5ft 7in tall, had black hair hanging just over his ears, and was wearing a black checked overcoat with a fur collar and black trousers.

1 AB71.1

Bernard Gilmour

58.63 In his written statement to this Inquiry,[1] Bernard Gilmour said that the gunman was a big, tall man and that he was wearing a mask.

1 AG38.5

Gerard Grieve

58.64 In his written statement to this Inquiry,[1] Gerard Grieve said that the gunman was approximately 5ft 6in tall, with grey hair and a grey moustache. In his oral evidence to this Inquiry,[2] Gerard Grieve confirmed that the gunman had grey hair and a grey moustache, and guessed that he may have been in his thirties.

1 AG55.4

2 Day 147/64-65

William Harley

58.65 In his interview with Paul Mahon,[1] William Harley said that the gunman had black hair and was wearing a black overcoat and black trousers. The overcoat was about knee length. In his written statement to this Inquiry,[2] William Harley said that the gunman had black hair and a moustache, and was wearing a black coat and trousers.

1 X4.12.27

2 AH36.5

Frank Lawton

58.66 In his interview with Tony Stark,[1] Frank Lawton said that the gunman was an elderly man wearing a long raincoat and flat cap. In his oral evidence to this Inquiry,[2] he confirmed that this was his recollection of the gunman's appearance.

1 O8.1

2 Day 389/106-107; Day 389/144

Donal Deeney

58.67 In his written statement to this Inquiry,[1] Donal Deeney told us that he seemed to recall that the gunman was wearing a jacket and slacks, which were "*probably grey … although he was against a fairly grey background*".

1 AD26.5

Francis Dunne

58.68 In his NICRA statement,[1] Francis Dunne recorded that the gunman was wearing a black overcoat. In his oral evidence to the Widgery Inquiry,[2] Francis Dunne said that he was under the impression that the gunman was "*oldish*". He would not swear to this but said that the gunman was "*50-ish anyway*". He was asked about the gunman's clothing and said that he "*would have put it as a dark-ish overcoat*".[3]

1 AD173.3
2 WT8.24
3 WT8.34

58.69 According to John Goddard's interview note,[1] Francis Dunne told him that the gunman was a distinguished-looking man with white hair, and that he was wearing a black overcoat that reached almost to his knees.

1 AD173.46

58.70 In his interview with Paul Mahon,[1] Francis Dunne said that the gunman was "*very distinctive*", that he had "*whiteish hair, grey, iron grey hair*", and that he was wearing a long black coat.

1 X4.8.19; X4.8.53

58.71 In his written statement to this Inquiry,[1] Francis Dunne said that the gunman was aged about 50 years and that he was wearing a dark coat, which reached below his knees and was either a "*crombie*" or a raincoat. He also told us that the gunman had "*distinguished, silvery grey hair*". In his oral evidence to this Inquiry,[2] he said that the coat was not an anorak but a "*proper overcoat*", and that the gunman's hair was "*not silvery*" but "*iron grey*".[3]

1 AD173.27
2 Day 90/16
3 Day 90/77

John McCrudden

58.72 In his written statement to this Inquiry,[1] John McCrudden told us that he could not describe the gunman's age or appearance, but thought that he had been wearing a jacket rather than an overcoat.

1 AM152.3

Charles McLaughlin

58.73 In his written statement to this Inquiry,[1] Charles McLaughlin said that the gunman appeared to be about 40 years old and was wearing a dark overcoat.

1 AM322.2

Denis Mullan

58.74 In his written statement to this Inquiry,[1] Denis Mullan told us that he saw a man in a duffel coat standing close to the south gable end wall of Chamberlain Street. He had the impression that the man had a weapon and was refusing to use it. Someone in the car park was accusing the man of being useless. In his oral evidence to this Inquiry,[2] Denis Mullan said that the coat shown in the photograph we have reproduced above[3] looked like the duffel coat that he had seen the man at the gable end wearing.

1 AM449.2
2 Day 92/23
3 Paragraph 58.15

Joe Nicholas

58.75 In his oral evidence to this Inquiry,[1] Joe Nicholas said that the gunman whom he encountered at the south end of Chamberlain Street was a youngish man. Joe Nicholas could remember nothing about the gunman's clothing but did not think that he had been wearing a hat or dark glasses.

1 Day 78/72-73

James Norris

58.76 In his written statement to this Inquiry,[1] James Norris said that the gunman was wearing "*some sort of brown trench coat*". The coat reached just below the knee and was "*double breasted with a belt and was fastened up*". James Norris did not know how old the gunman was.

1 AN20.4

58.77 In his oral evidence to this Inquiry,[1] James Norris was asked whether the man shown in one of the images of the photograph of the gunman taken from the videotape of the BBC programme, to which we have referred above, looked like the gunman whom he had seen. He replied: "*I could not be sure, but if it was taken – a photograph of the man at the back of the gable wearing a brown trenchcoat, yes.*"

1 Day 147/105

Thomas Wilson

58.78 In his written statement to this Inquiry,[1] Thomas Wilson, who at the time of Bloody Sunday was 34, described a man older than he, who was wearing a longish coat and who he thought had grey hair. He gave varying accounts to us of where this man was, but in his NICRA statement[2] he had given the following description of what he had seen while looking from his flat on the top floor of Block 2:

> "Just before Father Daly lifted the shot man to move him, a man out of a group of 3 or 4 along the facing wall took out a pistol. The others moved back. He shot at the soldiers – low velocity weapon, not more than 2.2. The other 3 stopped him probably fearing that if the soldiers saw him they would fire at all the people hiding in the corner."

1 AW19.6
2 AW19.1

Susan North

58.79 In her written statement to this Inquiry,[1] Susan North told us that a man had caught her arm near the gable end of 33 Chamberlain Street and said that he had a pistol in his pocket. He was "*a little stocky guy*" aged about 30 years with no distinguishing features that she could recall. The man had normal length dark hair, not long flowing hair, and was wearing a sports jacket and trousers with no overcoat. His clothes were not expensive. In her oral evidence to this Inquiry,[2] Susan North said that this man was older and more heavily built than the typical young stone-thrower. In his second written statement to this Inquiry,[3] OIRA 4 told us that he did not remember saying this to Susan North, but that he was likely to have been this man. As noted above,[4] his evidence was that after he had gone back to the southern end of Chamberlain Street he followed Fulvio Grimaldi and Susan North from there towards the gap between Blocks 2 and 3 of the Rossville Flats.

1 M35.6
2 Day 130/37
3 AOIRA4.19
4 Paragraph 58.12

OIRA 4

58.80 OIRA 4 told us that he was 5ft 5in tall, that at the time his hair was dark but not black, that he did not think that he had a moustache on Bloody Sunday, that he had not been wearing a flat cap or spectacles or a mask and that he thought, as we have noted above,[1] that he had been wearing a dark blue or black duffel coat.[2]

1 Paragraph 58.17

2 AOIRA4.21; AOIRA4.25-26

Consideration of the evidence describing a gunman

58.81 If these various descriptions are taken at face value and in isolation from the rest of the evidence, it could be said that they indicate that the witnesses saw a number of different gunmen. But once the rest of the evidence of these witnesses is taken into account, together with the reasons we have given for concluding that those who thought that a gunman had fired or pointed a gun into Chamberlain Street were mistaken, we are left only with accounts that in our view show that the gunman seen by Fr Daly was probably the only gunman in the area of the gables at the end of Chamberlain Street. To our minds the explanation for the differing descriptions lies in the fact that people were trying to recall details that they had seen in the middle of fast-moving and frightening events.

58.82 We should add that we have considered the accounts relating to a gunman in Sector 2 given by Patrick Walsh,[1] Gerard Doherty,[2] Daniel McGowan[3] and Joseph McKinney.[4] All these seem to us to relate to the gunman seen by Fr Daly, but not to add materially to the evidence that we have discussed above on this topic.

1 AW5.16

2 AD65.18; Day 400/56-58

3 AM255.14; AM255.16

4 AM304.24; X4.26.22

58.83 In these circumstances we have concluded that the gunman seen by Fr Daly was probably OIRA 4.

58.84 According to Fr Daly, the gunman fired two or three shots after Michael Bridge had been injured and as Fr Daly and the others with him were about to stand up and carry Jackie Duddy away.[1] According to OIRA 4, he fired two or possibly three shots before Michael Bridge had been injured.[2] We have also considered the evidence of others as to the number of shots fired and when they were fired. Some gave accounts to the same effect as Fr Daly, though others gave differing accounts both with regard to the number of shots fired and when they were fired.[3] We have considered all this evidence but have no doubt of the accuracy of Fr Daly's evidence both as to the number of shots fired and when they

were fired. OIRA 4's evidence, unlike much of that given by Fr Daly, was only given many years after the event and in our view he was mistaken in his recollection that he fired before Michael Bridge was injured.

1 H5.19; WT4.11; H5.59; H5.6; H5.85; Day 75/36
2 AOIRA4.6; AOIRA4.17-18
3 The latter witnesses were William Harley X4.12.29; AH36.6; Day 77/29; Day 77/63-64; X4.12.29; X4.12.35; AH36.6; Day 77/28-29; Maureen Gerke AG27.9 Day 133/91; Frank Lawton O8.2; Charles McLaughlin AM322.2; Day 90/101-103; Denis Mullan AM449.2; Day 92/25-26; Day 92/45-47; and James Norris AN20.4; Day 147/131-132.

58.85 There is no evidence from any soldiers of Mortar Platoon that any of them saw a gunman approach the corner of the garden wall of 36 Chamberlain Street or fire from that position. This is understandable if, as OIRA 4 indicated was the case, he did not go beyond the corner, for although in the background of the first of the photographs shown above[1] at least one soldier can be seen further along the back (western) wall of the gardens of the Chamberlain Street houses, OIRA 4 would have been out of that soldier's sight so long as OIRA 4 remained around the corner of the wall.

1 Paragraph 58.15

58.86 We now turn to consider the provenance of this photograph.

58.87 On 19th April 1972, following the publication of the Widgery Report, the BBC broadcast a programme on Bloody Sunday as part of its 24 Hours documentary series. In the course of the programme, as we have explained above,[1] a still photograph was displayed of a man said to be in possession of a handgun against the southern wall of the garden of 36 Chamberlain Street. The programme linked this man with the gunman seen by Fr Daly.

1 Paragraph 58.15

58.88 The Inquiry does not have a print or a negative of the original photograph. However, images of the photograph were produced for the Inquiry from the 16mm film of the BBC programme by Alexis Slater of the Forensic Science Service.[1]

1 E14.001; E14.004-006

58.89 For convenience we show again below one of the images derived from the 16mm film.[1]

1 E14.005

58.90 None of the photographers who gave evidence to this Inquiry stated unambiguously that he was responsible for taking this photograph.

58.91 At the end of the BBC's transcript of the 24 Hours documentary,[1] a number of items are listed under the heading "*OTHER COSTS*", seemingly a record of organisations and individuals who provided services or material to the makers of the programme. The photographs used in the programme, identified by a brief description, are included in the list, with each attributed to a photographer, publication or agency. The only apparent match to the photograph under discussion is one described as "*Gunman by wall*". This is attributed, with others, to Fulvio Grimaldi:[2]

"Troops	Fulvio Grimaldi
Gunman by wall	" "
Bodies (4 pix)	" "
Armoured car	" "
Girl screaming	" "
Troops running	" ""

1 X1.12.4-20

2 X1.12.20

58.92 This Inquiry obtained, principally from the records of the Widgery Inquiry and the archives of the *Sunday Times*,[1] copies of several photographs known to have been taken by Fulvio Grimaldi. Some of these photographs were displayed in the BBC programme and appear to match the descriptions given in the list. However, the photograph described as "*Gunman by wall*" was not among those obtained by the Inquiry.

1 KS1.7

58.93 The 24 Hours documentary was produced by David Mills. He recalled, in his evidence to this Inquiry, that Fulvio Grimaldi had taken his film to Dublin to be processed, in order to ensure that none of his material could be seized by the authorities in Northern Ireland. Although David Mills had in the course of his research for the documentary seen some of Fulvio Grimaldi's photographs in Londonderry, he had thought that one or two might be missing. He had therefore visited the offices of RTÉ (Radio Telefís Éireann) in Dublin, where the photographs had been developed, and found there a copy of the photograph of the gunman, which he used in his documentary. David Mills recalled that he took the print, possibly the only one, and that he might have used it without speaking to Fulvio Grimaldi, who he feared would object to the photograph being broadcast. He could not recall what happened to the print afterwards, and neither the BBC nor RTÉ has been able to assist on this matter.[1]

1 M108.13; Day 235/19-21

58.94 David Mills' evidence was that the photograph had been taken by Fulvio Grimaldi, who would have been paid a royalty.[1]

1 M108.13; Day 235/20

58.95 John Barry, the editor of the *Sunday Times* Insight Team, also gave evidence to this Inquiry that Fulvio Grimaldi had taken, but had then withheld, the photograph of a gunman at a gable end wall:[1]

> "So far as I recall we found only one sequence of photographs showing an IRA gunman on that day. A pair of pictures showed a man holding a pistol while standing against a gable-wall abutting the car-park of the Rossville Flats. In the later of the images he appeared to be aiming the pistol round the gable-end. These came to light when we noticed photographs were missing from a sequence supplied to us by an Italian photographer named Fulvio Grimaldi. We demanded his contact sheets and identified the missing images. We had skilled photo-technicians work to enlarge and lighten these but they remained too murky to be reproduced in The Sunday Times."

1 M3.5

58.96 During his oral evidence John Barry told us that he became aware of the missing photographs after he was told by another photographer that Fulvio Grimaldi had a photograph of a gunman that he had not published.[1] John Barry remained confident that there were two photographs, the first being the one that appeared in the BBC documentary. He recalled that in the second the gunman had advanced towards the corner of the wall: "*I recall you could see the pistol in profile jutting beyond the end of the gable wall; it was quite a striking image*."[2]

1 Day 193/98
2 Day 193/98

58.97 Although the photographs were not used in the *Sunday Times* Insight article of 23rd April 1972, reference was made to them. The journalists quoted Fr Daly's account of seeing a man firing with a revolver from the garden wall of 36 Chamberlain Street, and then wrote: "*The photographer, Fulvio Grimaldi, also saw this gunman, and took a picture of the gunman. He also is certain that the gunman did not appear until after the Army had killed [Jackie] Duddy and wounded others.*"[1] When asked how confident he was that his attribution of the photographs to Fulvio Grimaldi was correct, John Barry said that while he could have been mistaken, after 30 years, had he been relying solely on his memory, the text of the article made him sure that his team would not have made "*so elementary an error so close to the time*".[2]

1 L213
2 Day 193/99

58.98 Material from the *Sunday Times* archive suggests that John Barry's colleague Peter Pringle interviewed Fulvio Grimaldi during their investigation.[1] Peter Pringle himself recalled meeting him a few days after Bloody Sunday.[2] The notes of the interview do not refer to a gunman at the wall of 36 Chamberlain Street, and make no reference to the existence of a picture or pictures of such a man.[3] However, Peter Pringle did record that: "*He [Fulvio Grimaldi] took many pix … The material is in Dublin and he cannot get at it before the weekend*."[4] As well as being consistent with the evidence of David Mills, this would suggest that at this point the *Sunday Times* journalists had not seen Fulvio Grimaldi's photographs, and it may be the case that they had not by then been told that Fulvio Grimaldi's shots included one of a gunman.

1 M34.21-26; M68.22
2 Day 190/45
3 M34.21-26
4 M34.21

58.99 Peter Pringle could not help this Inquiry as to why the *Sunday Times* article attributed the photograph of the gunman to Fulvio Grimaldi.[1] Philip Jacobson, another of the Insight journalists, was similarly unable to assist further; he said that he did not realise that the attribution of the photograph had been questioned.[2]

1 Day 190/107-108
2 Day 191/151-152

58.100 There are, therefore, two pieces of documentary evidence dating from 1972 that attribute the photograph to Fulvio Grimaldi. The evidence to this Inquiry of David Mills and John Barry suggests that Fulvio Grimaldi took the photograph but wished to withhold it from publication. Indeed, John Barry's evidence was that there was a second photograph, although his article only referred to "*a picture*" in the singular, and David Mills apparently only found one. Peter Pringle's interview notes provide circumstantial support for David Mills' account of how he discovered the photograph in Dublin.

58.101 There are two further indications that Fulvio Grimaldi took a photograph of a gunman on Bloody Sunday. In his book *Eyewitness Bloody Sunday*, which was published in 1997, Don Mullan wrote that Fulvio Grimaldi took a photograph of a man who fired a revolver from the gable end of Chamberlain Street. Susan North, who was with Fulvio Grimaldi on Bloody Sunday, told this Inquiry that she had seen, at the time of the Widgery Inquiry, a photograph taken by Fulvio Grimaldi, which she thought had shown a man with a pistol in his hand among a crowd of people. She was shown the photograph used in the 24 Hours documentary, but said that this was not the one that she had in mind as the gunman in the photograph that she recalled was not alone. She said that she had not seen the 24 Hours photograph until an image taken from the videotape of the programme was shown to her when she came to make her written statement to this Inquiry.[1]

1 Day 130/27-32

58.102 In his evidence to this Inquiry, Fulvio Grimaldi said that he did not see a gunman in the Rossville Flats car park, and he did not know whether he had taken the photograph.[1] He stated that if he had, in fact, taken that photograph it was not intended to be specifically of that man: "*If I took that picture, I would liken it to taking a picture of an ant in a flowerbed. The photographer takes a picture of the flowerbed before him and on magnification, one can observe an ant.*"[2] Fulvio Grimaldi said that he did not accept that the photograph, whoever took it, showed a gunman, and added that if he had been aware that he had photographed a gunman he would have said so in his statements.[3] He denied that he had taken the photograph and then held it back.[4]

1 M34.60; Day 131/41-42
2 M34.60
3 Day 131/43
4 Day 131/47

58.103 Fulvio Grimaldi accused the *Sunday Times* of "*utter and total manipulation*" in attributing a photograph of a gunman to him.[1] He also criticised the accuracy of Peter Pringle's interview notes.[2] He accepted that Susan North and Don Mullan had been told or had come to believe that he took a photograph showing a gunman, but denied again that he was aware of having done so.[3]

1 Day 131/44
2 M34.74-75
3 Day 131/44-47

58.104 Despite his denials to this Inquiry, when he was interviewed by the researcher Paul Mahon on 5th July 1998, Fulvio Grimaldi had agreed that he had taken a photograph of a gunman at a wall.[1] Paul Mahon told Fulvio Grimaldi that this photograph had "*mysteriously gone missing from the public records office*", but that he had a copy of it "*taken off the television*". In his oral evidence to this Inquiry,[2] Paul Mahon confirmed that this was the photograph shown in the BBC documentary. He said that he believed that it had gone missing from the Public Record Office because a certain numbered photograph was "*classed at the PRO as missing*". It is true that the records of the Widgery Inquiry deposited in the Public Record Office included a set of photographs taken by Fulvio Grimaldi, numbered from 1 to 26, and that photograph 11 is recorded as missing. However, we do not know in what circumstances that photograph came to be missing, nor is there any proof that the missing photograph was the photograph of the gunman. Later in his interview of Fulvio Grimaldi, Paul Mahon referred again to the photograph of the gunman and asked Fulvio Grimaldi whether he had seen him fire. Fulvio Grimaldi said that he had not.[3] The transcript of the interview continues:[4]

> **"Paul Mahon:** Were you aware that he had a gun, is that why you took the photograph?
>
> **Fulvio Grimaldi:** I don't think so, I don't remember.
>
> **Susan North:** No, you wouldn't have been.
>
> **Fulvio Grimaldi:** But, I don't think that I was aware, I only remember that people grabbed a person with a revolver.
>
> **Susan North:** Mmm.
>
> **Fulvio Grimaldi:** And said 'you're mad', 'you're crazy' and 'fuck off' and things like that.
>
> **Paul Mahon:** Right, right so that's why you took his picture?

Fulvio Grimaldi: No. I think this happened afterwards because he's still moving undisturbed or as other people might have noticed that and they really grabbed him and…

Paul Mahon: Right.

Fulvio Grimaldi: … and shouted at him and…

Paul Mahon: Did you take that photograph before you took the photograph of Jack Duddy?

Fulvio Grimaldi: I don't think so, I think that this picture was taken on the way after Jack Duddy and moved back towards…

Paul Mahon: Chamberlain Street?

Fulvio Grimaldi: No, uh yes, it could be that we moved back first to Chamberlain Street then we moved back to the back of the flats and that's the time when I tried to climb the wall and she said 'don't, don't'.

Paul Mahon: Yeah right."

1 X4.48.45
2 Day 412/52-53
3 X4.48.52-53
4 X4.48.53

58.105 Fulvio Grimaldi was not asked about this interview during his evidence to this Inquiry, as the Inquiry was not in possession of the recording of it at that time.

58.106 Later in this interview, Fulvio Grimaldi explained how he went to Dublin in order to process his photographs, before returning to Londonderry.[1] This is consistent with the evidence of David Mills and the interview notes of Peter Pringle, to which we have referred above.

1 X4.48.80-81

58.107 If Fulvio Grimaldi did not take the photograph used by 24 Hours it is not clear who did. Two other photographers were present in the Rossville Flats car park at the relevant time, Gilles Peress and Sam Gillespie. However, there is no evidence to suggest that the photograph should be attributed to either of these men. Gilles Peress told this Inquiry that he had never seen the photograph before,[1] and both he and Sam Gillespie said that they were not aware of any gunman firing in the manner described by Fr Daly.[2]

1 Day 213/112
2 WT6.72; Day 213/113-119; Day 142/90

58.108 In our view the evidence considered above establishes that Fulvio Grimaldi took the photograph; and that it was of a gunman at the garden wall at the end of Chamberlain Street. We have earlier concluded that the gunman was probably OIRA 4. It is possible that Fulvio Grimaldi also took another photograph or photographs of the gunman. We formed the impression from his evidence that he was anxious not to be associated with any photograph of paramilitary gunmen.

The gunman described by Monica Barr

58.109 In 1972 Monica Barr was living with her husband in the ground floor flat of 36 Chamberlain Street. As already noted, this is the house at the south-western end of that street.

58.110 Monica Barr gave a Keville interview.[1] She also gave written and oral evidence to this Inquiry.[2]

[1] AB16.11 [2] AB16.1; Day 148/1-45

58.111 In her Keville interview, Monica Barr said that she had been standing by the landing window at the back of the house. She described seeing Army vehicles coming in and one parking "*just behind our house*".[1] She then described seeing a soldier fire a baton round at a man in a doorway. In our view this was the incident involving Patrick Duffy, which we have discussed earlier in this report.[2] Her account continued:[3]

> "Well I did not see the man stepped back then whenever the soldier fired the bullet the man went right on back and I did not see the man come out again I took it that the bullet hit the man and the soldier he came away then. Then there was a couple of soldiers then came round the side of the personnel carrier towards just near the window where we were standing. One of them I saw lift a rifle and I said to my husband he's going to shoot he's going to shoot but at the same time I just kept hoping you know I was just imagining things and he lifted the rifle and fired and this was the first shot that I saw fired and then I heard a scream and I took it then that someone had been hurt then there was a few other shots fired then by the soldiers and there was a soldier then on the far side of the personnel carrier from me and he was more to the back of the personnel carrier and he looked up towards the flats and he fired three shots. Well then after this there was no one whatsoever at the windows and after this there was a couple more shots fired and we heard a lot of screams and he fired three shots. Well then after this there was no one whatsoever at the windows and after this there was a couple more shots fired and we heard a lot of screams and we just took it people were being hurt because normally a few times down there we

> hear gunfire and people are that used to it they do not scream unless someone has been hurt. Then on the window above the eighth floor I saw a man at one of the windows and he had a gun in his hand and he fired down one shot and he had his hand back in the window and he went to lift his head back and one of the troops fired a shot which landed above his head up at the top of the window and then I happened to look around and there seemed to be a lot of troops around. Over opposite in the garage opposite there was troops lined along there and they had no protective helmets they had just on their berets with no other shots being fired towards them."

1 AB16.11
2 Paragraph 55.303
3 AB16.12

58.112 In her written statement to this Inquiry[1] Monica Barr told us that she had a recollection of seeing a hand stick out of an open window on the eighth floor of Block 1 of the Rossville Flats: "*I think the flat was approximately in the middle of Block 1 but I am unable to be more precise.*" She continued:

> "The window, as I recall it, was tilted inwards at the top and outwards at the bottom. The hand which was holding a pistol appeared from over the top of the window pane and pointed downwards. I remember one shot being fired from the pistol. The shot had a 'pop' sound and was certainly different from the other shots I had heard earlier. Almost immediately I heard a 'crack' and saw the wood at the top of the window frame splinter where I presume a bullet fired by a soldier below the flats had hit. At around the same time the hand disappeared. I think there may have been net curtains over the window as I am unable to describe the face or shape of the individual who fired the shot from the Rossville Flats."

1 AB16.3

58.113 In her oral evidence to this Inquiry, Monica Barr gave a similar account of seeing this gunman, though she said that the gunman was on the ninth, not the eighth, floor.[1] The difference is important, because on the eighth floor the windows were set back behind the balcony. In her Keville interview, Monica Barr had described the gunman as being "*on the window above the eighth floor*", which to our minds is likely to be a description of a window on the ninth floor.

1 Day 148/9

58.114 Monica Barr was closely questioned by counsel for the majority of the families and wounded, who among other things suggested that what she had heard was the firing of a handgun much closer to where she was and that it would have been difficult for anyone to have fired over the top of one of the tilting windows of the Rossville Flats. Monica Barr maintained that she had seen a gunman fire from the position she had described:[1]

> "Q. What you said, to be fair to you in your evidence today, was that you heard – this pop seemed to occur, it seemed to happen when the pistol came out of the window. When you say it 'seemed' to happen, can we take it from that that you are not sure that it did happen at the same time?
>
> A. Well, it is how I remember it now.
>
> Q. What I have to ask you is whether it is possible that you heard a pistol shot when you were looking out of your window; you saw a man in the upper flats, on the top floor of Rossville Flats, perhaps with a camera, perhaps with a bottle. You saw a soldier fire in that direction and you formed the mistaken impression that the man or the hand at the window was firing a gun when in fact it was a man just under your own window; is that possible?
>
> A. No, it is not possible. I saw the man on the top floor with a gun and I heard the pop when he fired."

[1] Day 148/32-33

58.115 The representatives of the majority of the families and wounded submitted that Monica Barr could "*only be mistaken in her recollection*".[1] They drew attention to the difficulty of firing over the top of the tilting window, and to the fact that no soldier in Mortar Platoon claimed to have seen or reacted to a gunman at the top of Block 1 of the Rossville Flats.

[1] FS1.1367

58.116 Monica Barr's original account was given soon after the event, when her recollection would have been fresh; and there is no doubt that she believed that she had seen a gunman fire one shot from the ninth floor of Block 1 of the Rossville Flats. However, she also believed that a soldier had fired back almost immediately and hit the window. We have considered whether this could have been one of the shots fired by Private T, though he was not aiming at this window; but the difficulty with this possibility is that earlier in the account that Monica Barr gave in 1972, she described a soldier firing up at the flats, which might well have been Private T. It is the fact that no soldier of Mortar Platoon claimed to have seen or reacted to a gunman at the top of Block 1 of the Rossville Flats;

and no soldier apart from Private T admitted firing up at Block 1. Had a soldier seen and fired at a gunman in this block he would in our view have reported that he had done so. It is of course possible that Monica Barr was mistaken in believing that a shot from a soldier had hit the window in question, but if she was so mistaken, this casts some doubt on the accuracy of her account as a whole.

58.117 In the end we are left in doubt as to whether Monica Barr did witness a gunman firing from Block 1 of the Rossville Flats. It is possible that she did so, but to our minds it is equally possible that she was mistaken.

58.118 If Monica Barr did see a gunman, it is clear from her 1972 account that the gunman only fired after the soldiers had opened fire in the car park area. On the basis of Monica Barr's evidence there is thus no question of the shot fired by this gunman having precipitated what happened in that area.

58.119 No-one has admitted firing a shot from a window in Block 1 of the Rossville Flats, and no paramilitary organisation has accepted responsibility for the firing of such a shot.

The gunman described by Billy Gillespie

The *Sunday Times* notes

58.120 According to interview notes compiled by Peter Pringle of the *Sunday Times* Insight Team and dated 6th April 1972:[1]

> "billy gillespie, 22. bro of above. helped to carry mrs deery into 33 chamberlain st with michael bridge. went with bridge into the car park between the flats and saw duddy shot. he threw some stones at the soldier on the corner of the flats and saw bridge shout at the army and get shot.
>
> n.b. he also claims that he saw a gunman on the 5th floor of the flats with an M1 carbine. he says the gunman fired seven shots and had three shots returned at him by the army. he went up to see if there were any bullet marks where he had seen the man and there weren't any. Story suspect and as yet unconfirmed but as far as i know we haven't had statements from people who came out of chamberlain st. at that end as the army moved into the car park area. let's face it no one in their right minds would have done."

1 AG34.17

58.121 "*Bro of above*" indicated that the subject of this note was the brother of Daniel Gillespie, who sustained an injury in circumstances that we consider later in this report,[1] when discussing the events of Sector 4.

1 Paragraphs 104.165–202

58.122 In his oral evidence to this Inquiry,[1] Billy Gillespie told us that he had no recollection "*at all*" of talking to journalists and denied both that he had seen a gunman on the fifth floor of the Rossville Flats and that he had told journalists that he had.

1 Day 84/162-164

58.123 The evidence of Peter Pringle satisfies us that this note is an accurate record of what he was told by Billy Gillespie.[1] This conclusion is supported by the fact that other details in the note, such as the reference to Billy Gillespie having helped to carry Margaret Deery into 33 Chamberlain Street, correspond with the evidence that Billy Gillespie gave to this Inquiry.

1 Day 190/37-42

58.124 Peter Pringle was asked during the course of his oral evidence to this Inquiry why he thought at the time that the account of the gunman was suspect. His answer was:[1]

> "Well, one of the reasons is that we had never heard a story like this, we did not hear another one like this. The second reason is that firing from flats was a very exposed position and I think I have a note on that. That is reflected in the last sentence here, 'let us face it, no-one in their right minds would have done this'."

1 Day 190/40-41

58.125 Notwithstanding this, in the Insight article published by the *Sunday Times* on 23rd April 1972 there was the following passage:[1]

> "… one civilian, whose name we agreed to withhold, told us that he did see someone with a carbine firing at the soldiers from the 5th floor of the flats. The man fired seven shots and three were returned at him. This gunman corresponds exactly with the man at whom Soldier O said he fired three shots and hit."

1 L213

58.126 It seems to us that the civilian referred to in this passage must have been Billy Gillespie, since Peter Pringle told us that he heard the account from only one source.

58.127 As to the comment that the gunman corresponded exactly with the man at whom Sergeant O said he fired three shots, and whom he said he hit, there is nothing in Billy Gillespie's account to indicate that the gunman was hit, nor anything in Sergeant O's accounts to the effect that the gunman fired seven shots, though in his oral evidence to the Widgery Inquiry he had said that the gunman was "*triggering it off fairly fast*".[1] At the same time, it is noteworthy that, according to Sergeant O, the gunman at whom he fired three times after seeing the flash of his weapon was on the lower balcony of Block 3 of the Rossville Flats, which was on the same level as the fifth floor of Block 2. That level was also regarded as the fifth floor in Block 3, although because that block was built on higher ground it was in fact only the third level, as can be seen in the photograph below.[2]

1 WT13.30

2 AG27.6; GEN3.14

58.128 There is therefore some correspondence between the account given by Sergeant O of seeing a man with a weapon like an M1 carbine or small rifle on the lower balcony of Block 3 and firing three shots at him, and the account given by Billy Gillespie to Peter Pringle.

58.129 The representatives of the majority of the families and wounded pointed out that no other civilian witness or journalist corroborated Billy Gillespie's account, and that the gunman described in that account would have been in a very exposed position. They submitted that "*The story as related to Peter Pringle bears all the hallmarks of an invented account, perhaps given to impress a journalist.*"[1]

1 FS1.1368

58.130 It is true that the gunman would have been in a very exposed position, but the same could be said of the gunman seen by Fr Daly. It is also true that there is no other civilian or journalistic evidence to support what Billy Gillespie said, but we do not accept that this should necessarily lead us to reject it, though it leaves us, like Peter Pringle, less than certain of its accuracy. On his own account,[1] Billy Gillespie was a rioter and witnessed some of the shootings in Sector 2, and to our minds, though possible, it is unlikely that he would have invented an account of seeing a paramilitary gunman firing at the Army.

1 AG33.1

58.131 In these circumstances we have concluded that Billy Gillespie probably did see a gunman firing from the lower balcony of Block 3; and that his account to Peter Pringle supports the evidence given by Sergeant O in this regard.

Whether Eileen Collins saw the body of a gunman

58.132 At this point it is convenient to deal with a submission made by the representatives of the majority of represented soldiers to the effect that Eileen Collins saw the body of this gunman.[1]

1 FS7.1495

58.133 According to an article written by Tony Parker and published in the *New Statesman and Society* at the time of the 20th anniversary of Bloody Sunday in January 1992,[1] Eileen Collins, using her maiden name Eileen Shiels, told him:

> "Where we lived, my flat was on the first floor of the block, so I went round and up the back staircase to it. Inside the children were all safe: when he'd heard the shouting and shooting, the young boy looking after them'd made them all take shelter in the sort of boiler cupboard we had. All of them were wild with excitement, they wanted me to let them go out on the balcony and watch what was happening. I thought 'Well I'll look out of the windows first to see if it's safe'. And still to this day I can't tell what I saw without the horror of it coming back to me. Right there outside my window lying on the balcony was a dead man, crumpled up with blood all over him. I straight away pulled the curtains together and told the children they weren't to open them: then I ran out of the door along the corridor, to go down and see if I could fetch someone to help. At the bottom of the staircase at the front was another body lying. I had to step over it to get out, and it was someone I recognised: it was young Tony Doherty's father, who I knew."

1 AC72.11; L244.1-3

58.134 Eileen Collins' flat was 20 Garvan Place.[1] This flat was in Block 2 of the Rossville Flats, on the first floor and right at the end nearest to Block 1.[2]

1 AC72.1 2 GEN3.13

58.135 In her oral evidence to this Inquiry, Eileen Collins told us that she had no recollection of talking to Tony Parker and that what he had written about her seeing a dead man outside her window on the balcony was "*lies*": "*… there was no body outside my apartment.*"[1]

1 Day 161/120-122; Day 161/151-154; Day 161/167-169

58.136 In our view Eileen Collins was interviewed by Tony Parker and may well have given him an account of seeing a dead man outside her flat. However, we doubt the accuracy of this account, so far as the position of the body is concerned.

58.137 In her written evidence to this Inquiry[1] Eileen Collins had told us that on her way into her flat she saw an injured man behind a door receiving attention from an Order of Malta Ambulance Corps volunteer, but was unable to say whether he had been shot. In her oral evidence[2] she said that she did not think that he had been shot, but was not sure.

1 AC72.3 2 Day 161/157-158

58.138 As we discuss later in this report,[1] one of the casualties in Sector 3 was Kevin McElhinney, and there is evidence to the effect that after being shot and mortally wounded in Rossville Street he was taken into the lobby at the south-west end of Block 1, and then carried up the stairs leading from that lobby by the Order of Malta Ambulance Corps volunteer James Norris and the photographer Liam Mailey.[2]

1 Paragraphs 86.365–469 2 AN20.3; AN20.19-21; AN20.25

58.139 In order to reach her flat, Eileen Collins told us that she went up these stairs and crossed the walkway to Block 2.[1] In none of her accounts did Eileen Collins suggest that she saw more than one casualty outside or near her flat.

1 AC72.3

58.140 There are two other considerations.

58.141 Firstly, as is explained more fully later in this report,[1] following a ruling of the Tribunal dated 1st June 2001,[2] the Inquiry sought and obtained access to a substantial quantity of intelligence material held by the RUC and other agencies in relation to witnesses or those who might become witnesses in the Inquiry. Relevant documents obtained in the course of this exercise were disclosed to the interested parties subject to such redactions as were necessary to comply with our obligations under the Human Rights Act 1998. A small amount of this material related directly to the events of Bloody Sunday but the great majority was relevant only to the extent that it contained information about the membership of paramilitary organisations in Londonderry at the time of Bloody Sunday and in the months thereafter. The nature of the material is such that we believe it to be highly likely that if a paramilitary gunman had been killed on Bloody Sunday some reference to his death would appear in it. However, there is no indication in any of the material provided to us that such an event occurred.

1 Paragraphs 151.21–22 2 A2.17

58.142 Secondly, we accept the evidence given by Fr Daly that it amounted to "*offensive nonsense*" to suggest that there could have been secret burials of people killed by the Army on Bloody Sunday.[1] We do not believe that the local community would have considered it desirable or acceptable to try to conceal such deaths, nor do we believe that it would have been possible to conceal them.

1 Day 75/51-55

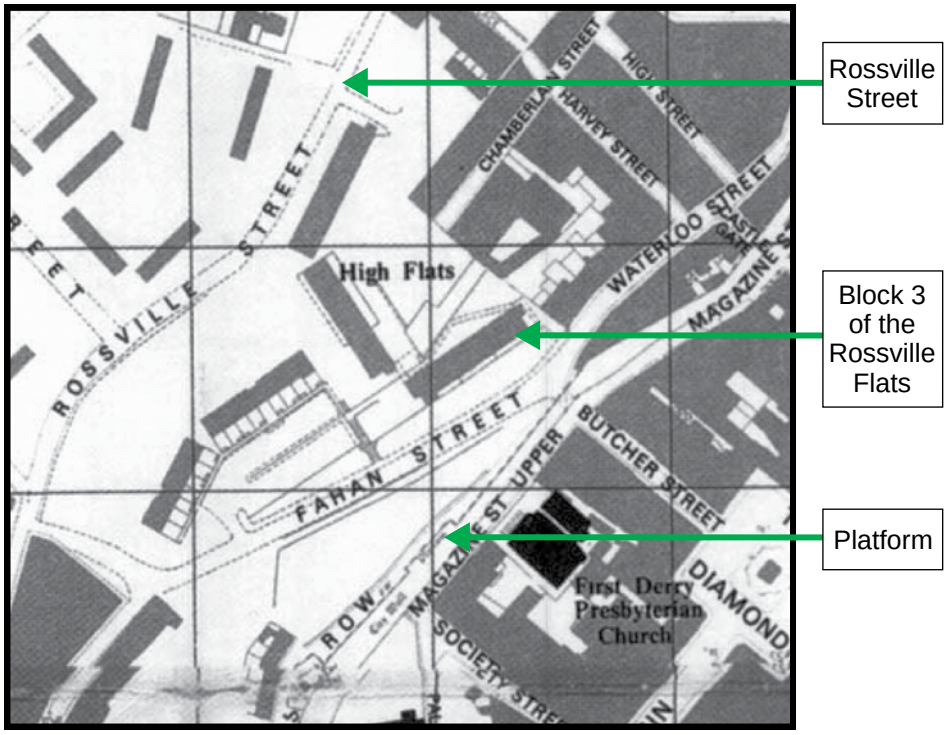
58.143 In these circumstances we are of the view that the body that Eileen Collins saw was that of Kevin McElhinney; and that what Tony Parker recorded may have been the result of misunderstanding by him or a degree of exaggeration by her, or a combination of both these things.

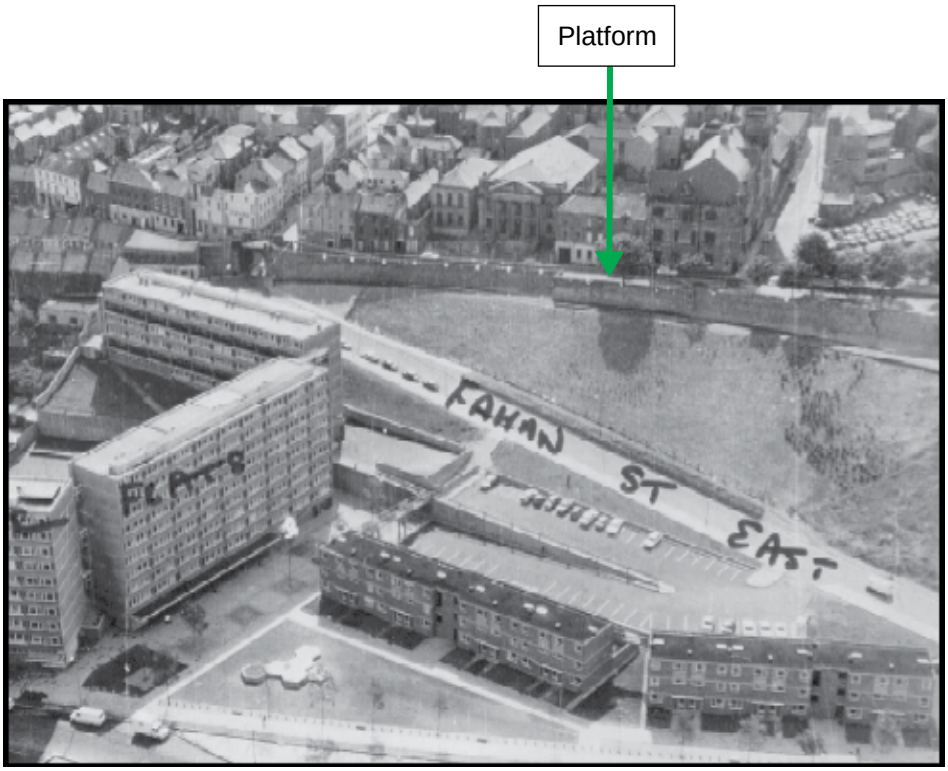
58.144 It remains to say that there is no evidence of any kind that suggests any link between the body Eileen Collins said that she saw near her flat, and the gunman that Sergeant O said that he had shot towards the south-west end of the lower balcony of Block 3 of the Rossville Flats, a location that was over 60 yards away, and four floors up, from Eileen Collins' flat in Block 2.

The gunman described by Gunner 030

58.145 Gunner 030 was a soldier in 22 Lt AD Regt. According to his first Royal Military Police (RMP) statement, timed at 2343 hours on 2nd February 1972,[1] he was on duty at the Platform on the City Walls. This Platform is shown on the following map and photograph.

[1] B1590





58.146 In this statement Gunner 030 recorded that he was on duty with Sergeant 001. He stated that he heard the sound of baton rounds and gas cartridges being fired, which seemed to be coming from the area of Rossville Street/William Street: "*By about 1620 hrs the crowd had built up to about 2–300 people situated around Rossville Flats. At this time the sound of baton guns being fired grew closer.*" Gunner 030's statement continued:[1]

> "Suddenly I heard one (1) low-velocity shot. I then heard a number of low-velocity shots. It was then I saw a youth standing firing a pistol. He was in between Blocks Nos 1 & 2 Rossville Flats. Taking cover slightly between Block No 2. There were about 10–15 people crowding around him, therefore I did not shoot for fear of hitting a member of the crowd. The gunman was wearing a brown jacket, faded blue jeans and he had long dark well kept hair.
>
> At this time I saw a body lying on the floor by the telephone box, at the far end to the right of No 2 Block. I had heard no high velocity fire at this time."

1 B1590-B1591

58.147 Gunner 030 gave another account in his written statement for the Widgery Inquiry.[1]

> "Suddenly I heard one low velocity shot. I said to soldier 001 that this was not a baton round but a low velocity shot. Then I heard a number of low velocity shots and I could see a youth who was holding what I could clearly see was a pistol from which I could see puffs of smoke coming in the gaps between blocks 2 and 3 of Rossville Flats. I could not shoot him as there was a crowd of about 10 to 15 people gathered round him. I could see quite clearly that he was wearing a brown jacket, faded blue jeans and he had long dark well kept hair, he was about 75 yards from me and I had a good view of him from the platform."

1 B1599

58.148 In his oral evidence to the Widgery Inquiry, there was the following passage:[1]

> "Q. Then the low velocity shots – where did they appear to come from?
>
> A. I could not say exactly where it came from.
>
> Q. You cannot say right, left, or –
>
> A. I believe it would be to my right.
>
> Q. Did you observe its strike or not?
>
> A. No, sir.
>
> Q. After that shot did you hear any more?
>
> A. Yes, sir, I heard a number of low velocity shots coming from my right.
>
> Q. How long after the first ones?
>
> A. Just a matter of seconds, sir.
>
> Q. And how many more came?
>
> A. I would say five or six rounds, sir, were fired.
>
> Q. Could you see anyone who was firing?
>
> A. Yes.
>
> Q. Whom did you see?
>
> A. It was a youth, sir.

Q. Where about?

A. Between Blocks 2 and 3, sir, of Rossville Flats.

LORD WIDGERY: You are seeing it from my side, are you not?

A. Yes.

LORD WIDGERY: Just show me where he was.

The WITNESS: I was about there, sir, and he was between there that he came through, from behind.

Mr. GIBBENS: The south-east corner.

LORD WIDGERY: Is he inside?

A. There is a small wall round there about three feet high and he was behind there, sir.

Mr. GIBBENS: What was he doing?

A. He was firing towards William Street.

Q. Was he firing up the side, parallel with Block 3 of Rossville Flats? I do not quite understand.

A. Something like that. If you are between Block 2 and 3 you can see William Street.

Q. I am afraid I do not quite understand. This is William Street here.

A. Yes, that is William Street. He was between here.

Q. Take the pointer and give us his line of fire.

A. His line of fire would be from about there across that way.

LORD WIDGERY: He was inside the courtyard, was he?

A. Yes, this small wall here. He was behind that wall kneeling down.

Q. You were looking at it through that alleyway between the two blocks?

A. Yes.

Mr. GIBBENS: That is behind the small wall inside the courtyard?

A. Yes, sir.

Q. Could you see what he was using to fire with?

A. I seen a small pistol, sir, but what type it was I do not know.

Q. Could you see further into the courtyard, what he was firing at?

A. No, sir, but after I looked back I seen a body lying there. It was a civilian, but whether he had been shot or not I do not know.

Q. Was it the same man lying, a body there, or was the man still upright?

A. He was lying down there.

Q. The body was lying down, but what happened to the man with the pistol?

A. Well, I was going to shoot, but there was too many round him, you know. In case I hit a civilian, an ordinary person, I did not shoot. After that I turned round and he was gone.

Q. Had you seen him before he went or after he went?

A. This was before he went, sir.

Q. You saw the body before he went?

A. Yes, sir."

[1] WT16.25-26

58.149 Later in his oral evidence Gunner 030 told the Widgery Inquiry that he had heard self-loading rifle (SLR) fire "*after the first set of pistol shots*", coming from what he described as "*the back end*", by which he said that he meant the area of William Street and Little James Street.[1]

"Q. Did you hear any SLR fire from right inside the area of the forecourt of the flats?

A. No.

Q. You didn't?

A. I couldn't see.

Q. You could not identify any as coming from that area?

A. No.

Q. How far away would you be from the corner of blocks 2 and 3?

A. To there?

Q. Yes. About 30 yards?

A. Forty to fifty yards.

Q. I think the measurement has been given before as thirty metres, but would it be around forty metres?

A. Yes sir.

Q. You were forty metres, or so, from the corners of the inter-section of blocks 2 and 3?

A. Yes.

Q. And at no stage did you identify SLR fire coming from that area?

A. It was coming from the back end."

1 WT16.32-33

58.150 Gunner 030 told the Widgery Inquiry that he was within shouting distance of an Army Observation Post (OP) which was equipped with a radio,[1] but that at the time neither he nor Sergeant 001 shouted any report of seeing the man with the gun. He said that this was because he and the sergeant were too busy looking at other places, but agreed that there could hardly be anything more important than reporting gunmen at the time they were supposed to be present. He said that he had reported seeing the gunman to his officer later on, at a time when ambulances had arrived. Gunner 030 also told the Widgery Inquiry that he did not know that soldiers had come down Rossville Street and were in the area; and that the first soldiers he saw were in Glenfada Park North.[2]

1 This was called Charlie OP. We refer to Charlie OP again in the context of Sector 5, where we provide a photograph (paragraph 116.29).

2 WT16.30-31

58.151 Gunner 030 gave written and oral evidence to this Inquiry.[1] In our view he had little clear recollection of events. He told us himself that he might have mixed up events that had occurred on Bloody Sunday with other things that had happened when he was in Northern Ireland.[2] In view of this, we consider that his evidence to us, where it differed from the accounts that he gave in 1972, is unreliable, though, as we point out below, there are significant difficulties with those accounts. He did say to us, however, that he stood by the accounts that he had given in 1972.[3]

1 B1612.001; Day 366/79

2 Day 366/81

3 Day 366/82

58.152 From his vantage point on the Platform, Gunner 030 would have had a limited view through the gap between Blocks 2 and 3 of the Rossville Flats, and would have been able to see a portion of the low wall running parallel to the northern side of Block 2 of the Rossville Flats and a small portion of the car park. This can be demonstrated from stills taken from the Channel 4 Secret History documentary *Bloody Sunday*, which was made by Praxis Films Ltd and first broadcast on 5th December 1991. By the time this documentary was made, the Rossville Flats had been demolished, and so the makers used archive footage, from which the two stills reproduced below have been taken. The date on which this footage was filmed is not known, but the physical features shown in it appear to be as they were on Bloody Sunday.

58.153 Since Gunner 030 would not have been able to see the gap between Blocks 1 and 2 of the Rossville Flats from his vantage point, it seems that his reference to this gap in his RMP statement must have been an error for the gap between Blocks 2 and 3, which, as can be seen, he corrected in his evidence to the Widgery Inquiry.

58.154 According to his RMP statement, it was "*at this time*" that Gunner 030 saw a body lying "*on the floor*" by the telephone box.[1] This must be a reference to the telephone box that was situated at the southern end of Block 1 of the Rossville Flats. There was a body in that position, that of Bernard McGuigan, who was shot dead in Sector 5. In his written statement for the Widgery Inquiry,[2] Gunner 030 recorded that he had been shown photographs of the body of Bernard McGuigan lying near the telephone box, and he confirmed that this was the body that he had seen. Representatives of some of the soldiers suggested that this identification might not be reliable,[3] but we see no good reason for doubting it. However, as will be seen later in this report,[4] this shooting took place after all or virtually all the events of Sector 2. Nevertheless, on an examination of the whole of the evidence that he gave in 1972, we consider it possible that Gunner 030 may not have intended to say that he saw this body at exactly the same time as he saw the gunman. It must be borne in mind that all the events of Sectors 2 to 5 took place within a few minutes.

1 B1591
2 B1600
3 FS8.1125-1126
4 Paragraphs 118.207–213 and 227–261

58.155 It was submitted on behalf of the majority of the families and wounded that we should reject the account Gunner 030 gave of seeing, through the gap between Blocks 2 and 3 of the Rossville Flats, a man firing a pistol in the direction of William Street.[1]

1 FR1.95-FR1.100

58.156 There are significant difficulties with the evidence that Gunner 030 gave in 1972. He did not report seeing the "pistol man" at the time. His sergeant, Sergeant 001, who was near him on the Platform, made no mention of seeing this pistol man, or that Gunner 030 told him that he had seen one. Lieutenant 227, who was stationed at Charlie OP,[1] gave no evidence of any report and did not recall him being on the Platform.[2] Major 159, the Battery Commander, gave no evidence of a report being made to him. In his RMP statement, Gunner 030 described the pistol man as standing between the blocks of the Rossville Flats; while in his oral evidence to the Widgery Inquiry he said that the pistol man was kneeling behind a low wall, which would appear to be the low wall running along the side of Block 2. Gunner 030 does not appear to have heard any high velocity firing in Sector 2, of which there was on any view a large amount, though this may be explicable on the basis that the Rossville Flats might have dampened the sound of high velocity fire and made it harder to recognise or appear to come from further away. He gave accounts of hearing and seeing Thompson sub-machine gun fire in Glenfada Park North, which we consider later in this report,[3] but which in our view cannot be correct for the reasons we give there. He gave no account of seeing or hearing military firing from the south-east corner of Glenfada Park North, of which, as we explain later,[4] there was a considerable amount, even though this was more or less directly in front of his position.

1 B2184
2 Day 371/116; Day 371/118
3 Paragraphs 119.128–141
4 Chapter 119

58.157 In these circumstances we have grave doubts about the reliability of Gunner 030's accounts of seeing a pistol man firing in Sector 2. Had he done so, we consider that he would have immediately reported what he had seen, but he made no report. We return to the evidence of Gunner 030 when considering the events of Sector 5,[1] where we express the view that Gunner 030 (and Sergeant 001) were probably keeping their heads down most of the time, but were loath to admit this was what they had done; or, or as well, were simply wholly muddled and confused about what they saw and heard. We should add that we have considered the possibility that Gunner 030 saw the same gunman as Fr Daly, firing from the garden wall of 36 Chamberlain Street. However, since his accounts are not consistent with the other evidence of that incident, which we have discussed above, and since we are satisfied that he would not have been able to see the garden wall from his vantage point, this possibility can be rejected. We should also note that the possibility

exists that Gunner 030 saw the gunman that, according to Susan North, Fulvio Grimaldi may have photographed, with a pistol in his hand among a crowd of people, as we have discussed above, but this is no more than speculation.

1 Paragraphs 119.128–141

58.158 We have concluded that it would be unwise to rely on the accounts given by Gunner 030 of seeing a pistol man firing. It remains to note that Sergeant O's evidence was that he had seen a man firing a pistol from behind a car, not from behind a low wall and not surrounded by other people; and no other soldier who was deployed in Sector 2 gave evidence of seeing a man with a handgun in a crowd as described by Gunner 030.

The evidence of Patrick Gerard Doherty

58.159 Finally, we have considered the account given by Patrick Gerard Doherty, who told us in his written statement to this Inquiry[1] that on seeing the APCs come in, he had run from the waste ground, through the Eden Place alleyway, down to the southern end of Chamberlain Street. There he saw someone carrying a woman who he afterwards learned was Margaret Deery. He then ran to the area beneath Block 3 of the Rossville Flats. From there he saw soldiers firing rubber bullets into the crowd in the car park. He told us that at this stage, which according to his account was before Jackie Duddy had been shot and before live rounds had been fired:

> "There were two other boys standing in between the walls with me. Suddenly, one of them shouted 'look, there's a sticky bastard and he's got a short'. By this he meant that there was a member of the Official IRA carrying a handgun. I immediately started looking into the crowd in the middle of the car park, particularly at peoples hands but I couldn't see anyone carrying a gun. The boy who had shouted was hysterical and moved to climb over the wall into the car park – I remember the other boy grabbed his collar to restrain him."

1 AD96.2-3

58.160 In his oral evidence to this Inquiry, Patrick Gerard Doherty told us that the boy had not indicated where he had seen the man with the handgun.[1]

1 Day 85/10; Day 85/54-55

58.161 In our view Patrick Gerard Doherty was mistaken in his recollection of the order of events, as he acknowledged might be the case.[1] For the reasons we have given earlier in this report,[2] we are of the view that Margaret Deery was shot soon after Jackie Duddy, so that

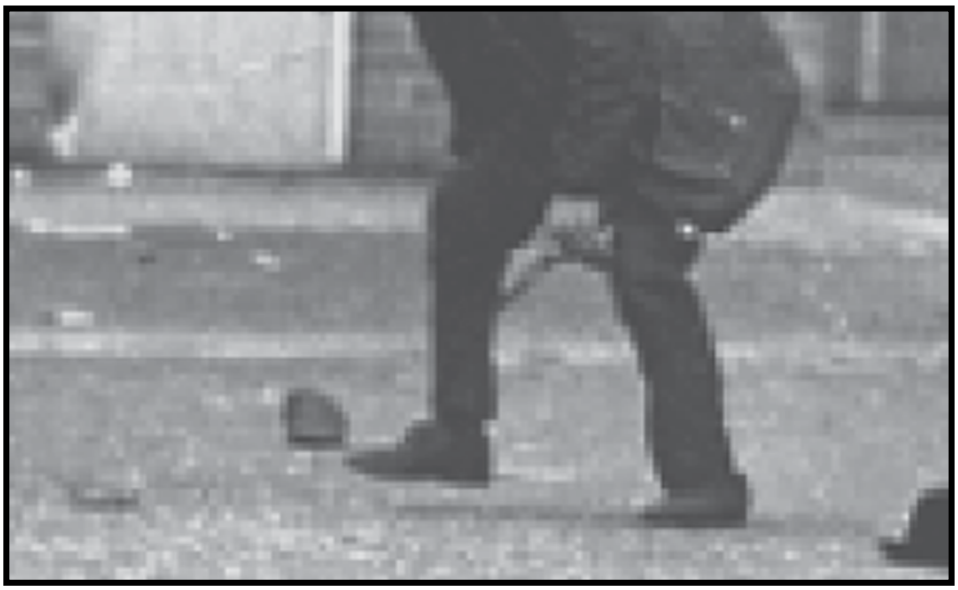
at least two live rounds had been fired by the time Patrick Gerard Doherty saw her. Thus we reject the submission of the representatives of a number of soldiers that his account indicates that there was a man in the car park holding a handgun at a stage before Jackie Duddy was shot.[3] In our view, given the other evidence that we have considered above, Patrick Gerard Doherty probably heard someone drawing attention to OIRA 4, the gunman seen by Fr Daly, at or about the time when OIRA 4 was moving along the garden wall of 36 Chamberlain Street after the shooting of Margaret Deery.

1 Day 85/24
2 Chapters 55 and 56
3 FS8.1140

The man seen in Gilles Peress's photograph

58.162 We have earlier in this report shown the photograph taken by Gilles Peress of the group round the body of Jackie Duddy. We reproduce below an enhanced copy and enhanced detail of this photograph, prepared by Alexis Slater.[1]

1 E15.018; E15.019



58.163 It was submitted on behalf of the majority of represented soldiers that the crouching man was holding "*what may well be a firearm*".[1] Billy Gillespie and Donal Deeney identified this man as Brown, and OIRA 4 told us that he was quite sure that Patrick Brown would never have had a gun.[2] Patrick Brown made a written statement to this Inquiry,[3] in which he expressed the view that the crouching figure may have been him. He was not asked whether he had anything in his hand.[4] Patrick Brown gave no oral evidence to this Inquiry. He was due to do so in February 2001 but was too ill to attend. He died on 3rd May 2001. These representatives submitted that the man was "*clearly removing something, and the probability is that it was a weapon, the only thing that would need removing*".[5] Representatives of other soldiers submitted that the photograph raised the probability that a weapon of some kind was held by the man in the photograph, and that it is at least a realistic possibility that the weapon being held was a firearm.[6]

1 FS7.1469
2 Day 84/197; Day 86/80; AOIRA4.21
3 AB98.1-2
4 AB98.6
5 FS7.1473
6 FS8.1150

58.164 While it appears that Patrick Brown might have been holding something, we are not persuaded either that it was a firearm or that he was trying to remove something. In our view it is unlikely that anyone would be handling a firearm in full view of soldiers only a few yards away.

Chapter 59: When the Support Company vehicles moved forward

59.1 It is convenient to deal at this point with the question of when Support Company vehicles moved from Rossville Street to the area at the northern end of Block 1 of the Rossville Flats. As we have explained above,[1] this question is relevant to the issue of the time at which the portion of the soundtrack of the BBC footage was filmed on which Cyril Cave thought that an incoming round was audible.

1 Paragraph 58.45

59.2 In the BBC footage of the soldiers running across the waste ground towards Eden Place, two Armoured Personnel Carriers (APCs) can be seen in the background travelling north up Rossville Street.[1] These in our view were probably the two empty APCs of Machine Gun Platoon, which were sent by Major Loden to retrieve members of that platoon from Abbey Taxis.[2] Although it is not clear from his evidence when these vehicles were moved back, it seems to us from his account that this was after he had ordered his vehicle to be moved from Rossville Street to the area of the north end of Block 1 of the Rossville Flats.

1 Vid 1 05.12

2 B2221-B2222

59.3 In his written statement for the Widgery Inquiry, Major Loden gave this account:[1]

> "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 ... 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. For a period of about 10 minutes, during which the majority of the firing occurred, the Platoon Commanders were unable to report, as they themselves were actively engaged in repelling the attacks made against them."

1 B2221

59.4 As we have discussed elsewhere in this report,[1] according to Major Loden this was soon after he had arrived in Rossville Street and had come under low velocity automatic gunfire, though for the reasons given, we are of the view that he was mistaken about coming under fire.

1 Paragraphs 50.47–75

59.5 In his supplementary statement for the Widgery Inquiry,[1] Major Loden described stopping at the junction of Pilot Row and Rossville Street. He did not refer in that statement to any later movement of his vehicle but did say,[2] "*During the time I was in the Rossville Flats area I saw no identifiable gunmen firing but of course my concern is with the control of the company rather than for observing for possible attackers. In any event from my position by the north wall of the Rossville Flats I had very limited observation.*"

1 B2241 2 B2242

59.6 This again suggests that his vehicle was moved to the north end of Block 1 before the shooting had finished, although he drew no distinction between shooting in Sector 2 and shooting in Sectors 3, 4 and 5.

59.7 In his oral evidence to the Widgery Inquiry, Major Loden said that he moved his vehicle forward to the cover of Block 1 after hearing about 15 rounds of low velocity fire. According to him shooting then continued for about another ten minutes. He said that soldiers were firing into the "*funnel*" of the Rossville Flats (between his position and Chamberlain Street) during that time. He went on to describe seeing a body in the car park and regarded that body as a casualty of the soldiers' firing.[1] He also referred to hearing firing which, he thought, had come from the Rossville Flats, although the time at which this is said to have occurred was not explicitly stated.[2]

1 WT12.10-WT12.11; WT12.13 2 WT12.13

59.8 In his written evidence to this Inquiry, Major Loden again stated that he ordered his driver to move the vehicle after hearing a burst of low velocity automatic fire. There was then a heavy exchange of fire, which lasted about ten minutes. He saw Mortar Platoon soldiers firing into the Rossville Flats car park and thought that they were under fire from the area of the Rossville Flats.[1]

1 B2283.005-006

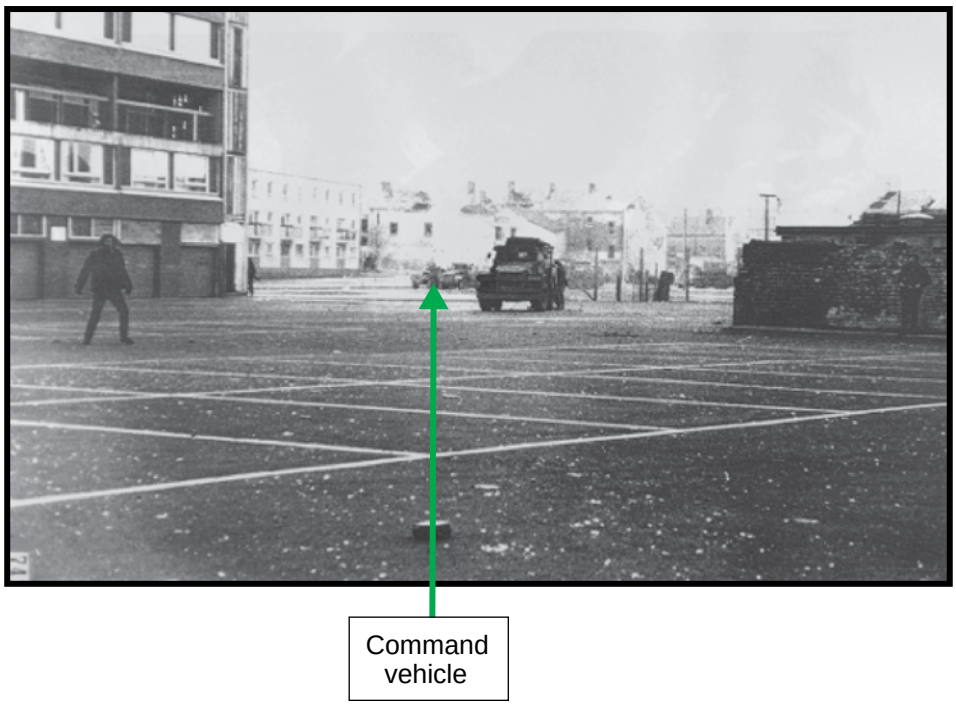
59.9 This again suggests that firing continued in Sector 2 after Major Loden's vehicle had moved to the cover of Block 1.

59.10 In the course of his oral evidence to this Inquiry, Major Loden was shown a number of photographs and pieces of film footage taken when his command vehicle was still in Rossville Street. He agreed that certain arrested civilians were probably taken away before any incoming fire started. He also agreed that by the time his vehicle was moved, soldiers must have moved to Kells Walk and around the low walls of the ramp at the south end of that block, civilians were no longer visible at the rubble barricade, and

Michael Kelly had probably been shot behind the rubble barricade.[1] He also said that he had a vague recollection of talking to Warrant Officer Class II Lewis before the vehicle was moved.[2] Warrant Officer Class II Lewis's evidence was that, while the command vehicle was on Rossville Street, he reported to Major Loden firing by soldiers of the Anti-Tank Platoon from Kells Walk towards the rubble barricade. He said that this occurred within about the first 20 minutes of deployment.[3]

1 Day 342/61-73; Day 343/2-10; Day 343/14-15
2 Day 343/20
3 B2111.016-017

59.11 We have already shown the following photograph earlier in this report and expressed our view that it was taken very shortly before Michael Bridge was shot. As can be seen, Major Loden's vehicle was still in Rossville Street when the photograph was taken. It follows that it was there when Jackie Duddy and Margaret Deery were shot.



59.12 The ITN film footage shows Major Loden's vehicle moving towards the north end of Block 1 of the Rossville Flats. Sergeant O's APC can be seen in the car park but there is no visible activity in the area. It seems to us that Jackie Duddy's body had been moved by the time that this footage was taken, as it is not visible on the film.[1]

1 Vid 3 05.31

59.13 Firing is recorded on the soundtrack of the ITN film at a time after Major Loden's vehicle had moved to the north end of Block 1.[1] It is not possible from the film to tell from where the firing was coming. Major Loden, in his oral evidence to this Inquiry, said that he thought that the shots were self-loading rifle fire.[2] Warrant Officer Class II Lewis gave similar evidence.[3] It seems to us that this was probably firing in Sectors 4 or 5, all of which we describe in detail later in this report.

1 Vid 3 05.31
2 Day 346/17
3 Day 373/151-2

59.14 This evidence establishes in our view that there was a substantially greater lapse of time between Major Loden's arrival in Rossville Street and the moving of his vehicle to the north end of Block 1 of the Rossville Flats than Major Loden's evidence to the Widgery Inquiry suggested. It also establishes in our view that there was a substantial amount of shooting by the soldiers before the vehicle was moved, in both Sector 2 and Sector 3. Counsel for the Inquiry put to Major Loden that his evidence to the Widgery Inquiry of seeing a number of soldiers firing into the car park after he had arrived at the north end of Block 1 was not consistent with the other evidence, which suggested that most of the shooting in Sector 2 must have occurred before this time. Major Loden said that his memory was no longer good enough to assist.[1]

1 Day 343/33-34; Day 344/78; Day 346/21-25

59.15 Our assessment of the evidence leads us to conclude that the shooting incidents in Sector 2 had finished or virtually finished, as had much of the firing in Sector 3 (other than that described in Chapter 123), before Major Loden's vehicle moved forward. In this regard we have no reason to doubt Sergeant O's recollection that the shooting incidents in Sector 2 lasted only some three to four, or four to five minutes.[1]

1 B575.003; Day 335/121

59.16 It follows that in our view the evidence given by Major Loden in 1972 about when his command vehicle moved from Rossville Street to the north end of Block 1 of the Rossville Flats was incorrect.

Chapter 60: The question of unidentified casualties

Contents

60.1 We have considered earlier in this report[1] the submission made by the representatives of the majority of represented soldiers, that Eileen Collins saw the body of the gunman that Sergeant O said he had shot towards the south-west end of the lower balcony of Block 3 of the Rossville Flats. For the reasons we gave, we rejected this submission. In our view the body that Eileen Collins saw was that of Kevin McElhinney, one of those shot and killed in Sector 3.

1 Paragraph 58.132

60.2 The representatives of the majority of represented soldiers submitted that there were other unidentified casualties in Sector 2.

Evidence of an unidentified casualty in the car park of the Rossville Flats

The evidence of Eamonn Baker

60.3 These representatives submitted that the evidence of Eamonn Baker supported the evidence of Sergeant O and Private R that there was a gunman behind a red Cortina on the south-east side of the car park. They submit that the casualty whom Eamonn Baker saw was that gunman.[1]

[1] FS7.1484-FS7.1488

60.4 In his written statement to this Inquiry, Eamonn Baker told us that he had seen the body of Jackie Duddy and had sought to get away from the area by running towards the gap between Blocks 2 and 3 of the Rossville Flats. A man running in front of him gasped "*'I'm hit, I'm hit'*", and fell to the ground. This occurred at a point to the north of the gap between Blocks 2 and 3 but south of the low wall that ran parallel with Block 2. The man was wearing a big, dark-coloured coat. Eamonn Baker attempted to put a tourniquet around the man's left shoulder but was unable to do so. He thought that the man had been hit in the back. Eamonn Baker's evidence was that the man's name was Michael Bradley.[1]

[1] AB2.3-AB2.4; AB2.6; Day 96/136-140

60.5 The representatives of the majority of the represented soldiers submitted that Eamonn Baker was wrong in his identification of this casualty as Michael Bradley. They pointed out that the casualty seen by Eamonn Baker was in a different place from that where Michael Bradley was shot, was wearing different clothes from those worn by Michael Bradley and, unlike Michael Bradley, had been shot in the back. They also submitted that the casualty cannot have been Patrick McDaid because Patrick McDaid was not shot by a 7.62mm lead bullet.[1]

[1] FS7.1484-FS7.1488

60.6 The representatives of the majority of the families submitted that the casualty seen by Eamonn Baker was Patrick McDaid, who believed (along with everybody else at the time, including the doctor who subsequently examined him) that he had been hit by a lead bullet. Patrick McDaid was hit in the back, as was the man seen by Eamonn Baker.[1]

[1] FR1.494

60.7 Eamonn Baker told us[1] that the man he saw was running in front of him, on the south side of the low wall parallel to Block 2, towards the passage between Blocks 2 and 3. Eamonn Baker "*did not have a sense of a bullet hitting him*" but heard the man gasp that he was hit, and slump to the ground as though running out of energy. Eamonn Baker tried unsuccessfully to put a handkerchief around the man's shoulder as a tourniquet, and helped him around the corner. That is substantially consistent with the movements of Michael Bradley *after* he was shot, but not with those of Patrick McDaid, who approached the passage between Blocks 2 and 3 from a different direction and was injured as he jumped or prepared to jump over the low wall or down the steps. Eamonn Baker said that he thought that the man had been wearing "*a big dark coloured coat*". Gilles Peress's photographs[2] suggest that both Michael Bradley and Patrick McDaid were wearing dark coats, and that Michael Bradley's was longer than Patrick McDaid's. It is the case that Eamonn Baker said in his oral evidence to this Inquiry that he had thought at the time that the man had been hit "*in the back at the top left-hand shoulder*", which fits Patrick McDaid's injury more nearly than Michael Bradley's injuries, but in our view on this aspect it is possible that Eamonn Baker's recollection was at fault.

1 AB2.3-AB2.4; Day 96/136-140

2 Paragraphs 55.259, 55.294 and 117.2

60.8 In these circumstances we are of the view that the casualty seen by Eamonn Baker was not Patrick McDaid. We have considered whether this person could have been an unknown casualty, but in the end we concluded that Eamonn Baker was correct in identifying him as Michael Bradley.

Evidence of an unidentified casualty in the area of the stairwell at the south end of Block 1 of the Rossville Flats

60.9 The representatives of the soldiers submitted that there was a casualty, in addition to Kevin McElhinney, in the area of the southern stairwell of Block 1 of the Rossville Flats. These representatives rely on the evidence of the civilian witnesses whose accounts are summarised below in support of the proposition that there was more than one casualty in the area.[1]

1 FS7.1541-FS7.1542; FS7.1768-FS7.1770; FS8.1394-FS8.1401

The evidence of John Casey

60.10 In his Keville interview, John Casey described seeing young men being shot in Rossville Street. He said that he then "*went a way on and, the way up the back of the wee flats up near the Bogside … and it must have been … a couple of shots were fired down from the wall like, and then there was two young fellas lying up at Colmbcille Court and a whole lot of men had to go over with their hands in the air to get near them. And there was – they got the other young fellas and they went back up – rushing back up to the flats again and ... and there was a young fella lying dead on the second floor.*" [1]

1 AC47.3

60.11 Later in his Keville interview John Casey said that there was a priest with the dead man.[1]

1 AC47.4

60.12 The reference to the "*the second floor*" in this Keville interview seems to be to the second floor of Block 1 of the Rossville Flats, since John Casey described "*rushing back up to the flats again*". He had earlier told Kathleen Keville that he had run from his flat into Rossville Street. That flat was 29 Mura Place, on the fourth floor of Block 2.[1] The obvious way of getting to and from Rossville Street would be to use the walkway on the second floor and the stairs leading to the entrance from Block 1 into Rossville Street.[2]

1 GEN3.13 2 AC47.2

60.13 The Inquiry was unable to trace John Casey.

60.14 It was submitted by the representatives of some of the soldiers that the reference to a "*young fella*" lying dead on the second floor does not tally with the preponderance of the evidence to the effect that Kevin McElhinney was carried only as far as the first landing below the first floor.[1]

1 FS8.1400-1401

The evidence of Donal Deeney

60.15 In his first supplementary written statement to this Inquiry, Donal Deeney told us that he and Sean McCallion entered Block 1 of the Rossville Flats from Rossville Street and that he saw someone who had been shot, lying inside the doorway. People were attending to the casualty.[1]

1 AD26.12-AD26.13

60.16 He went on to tell us that as he and Sean McCallion made their way up the stairs, he saw someone who had been shot and was being attended to by some young women. He added: "*I do not know who the person was that had been shot but I think he may have been the same person who was shot at the main door several minutes earlier.*"[1]

1 AD26.13

60.17 In his first written statement to this Inquiry, Donal Deeney had recorded that he had gone "*back into*" the stairs *to join* Sean McCallion.[1] The latter told this Inquiry[2] that he had been with Donal Deeney during the day but that they had become separated at times. In our view it is likely that he and Donal Deeney had been separated at the relevant time. Sean McCallion did not refer to seeing any casualties on the stairwell.

1 AD26.5
2 AM492.2; Day 147/157

60.18 In his oral evidence to this Inquiry, Donal Deeney said that he thought that the casualty was called McElhinney, but he was not sure of this.[1]

1 Day 86/49-50

60.19 It was submitted by the representatives of the majority of represented soldiers that the person being attended to by young women was an unidentified casualty. Those representatives asserted that the casualty seen by Donal Deeney had fair hair and that Kevin McElhinney had dark hair.[1] In fact Donal Deeney did not describe *this casualty* as having fair hair.[2]

1 FS7.1542
2 Day 86/50-51

The evidence of Alan Harkens

60.20 In his written statement to this Inquiry,[1] Alan Harkens told us that as he went down the stairs at the southern end of Block 1 he saw two bodies. One was on the first half-landing that he reached. In his oral evidence to this Inquiry he said that he had reached the stairwell along the "*first floor balcony*" of Block 1.[2] There was no first floor balcony, so it is likely that Alan Harkens meant the balcony on the second floor, so that the half-landing would have been at first floor level or between the second and first floors.[3]

1 AH8.4
2 Day 96/16
3 AM449.4

60.21 Alan Harkens described the casualty on the half-landing as a young man in his teens, with longish, black hair. A coat had been placed over the body and there was a pair of Oxford-style shoes next to the body.[1]

1 AH8.4

60.22 Alan Harkens told us that he then went to the full landing on the ground floor and saw a second body, again of a young man. The young man's boots had been removed and placed next to him. One of the two casualties was wearing a white T-shirt. Alan Harkens saw no sign of blood or injury on either casualty.[1]

1 AH8.4

60.23 In his oral evidence to this Inquiry, Alan Harkens said that there had been nobody with the body on the half-landing. He thought that there might have been a few people with the second body. He said that when referring to the "*full landing*" at ground floor level, he meant the foyer at the entrance to the flats.[1] He was certain that the body he had seen at ground floor level was inside the entrance hall and not out of doors.[2]

1 Day 96/16-18

2 Day 96/25-26

60.24 The representatives of some of the soldiers submitted that one of the bodies seen by Alan Harkens must have been that of Kevin McElhinney, but that the identity of the second casualty is unknown. It was acknowledged that Alan Harkens is the only witness to have described seeing two bodies in the area of the stairwell; however, reliance was placed on the evidence of other witnesses (namely James Norris, Alex Morrison and John Casey) as indicating that there was a body whose location and description did not match Kevin McElhinney.[1] The representatives of the majority of the represented soldiers relied in particular on Alan Harkens' certainty, expressed when he gave oral evidence to this Inquiry, that he had not confused the body on the ground floor with that of Hugh Gilmour (another of those shot and killed in Sector 3) whose body was outside the flats.[2]

1 FS8.1394-1395

2 FS7.1768-1769

60.25 The representatives of the majority of the families submitted that it is clear that Alan Harkens had a confused recollection of events and that the body that he thought that he saw in the stairwell was that of Hugh Gilmour.[1] They accepted that Alan Harkens refused to acknowledge in his oral evidence to this Inquiry that he might be wrong, but they pointed out that he conceded that he was in a state of shock at the time and that he broke

down when he reached home. They also observed that he did not make a statement in 1972 and therefore was unable to rely on any account given at that time when recalling events for this Inquiry.[2]

1 FR1.204 2 FS1.2144-2145

The evidence of Alex Morrison

60.26 In his Northern Ireland Civil Rights Association (NICRA) statement Alex Morrison recorded that he was with Kevin McElhinney immediately before the latter was shot. He stated that the two of them crouched and ran towards the main door of the Rossville Flats and that, as he entered the flats, he heard Kevin McElhinney shouting "*'I'm hit'*". Alex Morrison stated that he continued up the stairs but, on realising that Kevin McElhinney was not behind him, returned and saw Kevin McElhinney lying dead just inside the entrance to the flats. He also stated that Kevin McElhinney's body was then taken upstairs.[1] Alex Morrison gave an essentially similar account to Philip Jacobson of the *Sunday Times* Insight Team; the principal difference was that he said that, on returning downstairs, he did not initially recognise the body as being that of Kevin McElhinney. He said that it was only when someone took a rubber bullet from a pocket of the casualty that he realised who the casualty was (he having seen a rubber bullet protruding from Kevin McElhinney's pocket at an earlier stage). He told Philip Jacobson that a man from the Order of Malta Ambulance Corps and a cameraman were present with the body.[2]

1 AM429.1 2 AM429.2-AM429.3

60.27 In his interview with Paul Mahon,[1] Alex Morrison said that he had thought that Kevin McElhinney was beside him when he dived through the entrance doors and ran upstairs. He then said that he had returned down the stairs and seen Kevin McElhinney somewhere on the stairs; he thought that Kevin McElhinney had been lifted upstairs by others. He added, however, that he had not recognised Kevin McElhinney and that it was not until the following day that he had realised who the casualty was or that he learned that Kevin McElhinney had been shot.

1 X4.44.18-20; X4.44.29-34; X4.44.37-38

60.28 In his written statement to this Inquiry, Alex Morrison explained that Kevin McElhinney was a friend of his whom he had met on the march. He again gave a very similar account of having been with Kevin McElhinney in the moments before Kevin McElhinney was shot. He said that he had "*a fleeting memory*" of Kevin McElhinney picking up a rubber bullet somewhere in the vicinity of the rubble barricade. He told us that, after live shooting

had started, he had run to the entrance of Block 1 of the Rossville Flats, assuming that Kevin McElhinney was behind him. He had run upstairs and, on returning, had seen a body on the first floor landing. There had been people around the body. He had not initially recognised the casualty but had then realised that the body was that of Kevin McElhinney.[1]

1 AM429.4-AM429.5

60.29 In his oral evidence to this Inquiry, Alex Morrison said that Kevin McElhinney had picked up a rubber bullet before the two of them turned to run towards the entrance to the Rossville Flats.[1] He said that he had seen Kevin McElhinney's body on the stairs, or on a half-landing between flights of stairs, and agreed that he had not recognised Kevin McElhinney immediately but had done so "*subsequently*".[2]

1 Day 143/141; Day 143/150-151 2 Day 143/142

60.30 The representatives of some of the represented soldiers submitted that the casualty seen by Alex Morrison might not have been Kevin McElhinney. They referred to the inconsistencies in his accounts about whether he heard Kevin McElhinney shout "'*I'm hit*'" and whether he saw Kevin McElhinney's body on the ground floor or only after the body had been taken upstairs. They accepted that these discrepancies may be regarded as minor; they relied more heavily on Alex Morrison's account to Paul Mahon, in which he said that he had not recognised Kevin McElhinney at the time, but had only realised on the following day that the body that he had seen must have been that of Kevin McElhinney. Since Alex Morrison and Kevin McElhinney were friends, the representatives submitted that it would be very surprising for Alex Morrison to have failed to recognise the body of his friend. They also submitted that support for the proposition that the body seen by Alex Morrison was not that of Kevin McElhinney can be found in Alex Morrison's account of a rubber bullet being found on the body; and that the evidence of Fr Kieran O'Doherty[1] and Liam Mailey[2] suggests that no such bullet was found on Kevin McElhinney.

1 Day 161/49 2 Day 163/128-129

60.31 These representatives accepted that it is possible either that Alex Morrison was mistaken in 1972 about a rubber bullet having been found on the body, or that Liam Mailey and Fr O'Doherty were mistaken. However, they submitted that an alternative possibility is that the body was not that of Kevin McElhinney.[1]

1 FS8.1396-1400

The evidence of Denis Mullan

60.32 In his written statement to this Inquiry, Denis Mullan told us that he saw a man lying on the half-landing of the southern set of stairs leading to the second level of Block 1 of the Rossville Flats (three flights up from the ground floor). The man's upper body was against the wall of the landing. Denis Mullan described the man as being about 19 years old, with longish dark hair and a thin face being "*the colour of skimmed milk*".[1] The man was wearing a shirt with a droopy collar and a shiny V-necked jumper. He appeared to have an injury to his stomach, which was covered with a field dressing. The man was being attended to by a member of the Order of Malta Ambulance Corps and by Fr Denis Bradley. Denis Mullan is likely to have mistaken another priest for Fr Bradley, since the latter has never said that he attended to a casualty on the stairs in Block 1. The Order of Malta Ambulance Corps volunteer James Norris told us[2] that he was present when Fr Irwin gave the last rites to Kevin McElhinney. In our view Fr Irwin was the priest seen by Denis Mullan.

1 AM449.4

2 AN20.21

60.33 Denis Mullan told us that he heard the people around the man saying that no pulse could be detected.[1] This is consistent with the evidence of the Order of Malta Ambulance Corps volunteer James Norris, who said in 1972 that, on his return to the casualty whom he later believed to be Kevin McElhinney, he was told by a photographer that there was no pulse, and was himself unable to find a pulse.[2]

1 AM449.4

2 AN20.25

60.34 In his oral evidence to this Inquiry, Denis Mullan said that he assumed that the man was dying, because of the nature of the wound, the man's colour and the inability of the "*medical orderly*" to find a pulse. He added that it was obvious that the man was dying.[1]

1 Day 92/44-45

60.35 The representatives of the majority of the represented soldiers submitted that the casualty seen by Denis Mullan was three flights up from the ground floor and therefore cannot have been Kevin McElhinney. They supported this submission that the casualty was an unknown one by pointing out that the casualty was wearing a V-necked jumper, while Kevin McElhinney was wearing a roll-necked one.[1]

1 FS7.1541-1542

The evidence of James Norris

60.36 In a handwritten statement,[1] undated but clearly written in 1972, since the statement gives the witness's age as 18, which it then was, James Norris recorded that, while he was treating the man who had been hit by a gas canister, a man came in and said that "*a man was shot just at the door of the flats*". James Norris ran down the stairs to go to the man's aid and, as he reached the bottom stair, "*a youth fell in the doorway*". There was blood pumping from the youth's left side. With the aid of a photographer, he carried the youth upstairs. He pulled away the youth's jacket and shirt and saw a three-inch wound in the youth's side. James Norris said that he left the wounded youth with the photographer in order to look for a man who was reported to have been shot in the head. He found that one of his colleagues was attending to this man,[2] and when he returned to the photographer and the injured youth he discovered that the youth was dead. An old man lent James Norris a coat with which to cover the youth.

1 AN20.25

2 The man was Patrick Brolly, attended to by Bernard Feeney (AN20.20-21).

60.37 In a handwritten report to the Order of Malta Ambulance Corps dated 7th February 1972,[1] James Norris described being in one of the flats and treating a man who had been hit in the face with a gas canister. This is likely to have been Hugh Hegarty.[2] James Norris recorded that he had left the man and gone down the stairs at the south end of Block 1. As he went downstairs, someone told him that a man had been shot and had fallen around the corner from the doorway of the flats. As he reached the ground floor he saw a boy aged 16 to 20 fall "*in the doorway*". The boy was bleeding profusely. James Norris and a cameraman carried the boy upstairs for shelter. The boy's face was yellow-white in colour and James Norris knew that the boy was dying. James Norris described ripping away the boy's coat and shirt, turning the boy onto his stomach and seeing a three-inch wound in the boy's side. James Norris left the boy with the cameraman and went to attend to other casualties. On his return, he discovered that the boy had just died. Those present covered the body with a blanket. When an ambulance arrived, he and the cameraman carried the boy (whom James Norris named as Kevin McElhinney) to the ambulance.

1 AN20.18-AN20.22

2 AH67.2

60.38 In his written statement to this Inquiry, James Norris described taking a man who had been hit by a gas canister to a flat on the fourth floor of Block 1 of the Rossville Flats. He told us that he left the flat in order to look for a doctor. When he reached the ground floor, the lobby area was deserted. However, as he stood there, a man crashed through the doors and collapsed. James Norris caught the man and lowered him to the ground.

There was blood on the man's left side. The man was wearing a bottle green suit and a white collared shirt. James Norris recalled wondering why the man, on a cold day, was wearing a suit and shirt with no vest or T-shirt. James Norris examined the man where he caught him. The man died within about a minute of coming through the door. Another man came into the lobby. James Norris now knew that this was Liam Mailey. He left Liam Mailey with the body and went upstairs.[1]

1 AN20.8-9

60.39 In his oral evidence to this Inquiry, James Norris said that he was certain that the casualty was wearing a green suit. He did not recall the casualty wearing a pullover but remembered that he was wearing a white shirt. James Norris said that he did not recall finding a rubber bullet in the casualty's pocket. He also said that he did not know the names of the casualties on the day, but learned them later.[1] He also said that he believed that the cameraman to whom he had referred in his report to the Order of Malta Ambulance Corps was Liam Mailey.[2]

1 Day 147/98; Day 147/135-136

2 Day 147/95

60.40 The representatives of some of the soldiers submitted that the man treated by James Norris might not have been Kevin McElhinney.[1] They relied on two aspects of James Norris's written and oral accounts to this Inquiry:

1. James Norris described the casualty as wearing a green suit and no pullover. Kevin McElhinney was wearing a brown suit, pink shirt and brown/green pullover.

2. James Norris described treating the casualty on the ground floor of the flats. Kevin McElhinney was treated on the small landing below the first floor.

1 FS8.1395-1396

60.41 These representatives acknowledged that in the accounts that he gave in 1972, James Norris stated that the casualty was carried upstairs, and that the injury described by James Norris is consistent with that known to have been suffered by Kevin McElhinney. They submitted, however, that it is possible that the casualty whom James Norris described to this Inquiry was not Kevin McElhinney, and they pointed out that the position of the body described by James Norris corresponds closely to the position of the second body described by Alan Harkens.

60.42 These representatives also relied on the fact that in his evidence to this Inquiry James Norris described the casualty whom he treated as having crashed through the doors of Block 1. They submitted that the weight of the evidence indicates that Kevin McElhinney crawled to the flats and was probably dragged through the doors.

60.43 The representatives of the majority of the families submitted that the youth treated by James Norris was clearly Kevin McElhinney. They submitted that James Norris was wrong in his recollection that the youth "*crashed*" through the doors and that his 1972 accounts of the youth falling in the doorway are more reliable. They also submitted that his recollection of the youth's clothing was wrong and that he may have mistaken the handkerchief around Kevin McElhinney's neck for a white collared shirt. They pointed out that James Norris described the casualty's left side as being covered in blood, as Kevin McElhinney's was, and that he recalled Liam Mailey as having been present in the lobby of Block 1 when the casualty entered. It was submitted that on his own evidence to this Inquiry, Liam Mailey was present when Kevin McElhinney came into the lobby.[1] In fact, in both his written and oral evidence to this Inquiry, James Norris said that Liam Mailey arrived after the injured man had come through the door; though his report to the Order of Malta Ambulance Corps suggests that Liam Mailey was at the scene when the injured man came in.[2]

1 FS1.2145-2146

2 AN20.10; Day 147/100; AN20.19

The evidence of Liam Mailey

60.44 The representatives of the majority of represented soldiers referred to the evidence of Liam Mailey, to the effect that he was brought downstairs to the entrance to Block 1 by the news that someone had been shot, and that he was there when Kevin McElhinney was shot.[1] These representatives submitted that the news that someone had been shot could not refer to Hugh Gilmour, since there was a photograph that shows that Liam Mailey was already downstairs when Hugh Gilmour ran past the doorway.[2]

1 M50.3-5

2 FS7.1769-1770

60.45 In relation to this photograph,[1] although Liam Mailey told the Widgery Inquiry[2] that he was the man shown with his hand on the door, he told this Inquiry[3] that he had been persuaded of this by others and now did not believe that it was correct, particularly since someone else had claimed to be the person shown in the photograph with his hand on the door, and this man had said that Liam Mailey was behind him. In his interview with Stephen Gargan,[4] Liam Mailey suggested that he had gone upstairs at least as far as the first landing when the photograph was taken. His comment later in his oral evidence to

this Inquiry,[5] that the photograph "*positions me there*", read in the context of his earlier evidence to this Inquiry and his account to Stephen Gargan, does not to our minds undermine his correction of what he told the Widgery Inquiry, a correction that we accept.

1 Paragraph 86.88
2 M50.57; WT7.27
3 M50.7; Day 163/108-109
4 M50.87-89
5 Day 163/118

Consideration of the submissions on unidentified casualties

60.46 We reject the submission that the evidence considered above shows or suggests that there was another casualty in the area of the southern stairwell of Block 1 of the Rossville Flats, in addition to Kevin McElhinney. In our view, as was submitted by the representatives of the majority of the families, a number of witnesses had acquired confused recollections, and the shocking nature of events, combined with the speed with which the events occurred, had affected the ability of witnesses to assimilate accurate and detailed recollections. We also accept the submission of those representatives that to suggest that an additional body was lying in the area of the stairwell involves alleging that there was a widespread conspiracy of silence among a sizeable group of what the submission described as "*ordinary people*", who would have had no reason to take part in such a conspiracy.[1] We have found no evidence of any such conspiracy.

1 FR1.204-205

60.47 In addition to this general point, it appears to be accepted by the soldiers' representatives that the evidence on which they rely cannot be taken entirely at face value, for if it were, there would not have been one unidentified casualty in the stairwell (which is what they suggested), but several on different floors, attended to by different people.

63.48 There are in addition the two matters to which we referred when considering earlier in this report the submission that Eileen Collins saw an unidentified casualty. These were the absence of any record in the intelligence material disclosed to the Inquiry by the Royal Ulster Constabulary and other agencies of the death on Bloody Sunday of any person other than the known casualties; and Fr Edward Daly's rejection (which we accept) of the suggestion that there could have been secret burials of unidentified casualties killed by the Army on that day.

60.49 In these circumstances it is our view that there were no unidentified casualties of Army gunfire in Sector 2.

Chapter 61: Firing by a soldier in Sector 2 observed by Corporal INQ 444

61.1 We now turn to another topic, namely the evidence from Corporal INQ 444 about a soldier firing in Sector 2.

61.2 In his written statement to this Inquiry,[1] Corporal INQ 444, who was on Bloody Sunday a member of C Company, 1 PARA, told us that he saw a soldier firing from about the point marked "E" on the plan attached to his statement[2] (ie near the west end of the fence to the north of the entrance to the car park). The soldier was "*standing up*", holding his rifle under his arm between his shoulder and his waist, and firing in the direction of Blocks 2 and 3 "*at an angle of 30 to 40 degrees*". Corporal INQ 444 stated that he thought that the soldier had fired more than ten rounds and fewer than 20. In his opinion, the soldier was frightened and had "*'lost the plot'*". He told us that he believed that this soldier was "*Lance Corporal H*", but that there was "*a good chance*" that he had only learned the identity of the soldier after the event.

1 C444.5
2 C444.9

61.3 We return to the evidence of Corporal INQ 444 later in this report,[1] when we consider the accounts of the day given by members of C Company, but it should be noted here that when he gave oral evidence to this Inquiry, Corporal INQ 444 repeated his uncertainty about the identification of the soldier and told us that he was also uncertain about where the soldier was and the direction of his fire.

1 Paragraphs 65.29, 65.127 and 65.195

61.4 It was submitted by the representatives of the majority of the families that the soldier whom Corporal INQ 444 saw was a member of Mortar Platoon.[1] For the reasons we give later in this report,[2] when dealing further with the evidence of Corporal INQ 444, we consider it unlikely that the soldier was any of those who had been engaged in the Eden Place waste ground or the car park of the Rossville Flats. Whether it was Corporal P, who asserted that he had fired three rounds over the heads of people he said were advancing over the rubble barricade in Rossville Street, is a matter we consider later in this report.[3] Whether the firing, which we are sure Corporal INQ 444 observed, was by Private H, as was submitted on behalf of Private H,[4] is a matter we also consider later in this report.[5] There is no evidence to suggest that this firing resulted in any casualties.

1 FS1.1283
2 Paragraph 65.39
3 Paragraphs 65.39 and 85.2–28
4 FS9.109-FS9.115
5 Paragraphs 105.9–29

Chapter 62: The shooting posture of the soldiers who fired in Sector 2

Contents

62.1 We now set out the evidence that the soldiers of Mortar Platoon gave as to whether they were standing or kneeling when they fired their rifles. With the exception of Lieutenant N and his first three shots aimed over the heads of people in the Eden Place alleyway, all the soldiers of this platoon have maintained that they fired shots aimed at individuals. None of the firing soldiers has admitted to firing from the hip.

Lieutenant N

62.2 In his oral evidence to the Widgery Inquiry,[1] and in his written statement to this Inquiry,[2] Lieutenant N stated that he was standing when he fired his final shot from a position on the Eden Place waste ground. We accept this part of the evidence of Lieutenant N.

1 WT12.69
2 B438.011

Sergeant O

62.3 In his first Royal Military Police (RMP) statement,[1] Sergeant O recorded that he was positioned by the rear of his Armoured Personnel Carrier (APC) when the incoming fire began. He went on to describe the three shooting incidents in which he was involved, without giving further details of his own position or saying whether he was standing or kneeling when he fired his rifle.

1 B440

62.4 In his written statement for the Widgery Inquiry,[1] Sergeant O recorded that he and three of his men were "*grouped at the pig*" when he saw his first gunman. He then described his first and second engagements, and stated that at the time when he saw his second gunman he was "*Still by the front end of the pig, behind the mudguard*". Sergeant O said that when Private T was splashed with acid, he (Sergeant O) was just behind him, and that after hearing Private T fire two shots, he "*moved round to the front of the pig*" before he saw his third gunman. Sergeant O did not in this statement record whether he was standing or kneeling when he fired his rifle.

1 B467-B469

62.5 In his oral evidence to the Widgery Inquiry, Sergeant O said[1] that his firing position when he engaged his first gunman was "*the forward left wing of my position*", presumably meaning the nearside wing of his APC. Having described his first engagement, he said that he stayed where he was "*at the front of the pig*", and while in that position saw and engaged his second gunman.[2] He said that he then went to the rear of the vehicle. After the incident in which Private T fired at an acid bomber, Sergeant O "*came back round to the front of the vehicle*" and engaged his third gunman.[3] He did not in this evidence say whether he was standing or kneeling when he fired his rifle.

1 WT13.39
2 WT13.30
3 WT13.32

62.6 In his written statement to this Inquiry,[1] Sergeant O told us that he was standing next to the nearside front wheel of his APC before his first and second engagements took place. He recorded nothing to suggest that he had moved from that position or was no longer standing when he opened fire. Sergeant O told us[2] that he was somewhere near the mudguard of the nearside front wheel of his APC when he engaged his third gunman, but he did not state whether he was standing or kneeling.

1 B575.113-B575.115
2 B575.118

62.7 In his oral evidence to this Inquiry,[1] Sergeant O said that he was standing "*in front of the Pig, at the front edge of the Pig*" when he fired at his first and second gunmen. He said that he was at the nearside front mudguard of the APC when he fired at his first two gunmen,[2] and that he was standing at the nearside front door of the vehicle when he fired at his first gunman.[3] He said that he was at the front of the vehicle when he fired at his third gunman,[4] but did not say whether he was standing or kneeling.

1 Day 335/70
2 Day 336/90-91
3 Day 336/35
4 Day 336/91

Private R's evidence about Sergeant O

62.8 In his second RMP statement[1] and in his written statement for the Widgery Inquiry,[2] 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. He stated that Sergeant O fired at the gunman, who fell and was dragged away. In each statement, Private R said that Sergeant O was "*standing beside*" him when he fired at the gunman. In his RMP account, Private R seemed to say that his own position when Sergeant O fired was between Block 1 and Sergeant O's APC; while in his statement for the Widgery Inquiry, Private R seemed to say that he had been beside the "*right hand back door*" of the APC when the first acid bomb was thrown, and that he had then "*stepped back*" by the time Sergeant O fired. Private R also recorded in that statement that after the gunman had been dragged away, Sergeant O "*went to the back somewhere*". In his oral evidence to this Inquiry,[3] Private R said that by this he had probably meant that Sergeant O went "*back behind the vehicles, further along*" rather than merely to the rear of his own vehicle.

1 B666
2 B670-671
3 Day 337/128

62.9 In his oral evidence to the Widgery Inquiry, Private R said that he was standing behind Sergeant O's APC when he saw Sergeant O fire,[1] and that he was at that time "*stood next*" to Sergeant O.[2] He said that he presumed that after the gunman had been taken away, Sergeant O "*went behind*" in order to count heads and make sure that none of his men had been injured.[3] Private R did not in this evidence say whether Sergeant O was standing or kneeling when he fired his weapon.

1 WT13.76
2 WT13.83
3 WT13.76

62.10 Private R also described this incident in his written statement to this Inquiry,[1] but did not say where Sergeant O had been when he fired or whether he had been standing or kneeling. In his oral evidence to this Inquiry, Private R initially said that he did not now recall how close he had been to Sergeant O when this firing took place.[2] Later in his evidence,[3] he said that Sergeant O was probably only four or five feet away. Private R said that he 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. He accepted that Sergeant O might well have been at the nearside passenger door. Private R said that his present recollection was that he saw Sergeant O firing before he, Private R, was hit by acid bombs.[4]

1 B691.004
2 Day 337/52
3 Day 337/126-128
4 Day 337/148

62.11 Private R did not describe the other two shooting incidents in which Sergeant O was involved.

Private S's evidence about Sergeant O

62.12 In his second RMP statement,[1] Private S recorded that Sergeant O fired from the nearside of his APC at a gunman who was firing from a window on the ground floor of Block 1 of the Rossville Flats. In his written statement for the Widgery Inquiry,[2] and in his oral evidence to the Widgery Inquiry,[3] Private S told the Widgery Inquiry that he had seen Sergeant O fire one or two shots from the forward nearside of his APC towards the south-east corner of the car park. Private S stated that he could not see Sergeant O's target, as the target was behind the wall against which Private S was standing. Private S said that Sergeant O did not appear to fire "*in an elevated position*" but that he "*would not say it was exactly sort of level*".[4] In his written statement to this Inquiry,[5] Private S said that he remembered seeing Sergeant O apparently engaging a target. Sergeant O had been at the front nearside of his vehicle. Private S said that he thought that Sergeant O had been near the passenger door. In his oral evidence to this Inquiry,[6] Private S said

that this Inquiry should not rely on the account given in his second RMP statement of seeing a gunman, but he stood by his evidence of seeing Sergeant O firing from the nearside of his APC. He conceded that the account of seeing a gunman given in his second RMP statement was untrue.[7] Private S said that when he saw Sergeant O firing, Sergeant O was "*standing*" at the nearside of his APC.[8]

1 B703
2 B708
3 WT13.3-WT13.4
4 WT13.9
5 B724.003
6 Day 331/73-77
7 Day 332/65-74
8 Day 332/114-116

Private T's evidence about Sergeant O

62.13 In his written statement for the Widgery Inquiry,[1] Private T said that at one point Sergeant O shouted "'*There's one over there behind the wall*'" and fired across the car park. Private T thought that Sergeant O had fired two or three shots. He did not say where Sergeant O was when he fired, or whether he was standing or kneeling. In his oral evidence to the Widgery Inquiry,[2] Private T gave a similar account. He said that Sergeant O fired two or possibly three shots in the direction of the flats. He said that he did not know where Sergeant O meant by "'*over there*'". Private T said that he could not see into the car park. He told the Widgery Inquiry that when Sergeant O fired, he (Sergeant O) was standing at the back of his APC about three feet away from Private T.

1 B736
2 WT13.91; WT13.93

62.14 In our view, based on the evidence of Private T, it is likely that Sergeant O was standing when he fired his shots.

Private Q

62.15 In his oral evidence to the Widgery Inquiry,[1] Private Q said that he was kneeling when he fired his shot from a position near the north-east corner of Block 1 of the Rossville Flats.

1 WT12.89

62.16 Private Q told us in his written statement to this Inquiry[1] that he could not recall whether he had been kneeling or standing when he fired his shot, but he said in his oral evidence to this Inquiry[2] that his oral evidence to the Widgery Inquiry on this point was likely to be accurate.

1 B657.4
2 Day 339/34

62.17 In our view Private Q was probably kneeling when he fired.

Private R

62.18 In his first RMP statement,[1] Private R recorded that he had "*reached the Humber*" before he fired his first shot at a man holding a fizzing object in the car park of the Rossville Flats, although the accompanying RMP map[2] shows Private R's position as having been at the north-east corner of Block 1. Neither the statement nor the map suggests that Private R moved to a different position before firing his three shots at what he described as a man firing a pistol from the passage between Blocks 2 and 3 of the Rossville Flats.

1 B659
2 B660

62.19 In his written statement for the Widgery Inquiry,[1] Private R recorded that when he fired his first shot, he was beside the "*right hand back door*" of Sergeant O's APC. He stated that he had "*stepped back*" from that position when the first acid bomb was thrown, but did not say that he had moved any further by the time he fired his three shots at the man he described as firing a pistol from the passage between Blocks 2 and 3. He described his position during both engagements as being "*in the same area as T and O*".[2]

1 B670-B671
2 B673

62.20 In his oral evidence to the Widgery Inquiry,[1] Private R said that he was "*just coming round this corner … to get back to the vehicle*" when he saw the man holding the smoking object. He said that after he had fired at the man, acid bombs were thrown and he took cover behind the APC. Private R did not describe any further movement before he engaged what he described as the man with the pistol.

1 WT13.73-WT13.75

62.21 In his written statement to this Inquiry,[1] Private R told us that he was positioned at the back of the APC when he fired at the man holding the smoking object and that he took cover behind the APC after being splashed by acid. He did not refer to any further movement before he fired at the man with the pistol.

1 B691.003-B691.004

62.22 In his oral evidence to this Inquiry, Private R said that it was possible that he had seen the man with the smoking object before he reached Sergeant O's vehicle,[1] but that he was "*at the right-hand side of the Pig*" when he fired his first shot at this man.[2] He said that he "*went back round the rear*" of the APC after firing that shot,[3] and that he then stayed behind the APC "*all the time*".[4]

1 Day 337/37
2 Day 337/104
3 Day 337/31
4 Day 337/128

62.23 Private R did not in any of his evidence say whether he fired his shots from a standing or a kneeling position.

Private 005's evidence about Private R

62.24 In his RMP statement,[1] Private 005 (the driver of one of the APCs of Machine Gun Platoon) recorded that Private R fired three rounds at a man who was firing a pistol from "*the first floor veranda which runs between block one and block two of the flats*". He said that Private R was "*standing*" at the nearside wing of an APC when he fired.

1 B1370

62.25 In his written statement to this Inquiry,[1] Private 005 told us that he saw a soldier firing towards the Rossville Flats. He stated that he thought that it had been Private R but could not rule out the possibility that it had been Private T. The soldier was "*in a standing position*". Private 005 told us that he thought that the soldier had fired three shots, and that it seemed to him 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 stated that he could see "*puffs of smoke*" rising from the ground where the soldier was standing. This and the soldier's firing led Private 005, according to this statement, to believe that acid bombs or something similar were being thrown at the soldier, but he stated that he 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 stated that he did not remember seeing the man throw anything, and was concerned that his memory might be wrong. He stated[2] 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.

1 B1374.001

2 B1374.004

62.26 In his oral evidence to this Inquiry, Private 005 said that Private R was "*just standing and firing*"[1] and that Private R was "*standing at the side of the Pig*".[2] Private 005 admitted that he had seen neither a gunman nor a man with his arm in a throwing position.[3] He said that he recalled seeing Private R fire only one shot towards the passage between

Blocks 1 and 2, and denied that he had told the RMP that he had seen him fire three shots.[4] Private 005 was asked[5] what made him think that Private R was having something thrown at him, and replied that it was "*Just the way the stuff was splashing about*".

1 Day 338/138
2 Day 338/163
3 Day 338/144-156; Day 338/163-179
4 Day 338/169-170
5 Day 338/140

62.27 In view of the doubts we have earlier expressed about Private 005's account of the firing by Private R, we remain uncertain whether Private R was standing or kneeling when he fired.

Private S

62.28 Private S did not in any of his evidence say whether he was standing or kneeling when he fired his shots from beside the wall at the back of the Chamberlain Street houses.

Sergeant O's evidence about Private S

62.29 In his oral evidence to the Widgery Inquiry,[1] Sergeant O said that he saw Private S "*standing*" at the back wall of 32 or 34 Chamberlain Street and firing towards the passage between Blocks 1 and 2 of the Rossville Flats.

1 WT13.31

62.30 In his written statement to this Inquiry,[1] Sergeant O told us that he saw Private S aiming his rifle at a gunman in the passage between Blocks 1 and 2, and that at some stage after Private S's engagement was over, he looked back and saw that Private S was "*still standing*".

1 B575.115-B575.118

62.31 In his oral evidence to this Inquiry, Sergeant O did not say whether Private S was standing or kneeling when he opened fire.

Lance Corporal V's evidence about Private S

62.32 In his written statement for the Widgery Inquiry,[1] Lance Corporal V recorded that he saw Private S "*standing at the corner of the buildings at the end of Chamberlain Street*" and firing towards the passage between Blocks 1 and 2 of the Rossville Flats. In his oral evidence to the Widgery Inquiry,[2] Lance Corporal V said that he saw Private S fire

approximately four shots and that so far as he could recall Private S had fired these shots from a standing position. In his oral evidence to this Inquiry,[3] Lance Corporal V said that he now had no recollection of Private S firing.

1 B802
2 WT13.22
3 Day 333/80

62.33 In our view Private S was probably standing when he fired.

Private T

62.34 In his oral evidence to the Widgery Inquiry,[1] Private T said that after hearing incoming fire he had moved to the rear of Sergeant O's APC on the offside. He said that he fired his first shot from a standing position at the rear of the APC.[2] He then described firing his second shot shortly afterwards, and did not suggest that he had changed his position before doing so. He said that he was standing on the "*William Street side*" of the APC during a period that appears to cover the firing of his shots.[3]

1 WT13.88-WT13.89
2 WT13.90
3 WT13.91

Private Q's evidence about Private T

62.35 In his written statement for the Widgery Inquiry,[1] Private Q said that he saw a soldier fire from beside Sergeant O's APC at the "*western*" (in our view a mistake for "eastern") side of Block 1 of the Rossville Flats. He confirmed this in his oral evidence to the Widgery Inquiry.[2] He did not say whether this soldier was standing or kneeling at the time of firing. In his oral evidence to this Inquiry,[3] Private Q said that he did not remember seeing Private T fire, and could not say whether this firing had occurred at the same time as acid bombs were thrown from Block 1 or at a later time.

1 B637
2 WT12.90
3 Day 339/45-48

Private R's evidence about Private T

62.36 Private R did not in his evidence about Private T's firing[1] say whether Private T fired from a standing or a kneeling position.

1 B671; WT13.75; WT13.83-84

62.37 In our view Private T fired from a standing position.

Lance Corporal V

62.38 Lance Corporal V did not in any of his evidence say whether he was standing or kneeling when he fired his shot from what he described as a position north of the entrance to the car park of the Rossville Flats. In these circumstances we remain in doubt whether he was standing or kneeling when he fired.

Chapter 63: Civilian evidence relating to the position on the ground of the soldiers who shot those hit by gunfire

Contents

63.1 We now turn to consider the evidence given by civilians relating to which soldier shot those hit by gunfire in Sector 2.

63.2 A large number of civilians gave evidence about the events of Sector 2. Their evidence about the positions of the soldiers who shot particular casualties was conflicting, often inconsistent with other evidence we have considered above, and in many cases confused. We are not surprised that this should be so. As we have observed elsewhere in this report, it is often the case that people witnessing the same event give very different accounts of it. The circumstances were terrifying and fast-moving, and often more than one soldier was firing at or about the same time. Furthermore, when giving evidence to us, the witnesses were trying to recall events that had happened decades earlier. Nevertheless, when later in this report[1] we seek to determine which soldier shot which casualty, we take into account the evidence to which we now turn as one of the matters to be borne in mind.

1 Chapter 64

Civilian evidence relating to the position of the soldier who shot Jackie Duddy

A soldier at the north-east corner of Block 1 of the Rossville Flats

Cathleen Bell

63.3 Cathleen Bell, now Cathleen O'Donnell, lived with her parents at 57 Donagh Place,[1] the third flat from the south-west end of Block 3 of the Rossville Flats, on the seventh floor.[2] In her written statement to this Inquiry,[3] she described seeing two soldiers near the north-east corner of Block 1 as she crawled towards Block 3 along the balcony on the eighth floor of Block 2. One of the soldiers, a black man, was standing.[4] The other, a white man, was kneeling. The standing soldier had a gun at his waist and was firing it around the car park into the air. The kneeling soldier was firing a weapon from his shoulder. Cathleen O'Donnell told us that she reached a position on the balcony on the eighth floor of Block 3 near the entrance to her parents' flat, from where she looked down and saw a young boy shot as he ran across the car park. She later learned that this was Jackie Duddy. In her oral evidence to this Inquiry,[5] she confirmed that both soldiers had rifles. She said[6] that she heard shots from the general direction of the two soldiers when

she saw Jackie Duddy fall. She accepted[7] that she could not say that she had seen the soldiers firing, but said that they were aiming their weapons. She did not see any other soldiers.

1 AO23.1
2 GEN3.14
3 AO23.2-AO23.3
4 None of the soldiers of Mortar Platoon who were equipped with rifles was black. However, many of the soldiers were wearing camouflage paint on their faces, which probably explains why some witnesses recorded seeing a "black soldier".
5 Day 82/105; Day 82/110
6 Day 82/109-110
7 Day 82/115-116

Donal Deeney

63.4 Donal Deeney told us, in his written statement to this Inquiry,[1] that he was running through the car park of the Rossville Flats a short distance behind Jackie Duddy. Donal Deeney saw Jackie Duddy fall but did not recall hearing the shot that hit him. Donal Deeney stated that he then saw Michael Bridge run towards the soldier who Donal Deeney thought had probably shot Jackie Duddy. This soldier was standing at the point marked "G" on the plan attached to the statement[2] (the north-east corner of Block 1). In a supplementary written statement to this Inquiry,[3] Donal Deeney told us that this soldier "*could have been*" the one who shot Jackie Duddy and that he was holding his rifle "*just under his armpit*". In his oral evidence to this Inquiry,[4] Donal Deeney said that the soldier had his rifle "*raised at sort of waist level*". He thought that Jackie Duddy had been shot in the chest and hence believed that this soldier was the "*obvious culprit*".

1 AD26.3-AD26.4
2 AD26.9
3 AD26.11
4 Day 86/29-31

Brian Doherty

63.5 Brian Doherty told us, in his written statement to this Inquiry,[1] that he was running towards the passage between Blocks 2 and 3 of the Rossville Flats but stopped and looked back when he reached the low wall parallel to Block 2. A young man came into view, running towards the passage between Blocks 1 and 2. The man fell at about the point marked "B" on the plan attached to Brian Doherty's statement[2] (in the car park between the western gable end of Chamberlain Street and the north-west end of Block 2). At the same time, Brian Doherty heard the sound of a shot, which seemed to him to have come from a soldier who was standing upright at the north-east corner of Block 1. He also saw this soldier's rifle apparently recoiling as if he had just fired. In his oral evidence to

this Inquiry,[3] Brian Doherty said that more than one shot had been fired and that he had heard something "*more like a volley*". He remained "*fairly confident*" that the soldier whose rifle had appeared to recoil was the soldier at the north-east corner of Block 1.

1 AD57.3-AD57.4
2 AD57.11
3 Day 149/47

Noel Doherty

63.6 Noel Doherty told us, in his written statement to this Inquiry,[1] that as he ran across the car park of the Rossville Flats towards the passage between Blocks 2 and 3, he looked round and saw a soldier standing at the north-east corner of Block 1 "*holding up his rifle just under his armpit and aiming through his sights*". The soldier was firing in the direction of the passage between Blocks 2 and 3. Noel Doherty noticed that a young man had fallen to his right. At first, Noel Doherty thought that the young man had tripped, and he carried on running, but he subsequently returned to him and found that he had been shot. He told us that he now believed that the young man was Jackie Duddy. In his oral evidence to this Inquiry,[2] Noel Doherty said that the soldier had his rifle at shoulder level and seemed to be firing directly at those who were fleeing across the car park. He said that he thought that Jackie Duddy was directly in the soldier's line of fire.[3]

1 AD91.3-AD91.5
2 Day 82/11-12
3 Day 82/35-36

Isabella Duffy

63.7 Isabella Duffy was on the balcony outside her brother's maisonette in Block 2 of the Rossville Flats.[1] We have earlier in this report[2] concluded that this maisonette was 19 Garvan Place, on the second floor of Block 2 at its north-western end.[3] In her written statement for the Widgery Inquiry,[4] Isabella Duffy said that three Army vehicles came across the waste ground and stopped near the north end of Block 1. Soldiers jumped out. One of the soldiers went down on his knee and fired his rifle, and a boy who had been running away from the soldiers "*pitched forward*". In her oral evidence to the Widgery Inquiry,[5] Isabella Duffy said that she only saw soldiers jump out of the leading vehicle. The kneeling soldier fired a shot that missed before the shot was fired that hit the boy. She now knew that the boy was Jackie Duddy. In her written statement to this Inquiry,[6] Isabella Duffy told us that she saw two soldiers, both kneeling on one knee close to the wall at the north-east corner of Block 1 and holding their rifles at their waists. She said

that she heard a shot that she believed had been fired by one of the two soldiers, although at the time she thought that it was a baton round. Then she heard a second shot and Jackie Duddy pitched forward and fell on his face.

1 AD158.2
2 Paragraph 55.36 note 9
3 GEN3.13
4 AD158.8
5 WT5.53-WT5.55
6 AD158.2-AD158.3

Angela Fleming

63.8 Angela Fleming, now Angela Copp, was watching events from a bedroom window of 65 Mura Place, a maisonette occupied by the family of her friend Maureen Barr, now Maureen Gerke, on the sixth floor of Block 3 of the Rossville Flats.[1] This maisonette was the third from the north end of that block.[2] In her written statement to this Inquiry,[3] Angela Fleming told us that she saw a soldier kneeling on one knee at the point marked "B" on the plan attached to her statement[4] (the north-east corner of Block 1). The soldier was facing towards the passage between Blocks 1 and 2. She saw the soldier lift his rifle, heard a bang and saw a boy fall. The boy seemed to have come running from Rossville Street and to have been trying to reach the passage between Blocks 1 and 2. She stated that she now knew that his name was Jackie Duddy. In her oral evidence to this Inquiry,[5] she said that she remembered seeing the soldier going down on his knee and bringing his rifle to shoulder height, hearing the bang and seeing the boy fall at the same time, although she did not remember seeing the recoil of the weapon. She resisted the suggestion[6] that she had merely made an assumption that the soldier had shot Jackie Duddy.

1 AC44.1; AG27.1; Day 119/2-3
2 GEN3.14
3 AC44.2
4 AC44.8
5 Day 119/7-8
6 Day 119/13-15

A soldier on the offside of Sergeant O's Armoured Personnel Carrier

William McDonagh

63.9 William McDonagh said that he was on the balcony on the second floor of Block 1 of the Rossville Flats outside 4 Garvan Place, the second maisonette from the north end of that block.[1] In his NICRA statement,[2] he recorded that two soldiers jumped out of the vehicle that entered the car park. One of them grabbed an elderly man, threw him against a wall at the back of Chamberlain Street, and began hitting him with the butt of his rifle.[3] Two youths attempted unsuccessfully to free the man. As they were retreating, the second soldier fired two or three shots indiscriminately, hitting one of the youths. More soldiers

then disembarked from the vehicle. In his written statement to this Inquiry,[4] William McDonagh told us that the soldier who fired did so from a position on the west side of the vehicle, and that he was aiming his rifle from the shoulder towards the passage between Blocks 1 and 2. William McDonagh stated that he was not sure whether this soldier was one of those who had held the elderly man or whether he had just disembarked from the vehicle. The youth fell almost simultaneously with the firing. William McDonagh assumed that the youth had been shot. In his oral evidence to this Inquiry,[5] he said that the soldier did not aim his rifle but fired indiscriminately from the waist or midriff. He said[6] that he was not sure that the youth who fell was one of those who had been trying to rescue the elderly man, and he thought that the NICRA statement taker had misunderstood him on this point. He was not sure that the soldier who fired was one of those who had held the elderly man, but thought that he probably was. William McDonagh said[7] that the soldier had fired from the west side of the vehicle.

1 AM192.2; Day 119/17-18; GEN3.12
2 AM192.7
3 Earlier in this report (paragraph 40.20) we expressed the view that this was a description of the arrest of William John Doherty.
4 AM192.2-AM192.3
5 Day 119/20
6 Day 119/25-28
7 Day 119/56-63

A soldier on the nearside of Sergeant O's Armoured Personnel Carrier

Kevin McDaid

63.10 Kevin McDaid told us, in his written statement to this Inquiry,[1] that he ran into the car park of the Rossville Flats from the south end of Chamberlain Street. He stated that he heard two or three shots fired on his right and saw two soldiers on the nearside of an Army vehicle in the entrance to the car park. The soldier nearer to him was crouching and holding his rifle at about chest height but not aiming it. Kevin McDaid told us that as he heard the shots, he saw someone stumble and fall forward. He now knew that this was Jackie Duddy. He thought that the soldier who had shot him was the crouching soldier "*as the shooting definitely came from that direction*". In his oral evidence to this Inquiry,[2] Kevin McDaid said that the reason why he thought that this soldier had shot Jackie Duddy was that he could only see two soldiers, and the nearer soldier was the only one who was pointing his rifle.

1 AM167.2-3
2 Day 100/82-83

Derrik Tucker Senior

63.11 Derrik Tucker Senior told us that he was watching events from his bedroom window at 31 Garvan Place, the third maisonette from the south-east end of Block 2 of the Rossville Flats on the second and third floors.[1] In his NICRA statement,[2] he recorded that two Army vehicles turned into the car park. Soldiers disembarked and one of them took up a firing position at the nearside front wheel of one of the vehicles. The soldier started firing and a man fell to the ground. In his written statement for the Widgery Inquiry,[3] Derrik Tucker Senior told the Widgery Inquiry that the soldier had his rifle to his shoulder, and that Fr Edward Daly attended to the man who had fallen, who was Jackie Duddy. In his oral evidence to the Widgery Inquiry, Derrik Tucker Senior said that the soldier was on the nearside of the "*leading*" vehicle[4] and that he was leaning across the front of the vehicle with his rifle supported on it.[5] In a deposition taken for the inquest into the death of Jackie Duddy,[6] Derrik Tucker Senior said that the soldier fired "*towards the ground*".

1 AT16.1; GEN3.13
2 AT16.1
3 AT16.17.1
4 WT7.9
5 WT7.21
6 AT16.21

Martin Tucker

63.12 Derrik Tucker Senior's son Martin Tucker told us that he was also watching from 31 Garvan Place.[1] In his NICRA statement,[2] Martin Tucker recorded that the first person he saw hit was a young boy in denims who was then attended to by a priest, but he did not describe the position of the soldier who shot the boy. In his written statement to this Inquiry,[3] Martin Tucker told us that two soldiers disembarked from an Army vehicle that had entered the car park of the Rossville Flats. The soldiers moved to the front of the vehicle and one of them stood by the "*offside door*". Martin Tucker was not sure whether the other soldier had gone to the other side of the vehicle, but recalled that they were both quite close together, and that the "*one that moved closest to Block 1*" was leaning on the front of the vehicle. Within seconds, at least one of the soldiers, and probably both, had opened fire. Martin Tucker saw the soldier by the "*offside door*" aiming his rifle from his shoulder. He heard a crack and saw a man fall. He told us that he now knew that this was Jackie Duddy. However, in his oral evidence to this Inquiry,[4] Martin Tucker said that by "'*off-side door*'" he had meant the passenger (ie nearside) door. He said that he had a particular recollection of the soldier at that door aiming his rifle before Jackie Duddy fell,

and that his recollection in relation to the other soldier was much less clear. Later in his evidence he appeared to be saying[5] that both soldiers had moved to the passenger side of the vehicle when they disembarked.

1 AT17.1
2 AT17.17
3 AT17.3
4 Day 98/87-89
5 Day 98/98; Day 98/130-134

A soldier who had jumped out of Sergeant O's Armoured Personnel Carrier

Mary Bonner

63.13 Mary Bonner made a NICRA statement[1] jointly with her brother Bernard Gilmour and his wife. In that statement, the three witnesses recorded that they were looking out across the car park of the Rossville Flats from a bedroom in 23 Garvan Place, the third maisonette from the north-west end of Block 2 on the second and third floors.[2] According to this statement, a soldier standing "*in the waste ground*" fired at a man who fell on his face in the car park and was then given the last rites by Fr Daly. However, in her written statement to this Inquiry,[3] Mary Bonner explained that by the time Jackie Duddy had been shot, she had left her mother's maisonette at 23 Garvan Place and was observing events from the balcony on the second floor of Block 2 outside her own maisonette at 34 Garvan Place, the second from the south-east end of that block.[4] That is consistent with what Mary Bonner said in a number of accounts given in 1972.[5] In those accounts, she stated that the soldier who shot Jackie Duddy had jumped out of one of two vehicles that had entered the car park. In her written statement to this Inquiry,[6] she told us that the vehicle had pulled up beside the stairs at the north end of Block 1, and that the soldier had fired from close to the back door of the vehicle, although it was her recollection that the back door was facing into the car park. She could not tell from where the shot that hit Jackie Duddy had come, but she connected it in her mind with the soldier who fired when he disembarked from the Armoured Personnel Carrier (APC). She said in a number of her accounts either that the soldier fired from the hip,[7] or that he fired from the waist.[8] In her oral evidence to this Inquiry,[9] Mary Bonner said that she did not see any movement of the

gun but believed that the soldier had fired because she heard the sound of a shot from his direction. Jackie Duddy fell at the same time as she heard the shot. She said[10] that she could not remember in which direction the APC had been facing.

1 AB38.15
2 GEN3.13
3 AB38.1
4 GEN3.13
5 AB38.36; AB38.34; WT5.38; AB38.37
6 AB38.1-AB38.2
7 AB38.34; WT5.42; WT5.44
8 WT5.38; AB38.37; AB38.2
9 Day 82/51-54
10 Day 82/72

A soldier at the back of the Chamberlain Street houses

Elizabeth Dunleavy

63.14 Elizabeth Dunleavy told us that she was standing in the doorway of her maisonette at 5 Garvan Place, the third from the north end on the second floor of Block 1 of the Rossville Flats.[1] According to her NICRA statement,[2] she saw a soldier "*in the middle of the car park*" kneel and take aim at a boy who was running towards "*the gap between the flats*". The soldier fired. The boy "*twirled round*" and fell on his back. The soldier swung round and pointed his gun at Elizabeth Dunleavy, who then went inside and upstairs, from where she saw Fr Daly and others carry the boy away. In her written statement to this Inquiry,[3] Elizabeth Dunleavy told us that she now knew that the boy was Jackie Duddy. She stated that the soldier who shot him was kneeling at the point marked "C" on the plan attached to her statement[4] (near the back of 34 Chamberlain Street). In her oral evidence to this Inquiry,[5] she said that this was the position that she had intended to describe when she used the phrase "'*in the middle of the car park*'" in her NICRA statement.

1 AD169.1; GEN3.12
2 AD169.5
3 AD169.2
4 AD169.4
5 Day 83/133-134

A soldier at the back of a vehicle at Eden Place

James McKinney

63.15 James McKinney recorded in his NICRA statement[1] that he ran down Chamberlain Street "*into the waste ground – car park behind the flats*". He saw a soldier take up a position at the back of an Army vehicle. The soldier took aim at an unarmed civilian and shot him in the back. In his written statement to this Inquiry,[2] James McKinney told us that he was at about the point marked "D" on the plan attached to his statement[3] (near the centre of the car park) when he saw an Army vehicle at about the point marked "E" (the south side of

the junction of Eden Place and Rossville Street) facing towards Free Derry Corner. A soldier appeared at about the point marked “F” (the nearside rear of the vehicle) and fired an aimed shot from the shoulder. A man immediately fell in the car park and rolled along the ground. This man was clean-shaven, aged between 17 and 20 years, about 5ft 10in tall, of medium build, and had short, dark hair. James McKinney thought that the man was wearing a red jumper. The man lay motionless on his back and James McKinney realised that he must be dead. In his oral evidence to this Inquiry,[4] James McKinney said that he now knew that the man was Jackie Duddy. He said initially[5] that there had been no Army vehicle in the entrance to the car park when he looked into the waste ground from point D. Later in his evidence,[6] he said that there might have been a vehicle in the entrance to the car park, but he still recalled that the vehicle from beside which the soldier fired had been further away.

1 AM303.7
2 AM303.3-AM303.4
3 AM303.8
4 Day 81/100
5 Day 81/97
6 Day 81/112-113

A soldier on the waste ground

Bernard Gilmour

63.16 As noted above, Bernard Gilmour made a NICRA statement[1] jointly with his wife and his sister Mary Bonner, in which the three witnesses recorded that they were looking out across the car park of the Rossville Flats from a window in Block 2, and attributed the shooting of Jackie Duddy to a soldier standing “*in the waste ground*”. In his written statement to this Inquiry,[2] and in his oral evidence to this Inquiry,[3] Bernard Gilmour said that he did not see who had shot Jackie Duddy, although he assumed that it was one of a group of three or four soldiers who were near the back of 36 Chamberlain Street, who were the only soldiers he had seen at that time. However, he said[4] that it was possible that what he had said in his NICRA statement about the position of the soldier was more accurate. Bernard Gilmour’s wife did not give evidence to this Inquiry.

1 AG38.11
2 AG38.4
3 Day 88/4-5
4 Day 88/8

Civilian evidence relating to the position and appearance of the soldier who shot Margaret Deery

A soldier with a red hat or red hair firing from close range

Margaret Deery's accounts

63.17 For reasons given earlier in this report[1] we are of the view that at the time of her shooting, Margaret Deery was near the corner of the garden of 36 Chamberlain Street, probably a matter of feet to the north or north-east of that corner. In her statement to the Royal Ulster Constabulary (RUC),[2] Margaret Deery recorded that the soldier who shot her was in front of her, but did not describe his position in any more detail. In her statement for the Widgery Inquiry dated 29th February 1972,[3] she recorded that the soldier was only about 20ft away from her. According to Philip Jacobson's note of the same date,[4] Margaret Deery told him that she saw "*a soldier with the red para hat come up from the pig that was near us*", and take aim either at her or the man standing next to her. As she moved towards the man for protection, she felt a thump in her leg but did not hear a bang. The soldier was not more than 25 yards away. Philip Jacobson noted that Margaret Deery had told him that the soldier was "*about your height (5' 10"), fatter than you (!) with a round fat face and a little dark of complexion, although he also had that black stuff streaked over his face*". In the note of her recollections dated 25th January 1983,[5] Margaret Deery is recorded as having said that the soldier who shot her fired from a range of less than 10ft.

1 Paragraphs 55.94–108
2 ED62.2
3 AD33.5
4 AD33.1
5 AD33.6

63.18 Margaret Deery's daughter Helen Deery told us, in her written statement to this Inquiry,[1] and in her oral evidence to this Inquiry,[2] that her mother had told her that she had been shot at close range by a soldier with red hair. She said the same in an interview with Stephen Gargan.[3]

1 AD32.3
2 Day 77/83
3 AD32.33-AD32.34

63.19 Margaret Deery's son Owen Deery told us, in his written statement to this Inquiry,[1] that his mother had told him that she had been shot by a soldier with red hair who fired from a few yards away.

1 AD34.2

63.20 Another of Margaret Deery's sons, Tony Deery, told us, in his written statement to this Inquiry,[1] that his mother had said that the soldier who shot her was tall with red hair.

1 AD35.1

63.21 We should note at this point that in his oral evidence to this Inquiry,[1] Lieutenant N said that he had never had reddish hair. In his oral evidence to this Inquiry,[2] Lance Corporal V said that he had brown hair at the time of Bloody Sunday. In his oral evidence to this Inquiry,[3] Private S said that his own hair was a "*Light mousey*" colour and that he could not recall whether any other member of the platoon had red or reddish hair. We have no evidence of the colour of the hair of other members of Mortar Platoon at the time of Bloody Sunday.

1 Day 323/122-123
2 Day 333/92
3 Day 332/127

A soldier at the front of an Armoured Personnel Carrier

Leo Deehan

63.22 In an undated statement,[1] Leo Deehan described a soldier who raised his rifle, but did not indicate the position of the soldier, nor did he clearly say that the soldier had shot Margaret Deery. In his later draft chapter for a book,[2] having referred to an Army vehicle pulling up behind him and to a confrontation between an older man and a soldier, Leo Deehan said: "*Suddenly I was almost pushed off my feet when a wee woman running up behind me shouted as she pushed me 'Jesus you're going to be shot look there' I didn't see the soldier who has cocked his rifle on the front of the sarachon [sic] and taking aim – BANG – I jumped in the air, I must have traveled 50 feet before I got my senses back, I was running harder than I ever remember, now I looked back and was shocked once again, this time to see that little woman lying on the ground.*"

1 AD178.3-AD178.7
2 AD178.16

63.23 Leo Deehan's daughter Maria Nelson told us in her written statement to this Inquiry[1] that her father had told her that the soldier about whom Margaret Deery shouted the warning was not the soldier who was beating the elderly man but another soldier "*further along Chamberlain Street*".

1 AN14.3

Civilian evidence relating to the position of the soldier who shot Michael Bridge

Michael Bridge's own accounts

63.24 Michael Bridge said in his interview with Kathleen Keville[1] that at the time of his shooting he was facing a soldier who was holding up his rifle. He did not believe that this soldier had shot him because he was hit in the side of his leg. He was "*nearly sure it was the soldier at the side of the flats*" who shot him.

1 AB84.33

63.25 In his RUC statement taken by Detective Constable Gillanders,[1] Michael Bridge recorded that a soldier was holding his rifle to his shoulder and aiming at him. However, this soldier "*could not have shot me but I was aware of another soldier at the bottom of Rossville Flats and to my left*".

1 AB84.13

63.26 In his written statement for the Widgery Inquiry,[1] Michael Bridge recorded that just before he was shot, he had noticed a soldier kneeling "*at the corner of the Rossville Street flats*" with his rifle aimed into the car park. There was another soldier standing a few feet from the rear wall of one of the houses in Chamberlain Street, who had his rifle in his shoulder in an aiming position. Michael Bridge expressed no view as to which, if either, of these soldiers had shot him.

1 AB84.21-AB84.22

63.27 In his oral evidence to the Widgery Inquiry,[1] Michael Bridge again referred to the two soldiers but said that he did not know which one had shot him.

1 WT7.70

63.28 In his interview for BBC Radio Foyle, a recording of which was played during his interview with Paul Mahon,[1] Michael Bridge said that he was shot by a soldier "*along a w[a]ll*" at whom he had been throwing stones.

1 X4.3.5

63.29 In his interview with Don Mullan,[1] Michael Bridge said that he had walked or run towards the soldier who he thought had shot Jackie Duddy, shouting at him, and had then been shot by that soldier.

1 AB84.34-AB84.38

63.30 In his written statement to this Inquiry,[1] Michael Bridge described a soldier kneeling at the north-east corner of Block 1 and another soldier standing near the corner of the back yard of 36 Chamberlain Street. He stated that, although he was not certain, it was his strong belief that he had been shot by the second of these soldiers. He told us that at the time he had believed that this soldier was responsible for the shooting of Jackie Duddy, probably because this soldier was the closest to Michael Bridge.

1 AB84.5-AB84.6

63.31 In his oral evidence to this Inquiry,[1] Michael Bridge said that he did not see, or did not recall having seen, who shot him. However, he expressed[2] a belief that he had been shot by Lieutenant N, which he said[3] was based on evidence that he had heard and read in the course of this Inquiry.

1 Day 93/56-59
2 Day 93/22
3 Day 93/89

A soldier at the north-east corner of Block 1 of the Rossville Flats

Deirdre Barr

63.32 Deirdre Barr told us that she was looking out of a bedroom window in 65 Mura Place, on the sixth floor of Block 3 of the Rossville Flats.[1] This maisonette was the third from the north end of that block.[2] In her written statement to this Inquiry,[3] she told us that she saw a man in the car park, jumping up and down, waving his arms and shouting. A soldier kneeling on one knee at the north-east corner of Block 1 raised his weapon to his shoulder, pointed it at the man and fired. Deirdre Barr thought that the soldier had hit the man in his left thigh. She did not see a muzzle flash or any recoil of the weapon, but she heard the shot.

1 AB13.1
2 GEN3.14
3 AB13.4-AB13.5

Patrick Brown

63.33 Patrick Brown told us, in his written statement to this Inquiry,[1] that he was in the car park near the body of Jackie Duddy, when he saw a tall soldier standing at the north-east corner of Block 1 shoot Michael Bridge from the hip.

1 AB98.1-AB98.2

Fr Edward Daly

63.34 Fr Daly recorded in his written statement for the Widgery Inquiry[1] that he had just finished giving the last rites to Jackie Duddy when a young man dashed out towards the soldiers and danced up and down shouting, with his hands stretched up above his head. A soldier "*at the corner of the flats*" took aim and fired at him. Fr Daly was certain that the man was hit and thought that his name was Bridge. In his oral evidence to the Widgery Inquiry,[2] Fr Daly said that the soldier had stepped out and gone down on one knee before firing. In his written statement to this Inquiry,[3] Fr Daly told us that the soldier who shot Michael Bridge had stepped out from the north-east corner of Block 1. In his interview with Jimmy McGovern,[4] Fr Daly said that the soldier stepped out from the corner of the flats and either went down on one knee or crouched. In his oral evidence to this Inquiry,[5] Fr Daly said that he had an absolutely clear recollection of the soldier stepping out and firing at Michael Bridge. He was asked[6] whether it was possible that another soldier had fired the shot that hit Michael Bridge, and said that he thought it very unlikely. Although in his interview with Philip Jacobson and Peter Pringle[7] he had said that his view of the incident was to some extent limited, Fr Daly said, in his oral evidence to this Inquiry,[8] that he had had a clear view of the soldier.

1 H5.19
2 WT4.10
3 H5.5
4 H5.85
5 Day 75/32-33
6 Day 75/59
7 H5.13
8 Day 75/97-98

Donal Deeney

63.35 Donal Deeney told us in his written statement to this Inquiry[1] that he was near the body of Jackie Duddy in the car park of the Rossville Flats when he saw Michael Bridge run towards a soldier standing at the point marked "G" on the plan attached to the statement[2] (the north-east corner of Block 1). He stated that Michael Bridge moved to the point marked "M" on the plan (described in the statement as "*within 3 yards of the soldier*" but shown on the plan as about 20 yards from him) and Donal Deeney moved close to Michael Bridge, who was shouting at the soldier with his hands forward of his body. The soldier then shot Michael Bridge. Donal Deeney thought that this shot hit Michael Bridge in the leg. Michael Bridge seemed to be in a lot of pain, and someone tried to drag him away, but he moved forward again to "*have another go at the soldier*". Donal Deeney recalled that the soldier had then fired another shot that hit Michael Bridge in the stomach, but he accepted in his oral evidence to this Inquiry[3] that this recollection was wrong. In a supplementary written statement to this Inquiry,[4] Donal Deeney told us that

the soldier was holding his rifle "*just under his armpit*" when he fired at Michael Bridge. In his oral evidence to this Inquiry,[5] Donal Deeney said that he was not certain that this soldier had shot Michael Bridge. That had been an assumption on his part, and he accepted that a soldier on the other side of the entrance to the car park could have been responsible.

1 AD26.4
2 AD26.9
3 Day 86/34
4 AD26.11
5 Day 86/142

Gerard Doherty

63.36 Gerard Doherty told us, in his written statement to this Inquiry,[1] that he was in the car park of the Rossville Flats about 10ft away from Michael Bridge, who was facing north and had his fists in the air. Michael Bridge flinched and hopped back, holding his right thigh. Shooting had been going on before this happened, but it was only when Michael Bridge flinched that Gerard Doherty realised that shots were being fired into the car park. He then instinctively looked in the direction in which Michael Bridge was looking, and saw a soldier leaning against the wall of Block 1 at its northern end. This soldier was aiming his rifle directly at Michael Bridge and was "*the only one there*". Gerard Doherty stated that he considered that this was the only soldier who could have shot Michael Bridge.
In his oral evidence to this Inquiry,[2] Gerard Doherty said that it was his recollection that Michael Bridge had been closer to the south end of Chamberlain Street when he was shot than the position in which he is shown in the second of the two photographs taken by Sam Gillespie which are reproduced earlier in this report.[3] On that basis, Gerard Doherty said[4] that he did not think that Michael Bridge could have been shot by a soldier at the back of the Chamberlain Street houses. However, he accepted that Michael Bridge could have been shot by a soldier beside Sergeant O's APC and also accepted that his recollection of Michael Bridge's position at the time of the shooting could be wrong.

1 AD65.4
2 Day 400/51-52
3 Paragraph 85.166
4 Day 400/54-55

Billy Gillespie

63.37 Billy Gillespie told us, in his written statement to this Inquiry,[1] that he was standing next to Michael Bridge when the latter was shot. He stated that Michael Bridge was shot by a soldier standing at the north-east corner of Block 1 of the Rossville Flats. Before he was

shot, Michael Bridge had shouted something like "*'Shoot me you b******'*" at the soldier, and had thrown half a brick at him. Billy Gillespie confirmed this recollection in his oral evidence to this Inquiry.[2]

1 AG33.2
2 Day 84/149-152

Bernard Gilmour

63.38 Bernard Gilmour made a NICRA statement[1] jointly with his wife and his sister Mary Bonner. In that statement, the three witnesses recorded that they were looking out across the car park of the Rossville Flats from a bedroom in 23 Garvan Place, the third maisonette from the north-west end of Block 2 on the second and third floors.[2] They stated that Michael Bridge was shot by a soldier who was "*kneeling at the back stairs of the flats*". In his written statement to this Inquiry,[3] Bernard Gilmour told us that the soldier was standing at the north-east corner of Block 1 and that he fired from the waist. Bernard Gilmour stated that he knew that this soldier had shot Michael Bridge, because he saw the recoil of the weapon. He said the same in his oral evidence to this Inquiry.[4] He also said[5] that the description of the soldier in the joint NICRA statement as kneeling was "*a total mistake*". The soldier had been standing and Michael Bridge had been confronting him. In her oral evidence to this Inquiry,[6] Mary Bonner said that she could not associate the shot that hit Michael Bridge with a particular soldier, although she thought that it had come "*from the Saracen*". Bernard Gilmour's wife did not give evidence to this Inquiry.

1 AG38.11
2 GEN 3.13
3 AG38.4
4 Day 88/9-10
5 Day 88/50
6 Day 82/57

Joe Nicholas

63.39 Joe Nicholas told us, in his written statement to this Inquiry,[1] that he entered the car park of the Rossville Flats from Chamberlain Street. He saw a soldier taking cover in the doorway at the north end of Block 1, and a second soldier more in the open at the point marked "E" on the plan attached to his statement[2] (near the north-east corner of Block 1). Joe Nicholas thought that the soldier in the doorway was standing and that the second soldier was kneeling. Both were in firing positions. A man came running across the car park and was shot in the thigh. Joe Nicholas told us that he found out later that this was Michael Bridge; and that he did not see who fired the shot, but he heard the shot and formed the impression that it had come from the soldier who was kneeling at the point marked "E". In his oral evidence to this Inquiry,[3] Joe Nicholas said that he could not recall why he formed the impression that this soldier had fired rather than the soldier in the

doorway, but that he thought that the kneeling soldier had been aiming his rifle, whereas he did not recall that the soldier in the doorway had been doing so. He accepted[4] that he was "*not in a position to say*" who shot Michael Bridge.

1 AN17.3-AN17.4
2 AN17.18
3 Day 78/12
4 Day 78/69

Brian Ward

63.40 Brian Ward told us, in his written statement to this Inquiry,[1] that from behind the wall parallel to Block 2 of the Rossville Flats he saw Michael Bridge shouting "'*Shoot me you bastards, shoot me'*" at a group of about six or seven soldiers who were standing along the east wall of Block 1 at the points marked "K", "L" and "M" on the plan attached to the statement[2] (towards the north end of that wall). Brian Ward told us that he saw one of these soldiers go down on one knee, bring his rifle to his shoulder and fire. He then saw Michael Bridge fall, having been hit in the left thigh. In his oral evidence to this Inquiry,[3] he said that he could not be more precise about the position of the soldier other than to say that he was one of this group.

1 AW6.4
2 AW6.7
3 Day 85/151-153

OIRA 8

63.41 OIRA 8 told us, in his written statement to this Inquiry,[1] that he was standing next to Michael Bridge in the car park of the Rossville Flats. Michael Bridge shouted "'*Shoot us, you bastards'*" at a soldier who was kneeling at the north end of Block 1. The soldier then aimed his rifle at Michael Bridge and OIRA 8. A shot rang out. OIRA 8 told us that he thought that it had been fired by the soldier who was kneeling at the north end of Block 1. Michael Bridge fell and OIRA 8 saw that he had been hit in the leg. OIRA 8 was sure that Michael Bridge had been shot by the soldier at the north end of Block 1. In his oral evidence to this Inquiry,[2] OIRA 8 said that he could not be sure that he had seen the soldier's rifle move, and he had only assumed that this soldier had fired the shot that hit Michael Bridge because he had seen the soldier turn and aim his rifle when Michael Bridge shouted at him.

1 AW14.2-AW14.3
2 Day 410/50

A soldier on the offside of Sergeant O's Armoured Personnel Carrier

Denis Mullan

63.42 Denis Mullan told us, in his written statement to this Inquiry,[1] that he was observing events from the balcony on the second floor of Block 1 of the Rossville Flats from about the point marked "A" on the plan attached to his statement[2] (north of the centre of that block). He stated that he saw two soldiers disembark from the back of a vehicle after it had stopped at the point marked "B" on the plan (in the entrance to the car park) with its front facing towards Chamberlain Street. Both soldiers immediately took up firing positions. One was facing south at the point marked "C" on the plan (on the offside of the vehicle). He was standing with his rifle in his shoulder. The other soldier was covering him from the point marked "D" (behind the first soldier). Denis Mullan saw a man jumping about as if incandescent with rage, saying something like "*'here I am, shoot me'*". He later found out that this was Michael Bridge. Denis Mullan stated that the soldier at point C shot Michael Bridge in his left leg from a range of 12 to 15ft; and that he thought that the soldier had deliberately inclined his rifle downwards in order to strike Michael Bridge in the leg rather than the upper body. In his oral evidence to this Inquiry,[3] Denis Mullan said that the soldier who fired was on the offside of the vehicle, slightly forward of the rear doors. He said he knew that this soldier had fired because he saw the recoil of the weapon, heard a high velocity crack, and saw the result.

1 AM449.2-AM449.3
2 AM449.6
3 Day 92/8-9

A soldier on the nearside of Sergeant O's Armoured Personnel Carrier

Hugh Barbour

63.43 Hugh Barbour told us, in his written statement to this Inquiry,[1] that he was watching from a position about two-thirds of the way from the north to the south end of the balcony on the second floor of Block 1 of the Rossville Flats. According to this statement, Michael Bridge "*made a go*" for a soldier on the nearside of an APC parked in the entrance to the

car park. This soldier shot him. In his oral evidence to this Inquiry,[2] Hugh Barbour said that the soldier who shot Michael Bridge was standing in a firing position about 2ft from the rear doors of the APC.

1 AB10.2-AB10.3
2 Day 88/62; Day 88/98-99

William Harley

63.44 William Harley told us that he was looking out of a window of his flat at 37 Donagh Place, which was in the centre of the top floor of Block 2 of the Rossville Flats.[1] In his NICRA statement,[2] he recorded that a youth walked with his hands raised above his head towards an Army vehicle that had entered the car park. A soldier "*came around from behind the car*", raised his rifle and shot the youth, who turned and limped away, holding his leg. In his interview with Paul Mahon,[3] William Harley said that the soldier came around the offside of the vehicle. However, in his written statement to this Inquiry[4] and in his oral evidence to this Inquiry,[5] he told us that the soldier fired his rifle from the nearside of the vehicle, and that he may have been leaning on the bonnet. William Harley said he knew that the soldier had fired because he saw a small jolt of his rifle.

1 AH36.1-AH36.3; GEN3.13
2 AH36.12
3 X4.12.68
4 AH36.3
5 Day 77/15

Mitchel McLaughlin

63.45 Mitchel McLaughlin recorded in his NICRA statement[1] that he was running across the car park of the Rossville Flats towards a boy who was lying on his back with his face covered in blood. He saw Michael Bridge shouting to people to come over towards him "*as the paratroopers were taking up position in the waste ground, covering the square*". Michael Bridge was shot in the leg by "*one of these three soldiers*". In his written statement to this Inquiry,[2] Mitchel McLaughlin told us that an Army vehicle had stopped at the point marked "D" on the plan attached to his statement[3] (in the entrance to the car park) and that three soldiers were standing in the positions marked "E", "F" and "G" (between the vehicle and the back of the Chamberlain Street houses). Michael Bridge began to run towards the soldiers. He was shouting and swearing at the soldiers, and also at a group of men at the western gable wall of Chamberlain Street for hiding from the soldiers and not helping Jackie Duddy. When Michael Bridge shouted "'*Shoot me – shoot me'*", the soldier in the group of three who was closest to the vehicle casually lifted his gun to his shoulder and shot Michael Bridge. Mitchel McLaughlin stated that he was looking directly at the soldier when this happened. In his oral evidence to this Inquiry,[4] Mitchel McLaughlin confirmed

his belief that Michael Bridge had been shot by one of the soldiers in the group of three, and said that although he had always believed that the soldier who shot Michael Bridge was the closest of that group to the vehicle, he could not swear to this.

1 AM340.9
2 AM340.4-AM340.5
3 AM340.11
4 Day 80/24-25; Day 80/83

Hugh McMonagle

63.46 Hugh McMonagle told us in his written statement to this Inquiry[1] that he was standing within about 3 yards of Michael Bridge who was walking towards an Army vehicle parked at Eden Place shouting words like "*'You murdering bastards, you shot the young lad. Come on, come on, shoot me'.*" A second Army vehicle appeared and stopped in the position indicated by a rectangle on the plan attached to Hugh McMonagle's statement[2] (north of the entrance to the car park of the Rossville Flats), pointing towards Chamberlain Street. A soldier disembarked and moved in front of this vehicle on the nearside. The soldier knelt, raised his rifle to his shoulder and looked through the sight. Hugh McMonagle stated that he heard a shot; and that Michael Bridge shouted that he had been hit in the leg. Hugh McMonagle did not see which soldier had fired, but assumed that it had been the soldier at the front of the second vehicle because that soldier was the only one Hugh McMonagle could see. In his oral evidence to this Inquiry,[3] Hugh McMonagle said that the second vehicle had been further north than had been indicated in his statement, and he marked its position with an arrow on a plan[4] (on the waste ground at Pilot Row). He said that he did not see a vehicle in the entrance to the car park.

1 AM369.4
2 AM369.10
3 Day 100/21-28
4 AM369.11

Martin Tucker

63.47 As we have noted earlier in this chapter, Martin Tucker was watching from 31 Garvan Place, the third maisonette from the south-east end of Block 2 of the Rossville Flats on the second and third floors.[1] In his NICRA statement,[2] Martin Tucker referred to a young boy who seemed to have lost his head and was running and waving his arms, while a priest was attending to a boy who had already been shot. Martin Tucker recorded that "*the soldiers*" shot the boy who was waving his arms, but he gave no details. In his written statement to this Inquiry,[3] Martin Tucker told us that two soldiers disembarked from an Army vehicle that had entered the car park of the Rossville Flats. The soldiers moved to the front of the vehicle and one of them stood by the "*offside door*". Martin Tucker was not

sure whether the other soldier had gone to the other side of the vehicle, but recalled that they were both quite close together, and that the "*one that moved closest to Block 1*" was leaning on the front of the vehicle. According to this statement, within seconds at least one of the soldiers, and probably both, had opened fire. Martin Tucker told us that he saw the soldier by the "*offside door*" aiming his rifle. He heard a crack and saw Jackie Duddy fall. After Fr Daly had come to the assistance of Jackie Duddy, Martin Tucker stated that he saw a man with his arms extended walking towards "*the soldier standing at the offside*" of the vehicle and shouting. The soldier aimed his rifle at the man. Martin Tucker heard a shot. The man clutched at his right hip and fell. Martin Tucker told us he now knew that this was Michael Bridge. In his oral evidence to this Inquiry,[4] however, Martin Tucker said that by "'*off-side door*'" he had meant the passenger (ie nearside) door. He confirmed[5] that it was towards a soldier on that side of the vehicle that he had seen Michael Bridge walking. He attributed the shooting of Michael Bridge to the soldier who had been aiming his rifle at Michael Bridge, and ultimately appeared to be saying that this soldier was one of two who had disembarked and moved to the front of the vehicle on the passenger side.[6]

1 AT17.1; GEN3.13
2 AT17.17
3 AT17.3-AT17.4
4 Day 98/87-89
5 Day 98/93-95
6 Day 98/98; Day 98/130-134

A soldier who had jumped out of Sergeant O's Armoured Personnel Carrier

Sean O'Neill

63.48 Sean O'Neill told us, in his written statement to this Inquiry,[1] that an Army vehicle was parked at the point marked "12" on the plan attached to his statement[2] (in the entrance to the car park of the Rossville Flats close to the back of the Chamberlain Street houses). He stated that he thought that the vehicle was facing south but was not certain about this. Sean O'Neill also stated that he ran past the western gable end of Chamberlain Street, heading towards the north-east corner of the car park. As he ran, he looked back and saw Michael Bridge standing nearby, swearing at soldiers near the vehicle and waving his arms. A tall soldier "*swung out of the right hand side back door*" of the vehicle. This soldier aimed his rifle at Michael Bridge and fired. Michael Bridge fell backwards. Sean O'Neill told us that he thought that Michael Bridge had been shot in the left leg. Sean O'Neill did not give oral evidence to this Inquiry.

1 AO65.19-20
2 AO65.30

A soldier at the back of the Chamberlain Street houses

Brian Baker

63.49 Brian Baker told us, in his written statement to this Inquiry,[1] that he was in Block 3 of the Rossville Flats, on the balcony marked with a circle on a photograph attached to his statement[2] (the fifth floor balcony). He stated that he saw a man with dirty fair hair move to the corner of the back yard of 36 Chamberlain Street. The man shouted several times in the direction of the waste ground something like "'*Shoot me too, you bastards*'". A shot rang out and the man clutched his leg. Brian Baker told us that he thought that the soldier who had shot him was positioned "*in the lane at the back of Chamberlain Street*". He stated that he now knew that the man was Michael Bridge. In his oral evidence to this Inquiry,[3] Brian Baker said that from his position he could not see whether there were soldiers in the lane but that it was "*obvious from, you know, subsequent events*" that there were.

1 AB1.14
2 AB1.22
3 Day 88/109-110

Michael Bridge

63.50 Michael Bridge (not the Michael Bridge who was injured but his cousin) told us that he lived at 4 Garvan Place.[1] The front door of this maisonette, which was the second from the north end of the block, opened onto the balcony on the second floor of Block 1 of the Rossville Flats.[2] Michael Bridge told us in his statement to this Inquiry[3] that he came out of that door and saw a man with his arms in the air facing an isolated soldier who was standing at about the point marked "C" on the plan attached to the statement[4] (a few yards from the wall of the back yard of 34 Chamberlain Street). The soldier was holding his rifle at shoulder level and pointing it at the man. Michael Bridge told us that he saw the soldier shoot the man whose arms were in the air. He stated that he did not recall seeing a muzzle flash or the recoil of the weapon, but heard a bang and saw the man react. He told us that he now knew that this man was his cousin Michael Bridge. He confirmed this account in his oral evidence to this Inquiry.[5]

1 AB83.1
2 GEN3.12
3 AB83.1-AB83.2
4 AB83.5
5 Day 88/121-123

Charlie Downey

63.51 Charlie Downey told us, in his written statement to this Inquiry,[1] that as he ran through the car park of the Rossville Flats towards the passage between Blocks 1 and 2, he saw Michael Bridge facing a soldier who was standing at the corner of the back yard of 36 Chamberlain Street. According to this statement, Michael Bridge was waving his arms, jumping in the air and shouting "'*shoot me, shoot me you bastards*'" as Charlie Downey ran past him. Charlie Downey stopped briefly and turned to look at Michael Bridge. Charlie Downey then heard a single loud bang and saw Michael Bridge fall. He assumed, but did not know, that the bang had come from the soldier at the corner of the back yard of 36 Chamberlain Street. In his oral evidence to this Inquiry,[2] Charlie Downey said that he made this assumption because Michael Bridge had been walking towards that soldier.

1 AD133.4
2 Day 91/101

Francis Duddy

63.52 Francis Duddy told us, in his written statement to this Inquiry,[1] that he was standing at the western gable end of Chamberlain Street while Fr Daly moved forward to try to assist a boy who was lying in a pool of blood in the car park of the Rossville Flats. Francis Duddy told us that he now knew that the boy was Jackie Duddy. A soldier arrived at the point marked "H" on the plan attached to Francis Duddy's statement[2] (the western corner of the southern entrance to Chamberlain Street). According to this statement the soldier began to fire live rounds between Fr Daly and Jackie Duddy in an apparent attempt to prevent Fr Daly from assisting Jackie Duddy. Michael Bridge became angry and told the soldier that he was shooting at a priest. The soldier said that if Michael Bridge did not move back he would shoot him, to which Michael Bridge replied "'*well shoot me then*'". The soldier then shot Michael Bridge in the leg. In his oral evidence to this Inquiry,[3] Francis Duddy said that the soldier was not at point H and appeared to place him somewhere further west along or beyond the gable wall. Francis Duddy said[4] that he did not see the soldier fire, but heard the shot.

1 AD144.3-AD144.4
2 AD144.8
3 Day 89/70-71
4 Day 89/72-73

Francis Dunne

63.53 Francis Dunne recorded in his NICRA statement[1] that as he was running through the car park of the Rossville Flats he paused, looked back and saw three soldiers along the wall at the back of the Chamberlain Street houses. The soldier at the front of the group was

firing from the hip towards the passage between Blocks 2 and 3. Francis Dunne recorded that he saw a boy fall, and then saw a taller man standing in the middle of the car park with his hands up and spread wide, shouting "'*They are shooting, they are killing*'". This man also went down. In another NICRA statement,[2] Francis Dunne recorded that he did not know whether the taller man had been hit, but "*The soldier*" certainly fired at him.
In his written statement for the Widgery Inquiry[3] and in his oral evidence to the Widgery Inquiry,[4] Francis Dunne said that the soldier who fired at a tallish youth was the soldier at the front of the group, at the corner of the wall at the back of the Chamberlain Street houses, and that he fired from the hip. According to John Goddard's interview note,[5] Francis Dunne told him that there was an Army vehicle by the back entrance of Block 1, and that Michael Bridge was shot as he advanced towards that vehicle by a soldier facing him from behind it. In his interview with Paul Mahon,[6] Francis Dunne said that the vehicle was at the north-east corner of Block 1 and that the man with his hands in the air was shouting at a soldier who was standing at that corner. He said that he "*would have been talking about the man at Rossville Flats*" when, in his written statement for the Widgery Inquiry, he described the soldier who fired at the tallish youth, although in fact in that statement he put the soldier at the wall at the back of the Chamberlain Street houses.[7]
In his written statement to this Inquiry,[8] Francis Dunne told us that the vehicle was at the point marked "G" on the plan attached to the statement[9] (near the north-east corner of Block 1) and that three soldiers were standing approximately in the positions marked "1", "2" and "3" on that plan (in front of the vehicle in a line across the entrance to the car park). The westernmost soldier was leaning against the wall of Block 1, holding his rifle at hip level. Francis Dunne had the impression that this soldier fired and that the tall man then fell, although he could not say that he had seen this soldier fire or that it was his shot that hit the tall man, and he did not notice the soldier's rifle recoiling. He told us that he believed that the tall man was Michael Bridge. In his oral evidence to this Inquiry,[10] Francis Dunne accepted that over the years his memory had transposed the three soldiers from the back of the Chamberlain Street houses to the positions described in his written statement to this Inquiry, and said that he would be much happier with the accounts that he gave at the time. He confirmed this in later questioning.[11]

1 AD173.1
2 AD173.3
3 AD173.5
4 WT8.23-WT8.24
5 AD173.46
6 X4.8.13-X4.8.16
7 X4.8.48
8 AD173.26-AD173.27
9 AD173.45
10 Day 90/11-12
11 Day 90/57-76

Joseph Ernest Moore

63.54 Joseph Ernest Moore recorded in his NICRA statement[1] that he looked back as he was running through the car park of the Rossville Flats and saw two soldiers beating an elderly, grey-haired man. Two other soldiers were in the same area, aiming their rifles from the shoulder. Joseph Ernest Moore saw "*a person with his two hands above his head – like a challenge, calling to come to the assistance of the man*". One of the soldiers moved forward to a "*steady position*", pointed his rifle at "*the youth*" and fired. Joseph Ernest Moore recorded that he saw "*the person's leg go out*" and the person fell. In his written statement for the Widgery Inquiry,[2] Joseph Ernest Moore recorded that the youth emerged "*from behind a house near Chamberlain Street*", waving and shouting at the soldiers with his hands above his head. He was shot in the leg from a range of no more than 10 yards by one of two soldiers who were in a firing position "*near the fence in the car park*". In his Praxis interview note,[3] Tony Stark stated that Joseph Ernest Moore had witnessed the shooting of Michael Bridge, but did not record Joseph Ernest Moore's recollection of the position of the soldier who shot Michael Bridge. In his interview with Paul Mahon,[4] Joseph Ernest Moore appeared to be uncertain of the position of the soldier. In his written statement to this Inquiry,[5] Joseph Ernest Moore told us that a "*fella … in his twenties*" who had "*come across the car park*" was shot by one of "*two soldiers close to the gable end of the western side of Chamberlain Street*". He stated that the soldier fired after going down on one knee and aiming his rifle, and that he saw the recoil of the rifle. In his oral evidence to this Inquiry,[6] Joseph Ernest Moore said that the man who was shot had approached from somewhere on the waste ground, around the back of the Chamberlain Street houses, rather than from the car park. The soldier who fired was facing up towards the point marked "D" on the plan attached to Joseph Ernest Moore's statement to this Inquiry,[7] or slightly to the right of that point (north-east along the back of the Chamberlain Street houses). He said he now knew that this man was Michael Bridge. He was asked[8] whether he still had an image in his mind of the soldier going down on one knee and aiming at Michael Bridge, and replied: "*No, I would say it is dependent on my statement, you know, honestly.*"

1 AM413.13
2 AM413.10
3 AM413.15
4 X4.28.13
5 AM413.3-4
6 Day 89/126-134
7 AM413.9
8 Day 89/150

Civilian evidence relating to the position of the soldier who shot Michael Bradley

Michael Bradley's own accounts

63.55 Michael Bradley is recorded, in an account published in Fulvio Grimaldi and Susan North's book *Blood in the Street*, as having said that he did not know which soldier had shot him. In his interview with Don Mullan,[1] he said that he did not see "*the exact soldier*" and could not say in which direction the bullet had come. He had thought that he had been shot by "*the boy right in front of me kneeling at the front of the Saracen*", but now presumed that he had been shot from somewhere around "*the angle of the flats, you know the corner of the Rossville Flats where I was standing*". In his written statement to this Inquiry,[2] Michael Bradley told us that he did not know who had shot him, although he remembered seeing a soldier leaning over the mudguard of an Army vehicle. Earlier in his statement[3] he had given a more detailed description of this soldier, which suggested that he was leaning over the offside mudguard of Sergeant O's vehicle with his rifle apparently aimed at Michael Bradley, and of another soldier on the nearside of the vehicle. However, in his oral evidence to this Inquiry,[4] Michael Bradley withdrew that description and said that all that he could clearly recall was that there were two soldiers at the front of the vehicle and that they both looked in his direction. He said that he could not say who had shot him.[5] The two soldiers at the front of the vehicle had been looking towards him, and he had presumed that it must have been one of them, but it was quite possible that it was a soldier at the north end of Block 1 of the Rossville Flats, and it "*could have been any one of them*". In his interview with Jimmy McGovern,[6] Michael Bradley expressed the view that he was shot by Private Q or Private R, but said that he did not know from where the shot had come.[7]

1 AB66.78
2 AB66.6
3 AB66.5-AB66.6
4 Day 94/3-4
5 Day 94/39-41
6 AB66.67
7 AB66.70

A soldier on the offside of Sergeant O's Armoured Personnel Carrier

Hugh Barbour

63.56 Hugh Barbour told us, in his written statement to this Inquiry,[1] that he was watching from a position about two-thirds of the way from the north to the south end of the balcony on the second floor of Block 1 of the Rossville Flats. He described a soldier who had disembarked from an APC parked in the entrance to the car park and moved towards the offside front of the vehicle. He stated that this soldier fired four or five rounds in quick succession from the hip towards a crowd in front of Block 2. A man seemed to stagger and fall back towards Block 2. Hugh Barbour then heard someone shout that Michael Bradley had been shot. Hugh Barbour told us that he saw Michael Bradley, who was his neighbour, lying on the ground clutching the right side of his body; and that he had "*clearly*" been shot by the soldier on the offside of the vehicle. In his oral evidence to this Inquiry,[2] Hugh Barbour resisted the suggestion that the person whom he had seen fall might have been someone other than Michael Bradley.

1 AB10.2-AB10.3

2 Day 88/91-92

A soldier beside Sergeant O's Armoured Personnel Carrier

Danny Deehan

63.57 Danny Deehan recorded in his NICRA statement[1] that he had run into the car park of the Rossville Flats and jumped over the wall that ran parallel to Block 2. Another man, who had gone over the wall in front of him, turned to look at the soldiers and was shot in the arm by soldiers who were firing "*from the side of the saracen*" in the entrance to the car park. In his written statement to this Inquiry,[2] Danny Deehan told us that he now knew that this was Michael Bradley, but that his current recollection was that he saw him for the first time when Michael Bradley was behind the wall, struggling to stand up with his arm shaking and trembling. Nevertheless, Danny Deehan stated that he believed the account given in his NICRA statement to be true, as it was made when events were fresh in his mind. He could not now say who shot whom. In his oral evidence to this Inquiry[3] Danny Deehan confirmed that he saw Michael Bradley on the ground after he had been shot, and that he remembered this "*more clearly*" than seeing the shooting itself.

1 AD21.1

2 AD21.4; AD21.7

3 Day 102/17-18; Day 102/23-24

Martin Tucker

63.58 As we have already mentioned, Martin Tucker was watching from his family's home at 31 Garvan Place. This was the third maisonette from the south-east end of Block 2 of the Rossville Flats on the second and third floors.[1] In his NICRA statement,[2] Martin Tucker recorded that a man wearing a red pullover and denims and a black jacket was shot in the stomach by "*a soldier who was standing beside a Saracen*". In his written statement to this Inquiry,[3] Martin Tucker told us that he saw a man in a red jumper shot in the upper body or shoulder, and that he thought that this may have been Michael Bradley. However, he could not link this shooting with any particular soldier. In his oral evidence to this Inquiry,[4] Martin Tucker said that it was possible that he had seen the red pullover worn by Jackie Duddy and transposed this recollection to his description of Michael Bradley.

1 AT17.1; GEN3.13
2 AT17.17
3 AT17.4
4 Day 98/115-117

Chapter 64: The soldiers responsible for the Sector 2 casualties

Contents

64.1 It is important at this stage to bear in mind a number of matters that we have dealt with in detail earlier in this report,[1] where we have given our reasons for reaching certain conclusions.

[1] Paragraphs 52.14 and 54.6; Chapters 55, 58 and 63

64.2 In the first place, we are satisfied that the known casualties in Sector 2 were the only casualties of Army gunfire in that sector. It follows that the soldiers did not shoot any gunmen or bombers in Sector 2.

64.3 In the second place, we are satisfied that none of the casualties was doing anything that could have justified any of them being shot.

64.4 In the third place, we are satisfied that no soldier other than Lieutenant N, Sergeant O, Lance Corporal V, Private Q, Private R, Private S and Private T, all of Mortar Platoon, could have been responsible for any of the casualties in Sector 2.

64.5 In the fourth place, we consider that it is improbable that, apart from "Fr Daly's gunman" (OIRA 4), there were any gunmen at ground level in the car park of the Rossville Flats or its surrounding area who deployed or attempted to deploy their guns. We are sure that no-one threw or attempted to throw a nail or petrol bomb. It is probable that there was a gunman who fired from the lower balcony of Block 3 of the Rossville Flats and also possible that a man with a handgun fired a single shot from a window high up in Block 1.

64.6 In the fifth place, none of the soldiers admitted shooting any of the Sector 2 casualties nor (with the possible exception of Private R) even the possibility that he had hit any of them by accident while aiming at another target. All of them (except for Lieutenant N in respect of the shots that he fired up the Eden Place alleyway, which caused no casualties) insisted that they had fired only at men who were deploying or seeking to deploy firearms or bombs, and that those they hit were their intended targets.

64.7 Furthermore, with the possible exception of Lance Corporal V and Private S, none of the soldiers of Mortar Platoon admitted seeing any of the Sector 2 casualties after they were shot,[1] despite the fact that those who sustained gunshot wounds were in the car park only a short distance from the soldiers and would have been in full view of anyone looking into the car park. In particular, as will have been seen,[2] Jackie Duddy lay on the ground long enough to be photographed several times before he was picked up, and was photographed again as he was carried across the car park to Chamberlain Street. Patrick McDaid and Pius McCarron were indirectly injured as the result of firing by soldiers in this sector, but we accept that the soldiers might not have been aware of this. We also accept that the soldiers were unlikely to have been aware that Patrick Brolly had been hit, since he was in Kathleen Cunningham's flat.

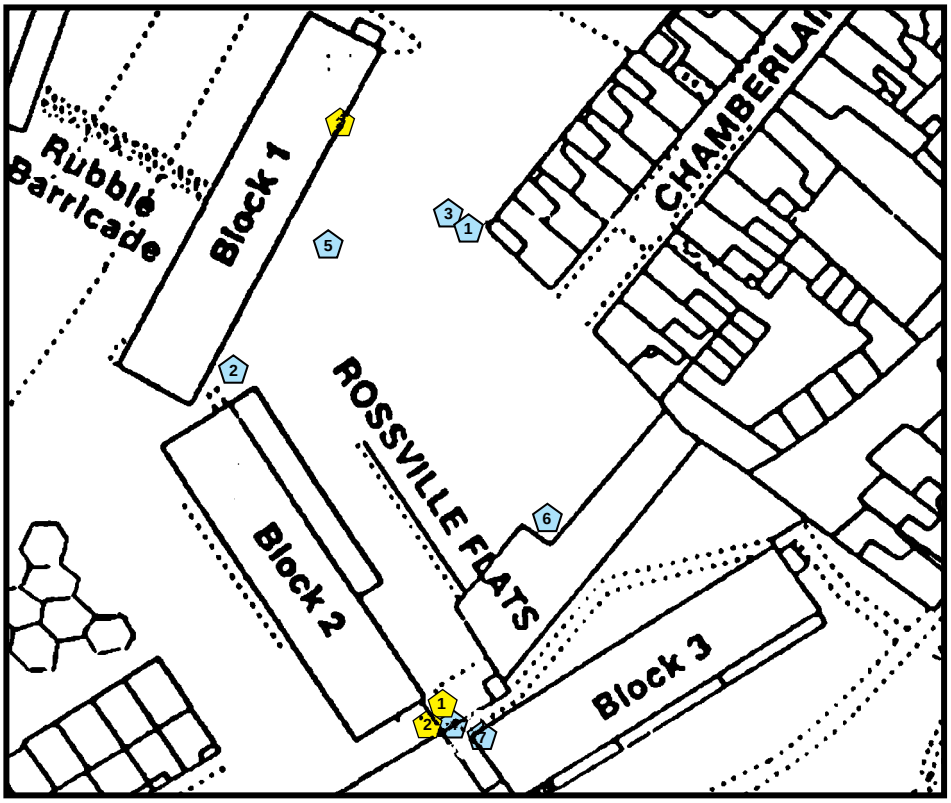
1 Private S told the Widgery Inquiry that he thought he saw a body in the car park before he fired, but gave no further details (WT13.7-WT13.8).

2 Chapter 55

64.8 We have already pointed out that according to the accounts of these soldiers, they had between them shot three nail or blast bombers, one petrol bomber, one man with a pistol and two or three men with rifles or carbines, which makes a total of seven or eight gunmen or bombers. They had fired 32 shots, three fired by Lieutenant N up the Eden Place alleyway (which did not result in any casualties) and the remainder in the area of the Rossville Flats car park.

64.9 We have earlier provided a map[1] on which we have marked the position of the targets at which the soldiers said that they had fired. It is convenient to reproduce that map here.

[1] Paragraph 52.12



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

64.10 It follows from the conclusions stated above[1] that these soldiers must, between them, have been responsible for shooting Jackie Duddy, Margaret Deery, Michael Bridge and Michael Bradley and for the shots that caused injury to Patrick Brolly, Patrick McDaid and Pius McCarron. We consider below[2] whether any of the soldiers mistakenly believed that he was justified in firing.

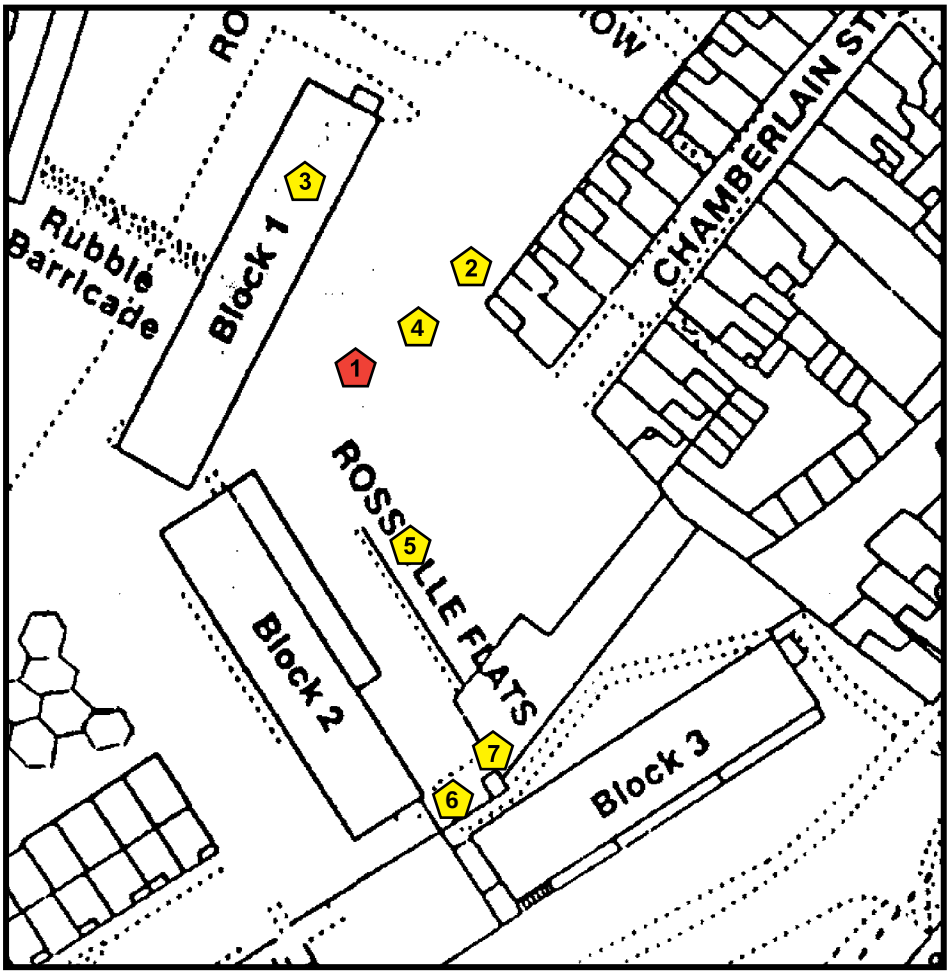
1 Paragraphs 64.2–6

2 Paragraphs 64.17–95

64.11 In short, the soldiers insisted that they had shot gunmen and bombers, which in our view they had not; and denied, or did not admit, that they had shot the known casualties in Sector 2, which in our view they had. As we have already observed,[1] to our minds it inevitably follows that this materially undermines the credibility of the accounts given by the soldiers who fired. The evidence of one or more of them must be significantly inaccurate and incomplete.

1 Paragraph 54.8

64.12 For ease of reference, we show again the map on which we have marked the positions of the casualties in Sector 2 when they were shot or otherwise injured.



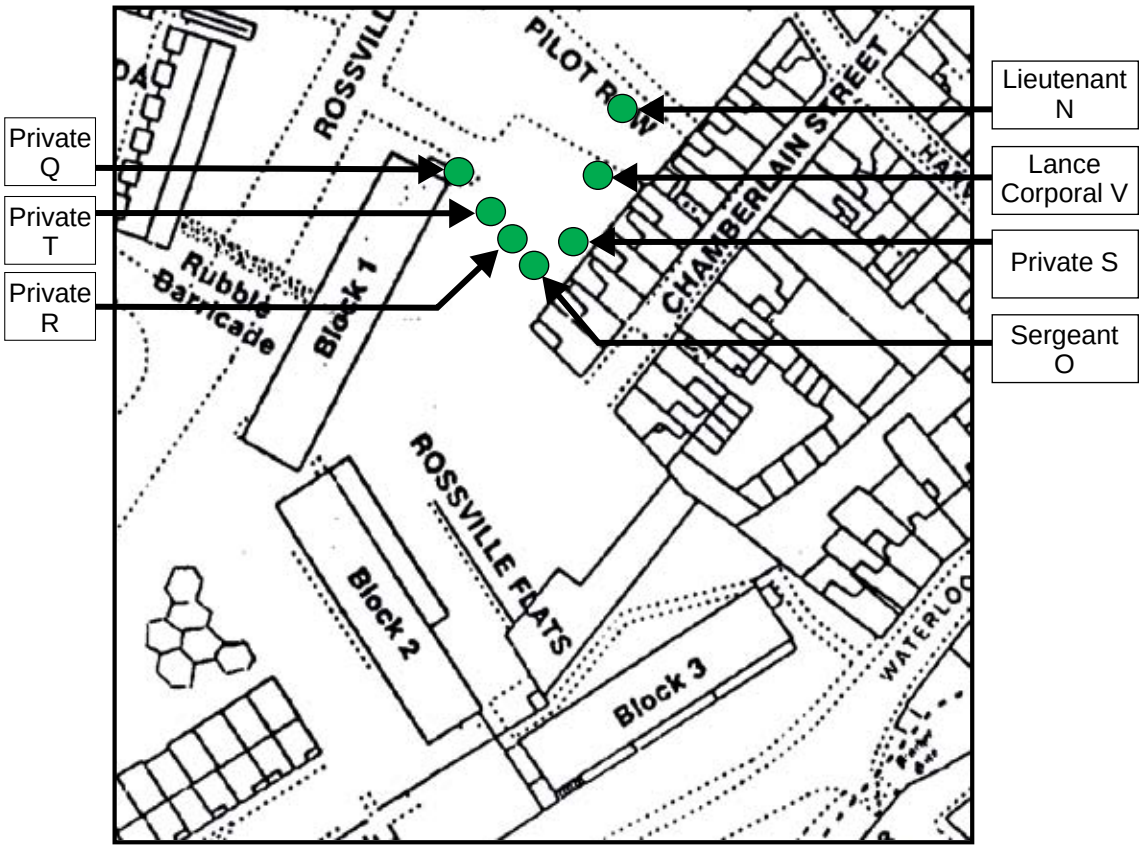
Casualty who was killed or mortally wounded in the car park of the Rossville Flats

1 Jackie Duddy

Casualties who were wounded in this area

2 Margaret Deery
3 Patrick Brolly
4 Michael Bridge
5 Michael Bradley
6 Pius McCarron
7 Patrick McDaid

64.13 It is also convenient to show here a further map on which we have marked where, according to their trajectory photographs, the soldiers were when they fired.



64.14 We have found no evidence that suggests to us that Jackie Duddy, Michael Bridge or Michael Bradley was shot by accident. Apart from the soldiers' evidence that this had not happened, the short distances between the soldiers and these casualties, and the fact that in our view no-one in the car park of the Rossville Flats other than OIRA 4, whom none of the soldiers saw, was using or about to use a firearm or bomb, lead us to conclude that the shots that hit these three casualties were aimed at them. The same might be true of the shot that hit Margaret Deery, though we consider that she was probably more likely to have been the victim of a shot fired at someone close to her. However, we are of the view that there was no-one close to her who was using or about to use a firearm or bomb. OIRA 4 did not approach the wall of 36 Chamberlain Street until after Margaret Deery had been shot. There is no evidence that any of the firing in Sector 2 was accidental, in the sense of soldiers discharging their rifles by mistake, not intending to fire.

64.15 In the light of the evidence we have considered in detail earlier in this report,[1] and the views we have expressed on that evidence, as well as the conclusions we have stated above, we now turn to consider the firing by the soldiers in Sector 2 to see whether it is possible, firstly, to determine which casualty was shot by which soldier and, secondly, to

ascertain whether or not each of the soldiers concerned believed (albeit mistakenly) that he had identified as his target someone who was posing a threat of causing death or serious injury.

1 Chapters 45–63

64.16 We appreciate that soldiers on internal security duties, facing a situation in which they or their colleagues might at any moment come under attack, may have little time to decide whether they have identified, and so are justified in firing at, a person posing a threat of causing death or serious injury; and may have to make the decision in a state of tension or fear. As we observed when discussing the events of Sector 1,[1] it is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the credibility of the evidence given by soldiers. We have also borne in mind that the fact that a soldier afterwards lied about what had happened does not necessarily entail that he fired without believing that he had identified a person posing a threat of causing death or serious injury, since it is possible that he was convinced at the time that he had identified someone posing such a threat, but later invented details in an attempt to bolster his account and make it more credible to others.

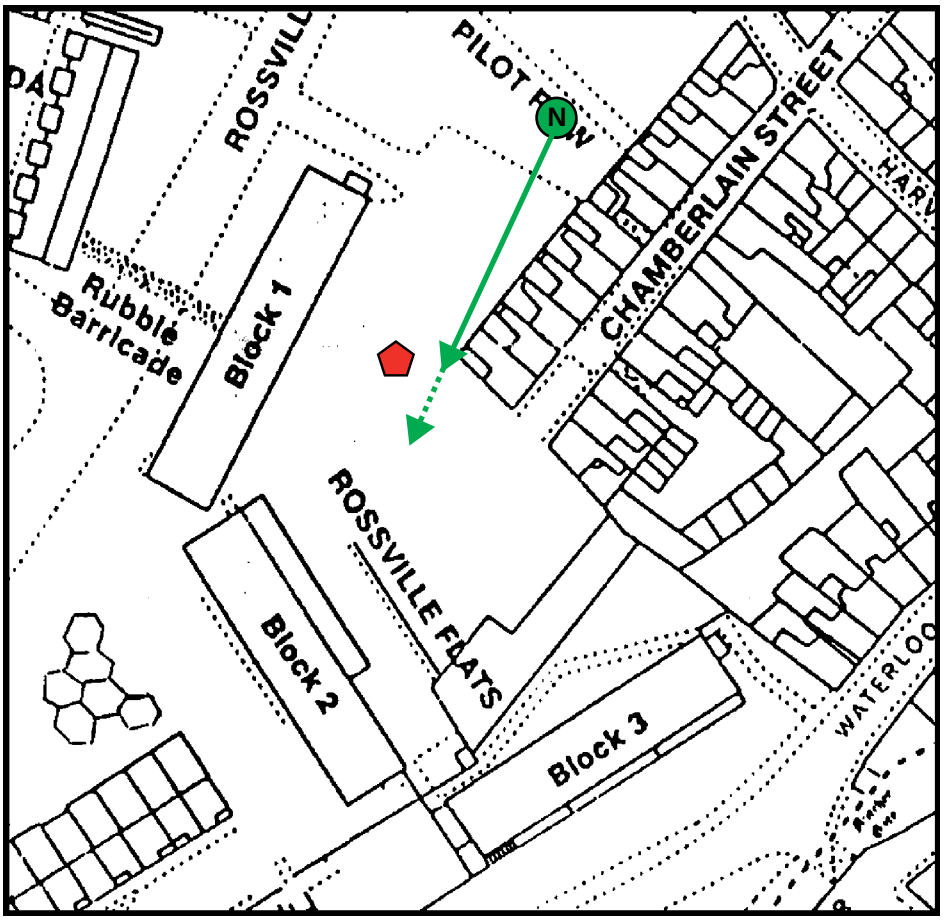
1 Paragraph 18.179

Lieutenant N

64.17 In our view Lieutenant N could not have been responsible for the shooting of Jackie Duddy or Margaret Deery. After the incident at the Eden Place alleyway, he returned to his APC and did not start towards the car park until after William John Doherty, arrested by Sergeant O, had been brought back to Lieutenant N's APC. By this stage we are sure that Jackie Duddy and Margaret Deery had already been shot. We have found nothing that suggests to us that Lieutenant N might have shot Michael Bradley.

64.18 In our view Lieutenant N probably shot Michael Bridge. This casualty was shot after Fr Daly had gone to the aid of Jackie Duddy and after Margaret Deery had been shot. This shooting would correspond in time with the period after Lieutenant N had gone towards the car park from his APC. Lieutenant N believed that he had hit his target in the thigh, and that the person he shot then staggered away. Michael Bridge was shot in the thigh and staggered away. On Lieutenant N's trajectory photograph, the line from the point marked "x" to the point marked "3" is intended to show the trajectory of his final

shot. Extending this line suggests that the shot would have passed to the south-east of where we believe Michael Bridge was shot, but only by a short distance. We set out below Lieutenant N's trajectory photograph and a map depicting Lieutenant N's position, the line of his shot as shown on the trajectory photograph, and the position where we believe Michael Bridge was when he was shot.



64.19 Lieutenant N described his target as having adopted a bowling position. The first of the two photographs of Michael Bridge taken by Sam Gillespie shortly before Michael Bridge was shot shows him in a position that could loosely be so described.

64.20 Lieutenant N denied shooting Michael Bridge. His descriptions of the clothes his target was wearing and of the direction from which his target had come are not consistent with what Michael Bridge was wearing or the direction from which he had in fact come. Michael Bridge was shot in the left thigh, but Lieutenant N said that he thought that he had hit his target in the right thigh. As we have already observed,[1] civilian witnesses have identified a variety of places from where they believe a soldier shot Michael Bridge. Nevertheless, since no-one else (apart from Margaret Deery, who we are sure was not shot by Lieutenant N) was shot in the thigh, and since for reasons given hereafter,[2] we are of the view that none of the other soldiers shot Michael Bridge, we have concluded that the evidence as a whole establishes that Lieutenant N was responsible for the shooting of Michael Bridge.

1 Paragraphs 63.24–54

2 Paragraphs 64.32–95

Lieutenant N's state of mind

64.21 The question remains whether Lieutenant N believed at the time that he had targeted and hit someone about to throw a nail bomb. He has consistently maintained that this was the case, and though he also told us that he has since agonised over the matter, he said that he remained sure that at the time he believed he was justified in firing.

64.22 Lieutenant N said to the Widgery Inquiry that he had been told that the Rossville Flats were a particularly dangerous spot.[1] He had approached the flats from his APC knowing that other soldiers of his platoon were ahead of him. Notwithstanding his evidence that he heard no shooting at this stage, we consider that he is very likely to have heard one or both of the shots that hit Jackie Duddy and Margaret Deery, and perhaps the early shots in Sector 3, which we discuss when considering the events of that sector.[2] He would in our view have been in a state of high alert when he reached the position from where he shot Michael Bridge, who might well have appeared to him to be approaching his soldiers in a bowling posture.

1 WT12.61
2 Chapter 73

64.23 However, Michael Bridge was approaching the soldiers in front of Lieutenant N. Michael Bridge was on his own and in the open, without any immediate means of escape or cover. For someone to act in this way with a visible nail bomb would have been little short of suicidal and a complete departure from the way in which such weapons were usually deployed, namely from a position of cover. There would have been little time for Lieutenant N to assess the situation, but to our minds a soldier in his position would, or should have, realised that it was at least equally likely that the person was, at worst, coming forward to throw a non-lethal missile.

64.24 Lance Corporal V, Private S, Sergeant O, Private R and Private Q were closer to Michael Bridge than Lieutenant N and would have been able to see him had they been looking in that direction. None of these soldiers gave evidence of seeing Michael Bridge but we consider that one or more must have had him in view, as he was only a few yards away and on his own. None appears to have regarded Michael Bridge as posing a threat of causing death or serious injury.

64.25 In his first RMP statement,[1] in his written statement for the Widgery Inquiry,[2] and in his oral evidence to the Widgery Inquiry,[3] Lieutenant N gave accounts of seeing or thinking that he had seen smoke coming from the object in the man's hand.

1 B374
2 B399
3 WT12.67-68

64.26 There was no smoking object in Michael Bridge's hands. We do not accept that Lieutenant N, who was not wearing his respirator, could have thought otherwise. In our view Lieutenant N invented this part of his account. We have considered whether he did

this simply to make what he believed sound more credible, but in our view, in the circumstances of his case, it is equally likely that he would not have added this false detail had he been sure at the time that he had identified a nail bomber.

64.27 We should note at this point that the Regimental Sergeant Major of 1 PARA (Warrant Officer Class I INQ 2037) told us that after observing the loading of arrestees into a truck in the William Street area, he had gone forward to see what was going on and to find out what had happened to his nephew (Private 005 of Machine Gun Platoon). He was directed to an APC which was, according to him, in the area a little way north of the northern end of Block 1 of the Rossville Flats. He told us that he had found Private 005 with Lieutenant N in the front of the APC and that, when he asked Private 005 whether he was "*okay*", Private 005 had said: "'*yes but he's not'.*" Warrant Officer Class I INQ 2037 stated that Private 005 "*was referring to Lieutenant N who shouldn't have been in the Pig but was sheltering there because he was scared*".[1]

1 C2037.3-4; Day 321/156-159; Day 321/219-222

64.28 Both Lieutenant N and Private 005 told us that this did not happen. Private 005 said that he believed that Warrant Officer Class I INQ 2037 was thinking of something that had happened on another occasion.[1] Since we are unable to reconcile these conflicting accounts, and since, even if Warrant Officer Class I INQ 2037 was correct, we consider that his evidence does not assist in enabling any inference to be drawn as to Lieutenant N's state of mind when he fired, we do not take his evidence into account in our assessment of that state of mind.

1 Day 322/103-104; Day 322/117-118; Day 323/15-17; Day 338/156-159

64.29 Lieutenant N shot Michael Bridge in the thigh. He told the Widgery Inquiry that the man was about 30 to 40 yards away.[1]

1 B399

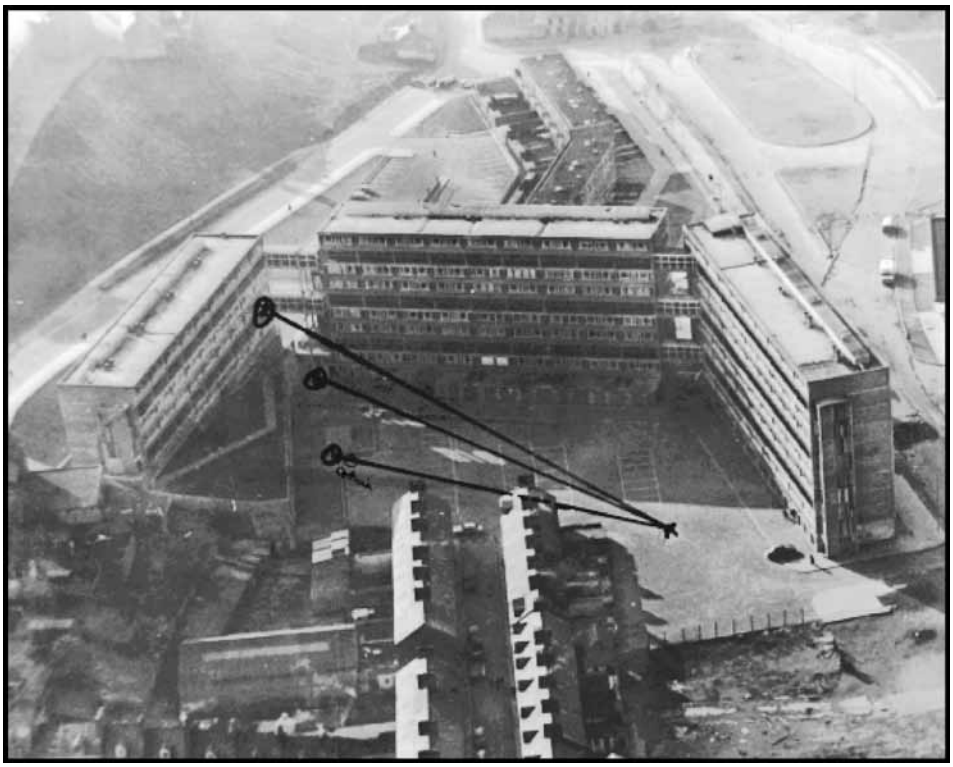
64.30 Lieutenant N's evidence was that he had aimed at the centre of the body: "*I brought my rifle to my shoulder and fired an aimed shot at the man's chest. That was the target we were trained to aim at.*"[1] We remain in doubt as to whether this is what Lieutenant N did. The fact that his shot hit the thigh and not the torso could indicate either that Lieutenant N had fired in haste without taking proper aim, or that he aimed at the thigh, or that he simply missed the area of the body at which he had aimed.

1 B438.011

64.31 Our assessment of the evidence makes us sure that Lieutenant N fired, either in the belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the belief that his target might have been about to throw a nail bomb, but without being confident that that was so. In either case, it is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.

Sergeant O

64.32 In our view the shots fired by Sergeant O on Bloody Sunday did not hit anyone, though his shots towards the corner of the passage between Blocks 2 and 3 of the Rossville Flats may have indirectly resulted in the injuries to Patrick McDaid and Pius McCarron, or one of these two. According to his accounts, he fired at and hit a man with a pistol who was behind a Cortina car on the south-east side of the car park; and 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. He also said that he shot at but probably missed a further man with an M1 carbine or similar weapon at the corner of the passage between Blocks 2 and 3. All these shots are shown on his trajectory photograph.



64.33 We have no reason to doubt that Sergeant O fired in the directions shown in his trajectory photograph, but in our view there were no casualties with gunshot wounds at or near the positions where he said that he had hit a man with a pistol and a man with an M1 carbine or similar weapon.

64.34 We have already concluded that there were no casualties of Army gunfire other than those we have identified. We should point out here that any suggestion to the contrary necessarily involves the proposition that the many civilians who gave accounts of what they saw in Sector 2 and in Sector 5 (which was on the other side of the Rossville Flats and which we consider later in this report[1]) obeyed instructions or somehow knew that they should only mention what had happened to certain individuals, and should keep quiet about others. The instructions would have to have been given and accepted, or this state of knowledge acquired, at the latest very soon after the firing, so that those talking to the media or Kathleen Keville or giving Northern Ireland Civil Rights Association (NICRA) statements would have known both which gunshot casualties they could describe and, more importantly, which they should not. It is not explained how people could have known or been made aware of which casualties could be mentioned and which should be concealed, nor by whom and by what means instructions could have been given to all who might be giving Keville interviews or NICRA statements or talking to the media and who might have seen casualties, so as to ensure that certain casualties were kept secret. It is also not explained how journalists who were on the scene, such as Gilles Peress, could have been persuaded to censor or misreport what they saw.

1 Chapters 115–120

64.35 In these circumstances we are of the view that any such suggestion has no basis in fact.

64.36 We also reject Sergeant O's description of the incoming fire that he said occurred in Sector 2. As will have been seen from his various accounts, he appeared to be saying that, with the exception of the men on the south-east side and near the south-east corner of the car park at whom he said he fired, and of the rifleman at ground level he said he saw Private S engaging in the area between Blocks 1 and 2 of the Rossville Flats, the firing from both high and low velocity weapons was coming from about four or five positions in the area of the Rossville Flats, including from the flats themselves. He described it as the most intense firing he had experienced in Northern Ireland in such a short space of time and told the Widgery Inquiry that there had been about 20 to 30 shots in the initial burst; and then continuous fire for about two or three minutes, at the end of which about 80 to 100 shots had been fired. He later told Praxis Films Ltd that his soldiers

were spotting gunmen and firing at them, and that the gunmen were eliminated fairly quickly. He also told Praxis Films Ltd that there was automatic fire, though he said to us that this was not so.

64.37 Private T was the only other soldier in Mortar Platoon who said that he fired up at the Rossville Flats, but that was at someone who was throwing down acid or a similar corrosive substance. No soldier other than Sergeant O claimed to have engaged a gunman in the Rossville Flats in Sector 2, though a soldier (probably Private T) fired the shot that injured Patrick Brolly. Thus Sergeant O's description of a full-scale gun battle between gunmen and soldiers in the car park, in which the gunmen and the soldiers exchanged fire and by the end of which the soldiers had dealt with the gunmen, bears in our view no resemblance either to what happened or indeed to what the other soldiers said had happened. According to those soldiers, there was a man firing an M1 carbine or similar weapon at ground level in the area of the gap between Blocks 1 and 2 of the Rossville Flats, and a gunman or gunmen on the south-east side and near the car park, but otherwise the men at whom they fired were, according to them, deploying petrol, nail or acid bombs and not firearms. Furthermore, Sergeant O's account of his soldiers engaging and eliminating gunmen in a gun battle is hardly consistent with his evidence that the only soldier he saw firing was Private S, who he said was engaging a gunman at ground level.[1]

1 WT13.31; Day 335/92

64.38 There is a further consideration. Had the soldiers encountered the degree of incoming fire described by Sergeant O, it seems to us, bearing in mind the short distance between the soldiers and the alleged gunmen, that one or more soldiers would probably have been hit by gunfire, but this did not happen.

64.39 We found Sergeant O's explanation as to why no soldier had been hit unconvincing. He suggested[1] that the reason was that "*second rate*" men had got hold of "*low quality*" weapons which were ready for use in the Rossville Flats and that had experienced IRA snipers been firing, his soldiers would have suffered casualties. Such a suggestion can only be categorised as speculation. It assumes, on the basis of the amount of incoming fire that Sergeant O claimed, that there was a substantial stock of low-grade weapons in the Rossville Flats ready for use, which were then used at short notice by inexperienced people. As we describe elsewhere,[2] both the Provisional and the Official IRA were at the time short of weapons and jealously guarded those that they had.

1 B575.122

2 Chapters 147 and 148

64.40 We have found no evidence that suggests to us that there was a stock of weapons and ammunition in the Rossville Flats, to which inexperienced gunmen could have obtained access at short notice.

64.41 There is no doubt that "Fr Daly's gunman" (OIRA 4) fired from the corner of the garden wall of 36 Chamberlain Street, after Jackie Duddy had been killed and Michael Bridge had been injured. Sergeant O may have heard this firing, but neither he nor any of the other soldiers said that they saw or heard a gunman firing from there. It is also possible (as Monica Barr told us) that a man with a pistol fired a single shot down from the top floor of the Rossville Flats and that a soldier fired back, though again no soldier said that he did this and we are left in doubt as to whether such an incident occurred. It is probable that Billy Gillespie saw a paramilitary gunman firing from the lower balcony of Block 3 of the Rossville Flats.

64.42 Apart from this, we consider that it would be unwise to rely on the accounts of incoming fire given by other soldiers of Mortar Platoon. We have already expressed our views[1] on the unreliability of some of these accounts. It should be noted that a number of these soldiers described incoming gunfire at a stage before Sergeant O arrested William John Doherty, while Sergeant O said that the incoming fire only occurred after or towards the end of this event. With the exceptions described in the previous paragraph, we have concluded that it is probable that there was no firing directed at the soldiers of Mortar Platoon.

1 Chapters 26 and 49

64.43 Sergeant O denied that he had heard the three shots fired by Lieutenant N at the Eden Place alleyway.[1] It is possible that he did not hear this firing, though it was only some 75 yards away across an open space, but if he did (which seems to us much more likely) it is possible that with the echo from the Rossville Flats, he might have believed that the firing was coming from there. Some firing by soldiers in Sector 3 (which we consider later in this report[2]) probably occurred while the events of Sector 2 were unfolding. In addition, there was the substantial firing by soldiers in Sector 2 itself. We have commented more than once in this report on the fact that in a built-up area it is difficult, if not impossible, to identify either the type of weapon being fired or from where it is being fired.

1 Day 336/31-33

2 Chapter 73

64.44 In view of these matters, and despite his denials, we consider that Sergeant O is likely to have misidentified some at least of the Army firing he heard as paramilitary firing. As will be seen from our examination of the later events in Sector 3,[1] there was an incident

towards the end of the operation in which a number of soldiers mistook Army fire for paramilitary fire. In our view, however, Sergeant O also chose to give an exaggerated and largely false account of what he had witnessed, by describing a gun battle which we are sure did not take place, in order, probably out of misplaced loyalty to his men, to seek to demonstrate that his soldiers had encountered violent opposition and had become engaged in an all-out conflict with paramilitaries equipped with firearms, and thus to support their accounts of what they did.

1 Chapters 121–124

64.45 We have already noted[1] that Sergeant O said that, apart from Private S, he had not seen any of his soldiers firing, and that he said that he did not remember seeing any of the Sector 2 casualties.

1 Paragraphs 51.257 and 57.4–7

64.46 It is possible that, apart from Private S, Sergeant O did not see any of his soldiers firing. However, we cannot accept that he failed to see any of the casualties. His explanation for not seeing Jackie Duddy was that he had "*tunnel vision*"[1] while engaging his first two gunmen, but we do not accept this explanation, since in our view Jackie Duddy was shot and lying on the ground before Sergeant O opened fire. As we have already described,[2] Jackie Duddy was lying on the ground long enough to be tended by Fr Daly and Charles Glenn and to be photographed by journalists, and was then carried right across the car park to Chamberlain Street. Anyone looking into the car park would have been able to see Michael Bridge being shot when he was on his own and then staggering away after being shot. Michael Bradley and Margaret Deery would also have been visible to anyone looking in their direction. In our view Sergeant O must have seen Jackie Duddy and probably saw Michael Bridge, and perhaps Margaret Deery and Michael Bradley, but chose not to admit this, in all probability to avoid saying anything that might have prejudiced any of the soldiers who fired.

1 Day 335/79

2 Paragraphs 55.18–28 and 55.65–68

64.47 For reasons that we have given,[1] it is likely that Sergeant O saw and engaged a gunman towards the south-west end of the lower balcony of Block 3 of the Rossville Flats, but we are unpersuaded that he saw a man with a pistol behind a Cortina or a man with an M1 carbine or similar weapon at the corner of the passage between Blocks 2 and 3. In our view his shots at ground level were probably fired in order to keep people's heads down

or to frighten them away, and without any regard to the risk to people in the area. The tactic of firing to keep people's heads down was something Sergeant O mentioned to Praxis Films Ltd,[2] though he denied[3] that this was what he had done on Bloody Sunday.

1 Paragraphs 58.131 and 64.5
2 O22.5
3 Day 331/71-73

Lance Corporal V

64.48 In our view Lance Corporal V probably shot Margaret Deery.

64.49 Lance Corporal V and Private S had approached the car park from Lieutenant N's APC at Eden Place. They were involved in the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle, which we have discussed in detail earlier in this report.[1] This incident took place at the back of the Chamberlain Street houses more or less in line with the wire fence that ran along the southern edge of the waste ground. After this incident they continued towards the car park as can be seen in the following enlargement of part of a photograph taken by Colman Doyle.

1 Paragraphs 31.1–14

64.50 Both soldiers were wearing respirators when this photograph was taken. Lance Corporal V told this Inquiry that he could not remember whether he was still wearing his respirator when he fired.[1] We do not know whether or not he took it off before he fired.

1 Day 333/146

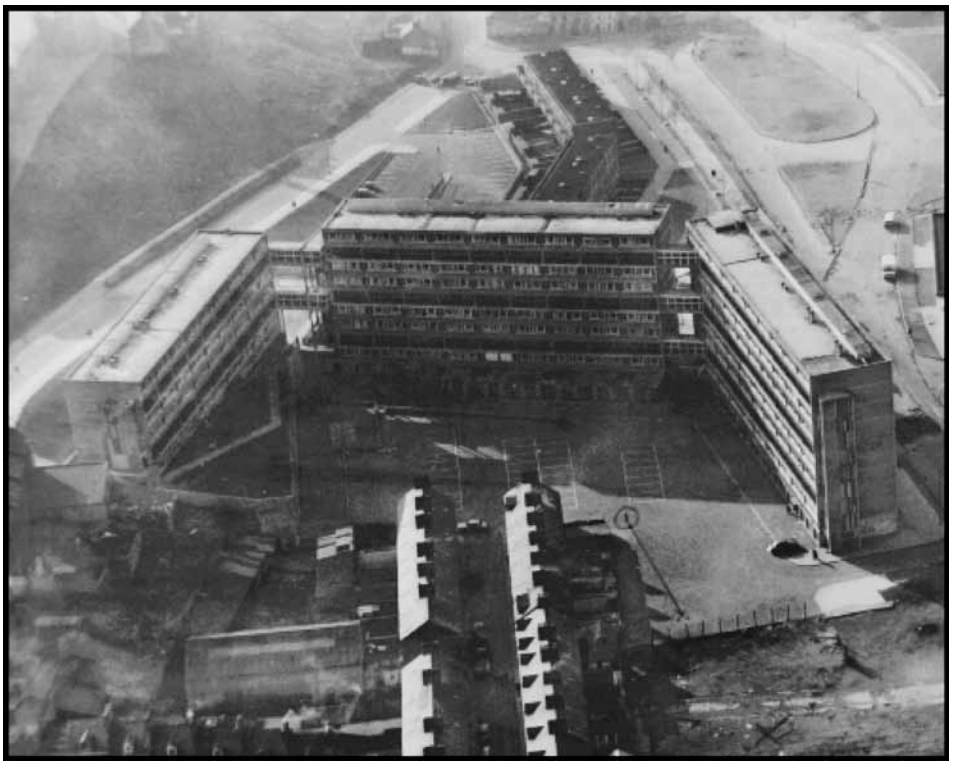
64.51 As we have described earlier in this report,[1] Lance Corporal V originally gave an account of seeing a man throwing a bottle with a fuse attached to it, which hit the ground but did not explode; he said that he then shot the man, who was soon surrounded by four or five people who waved white handkerchiefs and attended to the shot man, whom he did not see again. In his account to John Heritage (who, as described earlier,[2] conducted a preliminary interview of Lance Corporal V for the Widgery Inquiry) he said that the bottle had a lighted fuse and that the man moved back into the crowd after the bottle had been thrown. When he reappeared, Lance Corporal V fired at the man and believed that he had hit him. In his evidence to the Widgery Inquiry he said that he had seen a man holding a bottle with a lit fuse, took aim and though his view was obscured "*for a fraction of a second*",[3] probably by someone running in front of the man, he fired at the man as soon as he had a clear view; and that the man was thrown backwards to the ground. Lance Corporal V said that all these events had taken place "*almost instantaneously*".[4]

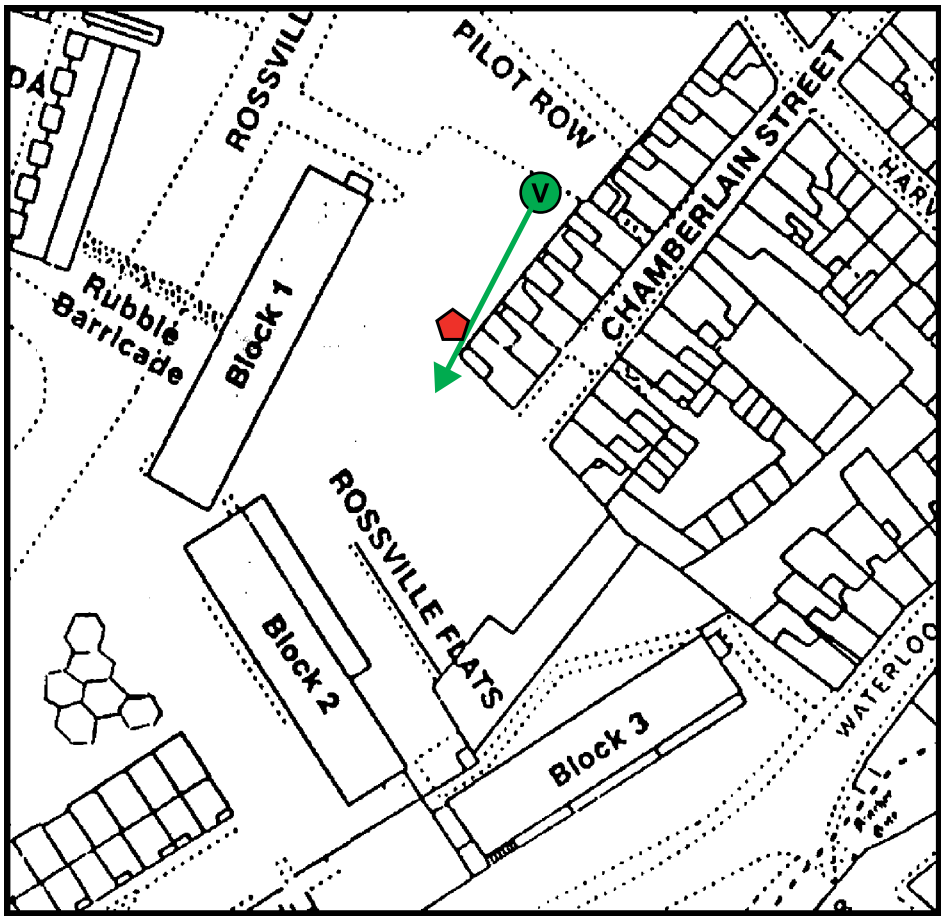
1 Paragraph 51.80
2 Paragraphs 51.81–83 and 51.107–135
3 B802
4 B802

64.52 Lance Corporal V also told the Widgery Inquiry that when he aimed at the man he was so close that his sight picture was filled with the part he was aiming at.[1]

1 WT13.21

64.53 We set out below Lance Corporal V's trajectory photograph and a map depicting Lance Corporal V's position, the line of his shot as shown on the trajectory photograph, and the position where we believe Margaret Deery was when she was shot.





Approximate position of Margaret Deery at the time at which she was shot

Trajectory of Lance Corporal V's shot, taken from his trajectory photograph

64.54 The line of his shot (according to Lance Corporal V's trajectory photograph) passed through or very close to the position where we believe Margaret Deery was wounded. What Lance Corporal V said about his sight picture indicates that he was near to his target, though in his oral evidence to the Widgery Inquiry he said that his target was 50m to 60m away from him. Margaret Deery said that the soldier who shot her was nearby. According to the soldiers' trajectory photographs, the lines of the shots fired by other members of Mortar Platoon, apart from Lieutenant N, did not go near where Margaret Deery was shot. We have given above[1] our reasons for concluding that Lieutenant N did not shoot Margaret Deery. We have found no evidence that suggests to us that any of the other soldiers who fired hit Margaret Deery.

[1] Paragraph 64.17

Lance Corporal V's state of mind

64.55 Lance Corporal V denied shooting Margaret Deery. However, we are sure that there was no petrol bomber, such as he had described. Furthermore, we are sure that he gave the Widgery Inquiry a knowingly false account of what he had done, having realised that in his earlier accounts (particularly the one he had given to John Heritage) he had admitted firing at someone who was not posing a threat of causing death or serious injury; at whom it was therefore not necessary or right for him to fire.

64.56 Although we consider that Lance Corporal V shot Margaret Deery, we doubt that she was his target. However, it seems to us that Lance Corporal V must have realised that he had shot her, albeit by accident. Margaret Deery was only yards from him and had to be carried from where she fell towards and around the corner at the end of the Chamberlain Street houses.

64.57 Although Lance Corporal V told the Widgery Inquiry that he thought that one of the people who had surrounded the body of the man he had shot had been a priest, he denied shooting Jackie Duddy and in our view he did not do so. To our minds the evidence shows that he is the only soldier who could have shot Margaret Deery, who was wounded after Jackie Duddy had been hit. He only fired one shot and, for reasons we give below,[1] we consider that another soldier was responsible for shooting Jackie Duddy.

[1] Paragraphs 64.62–66

64.58 We find the evidence Lance Corporal V gave about seeing a lit fuse wholly unconvincing and we reject it. At most it is possible that someone in the group of people at the southern end of the western side of the Chamberlain Street houses had thrown a stone or bottle towards the soldiers. It is also possible that Lance Corporal V, who may still have been wearing a respirator which restricted his view, thought that this object might have been a petrol bomb, but this cannot have been more than a suspicion, since even on his account the object did not explode. Furthermore, based on his own original accounts, Lance Corporal V, when he fired, must in our view have realised that his target was no longer posing a threat of causing death or serious injury.

64.59 Margaret Deery was shot in the thigh. Since in our view she was not Lance Corporal V's target, the fact that the bullet was at this low height, despite being fired at comparatively short range, indicates to us that Lance Corporal V probably fired in haste without taking proper aim. The case of Lieutenant N is different, because we are sure he hit the person at whom he aimed.

64.60 In the circumstances, we have concluded that Lance Corporal V probably fired in the knowledge that his target was not posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving any proper thought as to whether his target was posing such a threat.

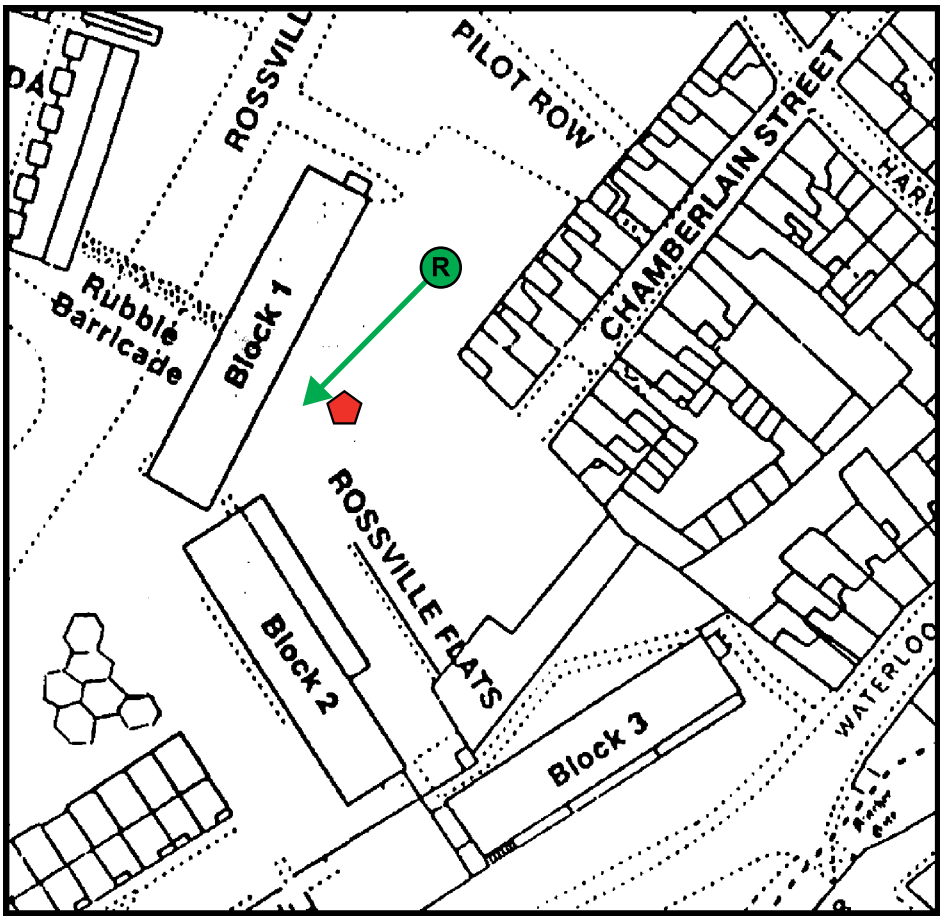
64.61 The result of Lance Corporal V's firing was a grave injury to Margaret Deery.

Private R

64.62 In our view Private R probably hit Jackie Duddy with his first shot. Jackie Duddy was the first casualty in Sector 2, killed as he and others (including Fr Daly) ran away from the soldiers when they came into the Bogside.

64.63 Private R had disembarked from Sergeant O's APC in Rossville Street and then ran after it when it continued into the Rossville Flats car park. He described shooting a man, when he had reached Sergeant O's APC, who he said was about to throw a bomb. He told the Widgery Inquiry that he had taken off his respirator just before he reached the waste ground.

64.64 We set out below Private R's trajectory photograph (which shows the path of his first shot towards the gap between Blocks 1 and 2 of the Rossville Flats) and a map depicting Private R's position, the line of his first shot as shown on the trajectory photograph, and the position where we believe Jackie Duddy was when he was shot.



Approximate position of Jackie Duddy at the time at which he was shot

Trajectory of Private R's shot, taken from his trajectory photograph

64.65 There is little correlation between Private R's accounts of the incident in which he fired at a man who according to him was throwing a bomb and the evidence of the civilians who told us that they saw Jackie Duddy shot and who described what happened to him afterwards. However, it appears from Private R's account that he fired at his target at a time when there were a number of people still in this area of the car park and close to his target and this does correspond with the accounts of the shooting of Jackie Duddy given by a number of civilians. The line of Private R's shot (according to his trajectory photograph) passed not far from the position where Jackie Duddy fell. The same can be said of the position where Michael Bridge fell, but he was shot when there was no crowd and the car park was more or less deserted, save for the people tending Jackie Duddy. Furthermore, Private R described hitting his target in the right shoulder. This was where Jackie Duddy was hit, whereas Michael Bridge was hit in the thigh.

64.66 For reasons given below,[1] we are satisfied that Private S, Private Q and Private T were not responsible for the shooting of Jackie Duddy. We have already given reasons[2] for taking the same view in relation to Lieutenant N, Sergeant O and Lance Corporal V.

1 Paragraphs 64.74–95

2 Paragraphs 64.17–61

Private R's state of mind

64.67 In his written statement for the Widgery Inquiry,[1] Private R described being on the lookout for likely snipers or bombers, having heard, according to his account, firing from the area of the rubble barricade in Rossville Street, a couple of explosions he thought were bombs, and weapons being fired from his side of the Rossville Flats.

1 B670

64.68 We have already concluded[1] that no nail or other bombs exploded in Sector 2 and, for reasons given in the course of this report,[2] we are of the view that no bombs were thrown or exploded in any of the sectors. We do not know whether Private R invented this part of his account, or simply mistook the firing of other weapons for the explosion of bombs. We also express later in this report[3] our view that there was no firing from the rubble barricade, though Private R might have mistakenly thought that there was. We have noted on more than one occasion that in a built-up area it is difficult, if not impossible, to tell from where gunfire is coming. In our view he may have heard the firing by Corporal P in Rossville Street, which we consider in our discussion of Sector 3.[4] He may also have heard the firing by Lieutenant N up the Eden Place alleyway, which we have discussed earlier.[5]

1 Paragraph 47.43

2 Paragraphs 18.64, 83.8, 111.242 and 119.264

3 Paragraph 82.84

4 Chapter 73

5 Chapter 30

64.69 The sound of gunfire would understandably have put a soldier in the position of Private R on high alert, even if he believed that it was or might have been firing by soldiers, since in that event he would in our view be likely to have assumed that the shots were fired at persons who were posing a threat of causing death or serious injury.

64.70 On the evidence we have discussed in detail earlier in this report,[1] we are satisfied that Jackie Duddy was shot when running away from the soldiers but that at the moment of the shooting his upper body was turned towards them, as evidenced by the fact that he was hit in the right shoulder. He probably had a stone in his right hand, but we do not know whether he was about to throw it when he was shot.

1 Paragraphs 55.49–64

64.71 Jackie Duddy did not have a smoking object in either of his hands. We do not accept that Private R could have believed that he had and we reject his evidence on this point. We are sure that Private R invented this detail in order to seek to justify his shot. We did not believe Private R when he told us that he had not seen Jackie Duddy being tended on the ground or being carried across the car park, which to our minds indicates that he was seeking to dissociate himself from the person he knew he had probably shot.

64.72 In our view it is probable that Private R thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but we consider that he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought as to whether his target was posing a threat of causing death or serious injury.

Private R's other shots

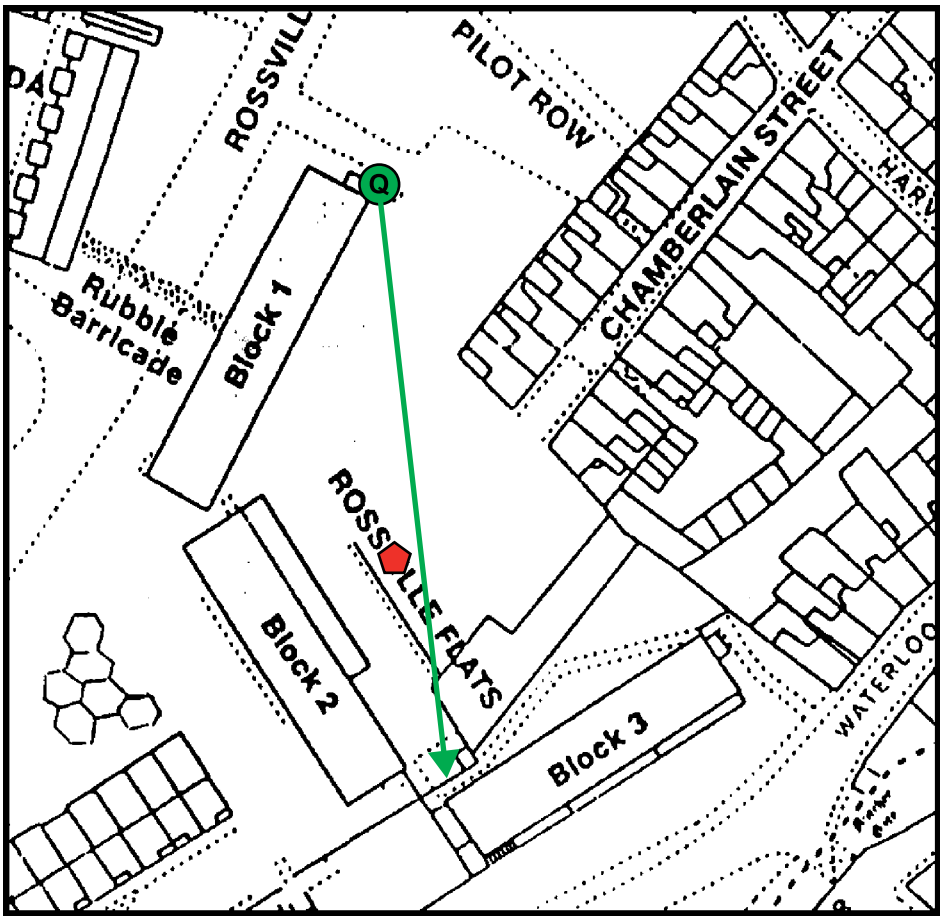
64.73 For the same reasons that we gave[1] when discussing Sergeant O's shots towards the corner of the passage between Blocks 2 and 3 of the Rossville Flats, we are of the view that Private R did not hit anyone else with the shots that he said (and which we accept) that he later fired across the car park, though these shots may have indirectly injured Patrick McDaid and Pius McCarron or one of these two, as they sought to escape through the gap between Blocks 2 and 3 of the Rossville Flats. In view of his untruthful account of the circumstances in which we believe that he probably shot Jackie Duddy, we can place no reliance on his accounts of seeing gunmen. We are not persuaded that Private R saw a man with a pistol who was shot and fell near the Cortina vehicle in the south-east corner of the car park; in our view the account he gave of this in his second RMP statement cannot be correct, as no-one was wounded in that area. We have concluded that this was a false account, given in order to support what Sergeant O had said about the firing into this part of the car park. In our view Private R probably fired shots across the car park to frighten people or drive them away.

1 Paragraph 64.33

Private Q

64.74 In our view Private Q probably shot Michael Bradley, who was wounded after Jackie Duddy had been shot dead, and after Margaret Deery and Michael Bridge had been wounded. Private Q said that after disembarking from Lieutenant N's APC he moved to the north end of Block 1 of the Rossville Flats, and from the north-east corner of that block saw a man throwing what he believed to be nail bombs, one of which exploded about ten yards from Sergeant O's APC. Private Q said that he then fired at this man's chest, as the man was about to throw another bomb, and that his shot hit the man.

64.75 We set out below Private Q's trajectory photograph and a map depicting Private Q's position, the line of his shot as shown on the trajectory photograph, and the position where we believe Michael Bradley was when he was shot.



Approximate position of Michael Bradley at the time at which he was shot

Trajectory of Private Q's shot, taken from his trajectory photograph

64.76 Private Q located his target at the corner of the gap between Blocks 2 and 3. We are sure that no-one was shot in the position he described, although Patrick McDaid and Pius McCarron were indirectly injured in that area as a consequence of gunfire. However, as will have been seen, the line of Private Q's shot (according to his trajectory photograph) passed close to where we believe that Michael Bradley was shot. Bearing in mind where we believe Michael Bradley was when he was shot, and when he was shot, we consider that it is unlikely that Private Q's firing resulted in the injuries to Patrick McDaid and Pius McCarron.

64.77 The bullet that hit Michael Bradley struck his left forearm and passed across his chest and into his right forearm. There is accordingly a correlation between the injuries he sustained and the part of the body at which Private Q said that he had fired. There is also the fact that Michael Bradley had been throwing stones and was probably about to throw another when he was shot. Private Q said that his target had been throwing objects, though according to him these objects were bombs, not stones.

64.78 We have found no evidence that suggests to us that another soldier shot Michael Bradley. Neither Sergeant O nor Private R suggested that he had fired at a man throwing objects from this corner of the car park, as opposed to a man using a firearm. We consider that Lieutenant N and Lance Corporal V fired at and hit, respectively, Michael Bridge and Margaret Deery, before Michael Bradley was hit. We are satisfied, for reasons given below,[1] that neither Private S nor Private T shot Michael Bradley.

[1] Paragraphs 64.81–95

Private Q's state of mind

64.79 We are sure that Private Q's account of having previously seen a nail bomb thrown and exploding was to his knowledge untrue. We have considered whether it is possible that Private Q was convinced that he was justified in firing, but later invented this detail in an attempt to bolster his account and make it more credible to others, but, in the circumstances of his case, we have concluded that he would not have added this false detail had he believed when he fired that he had identified a nail bomber.

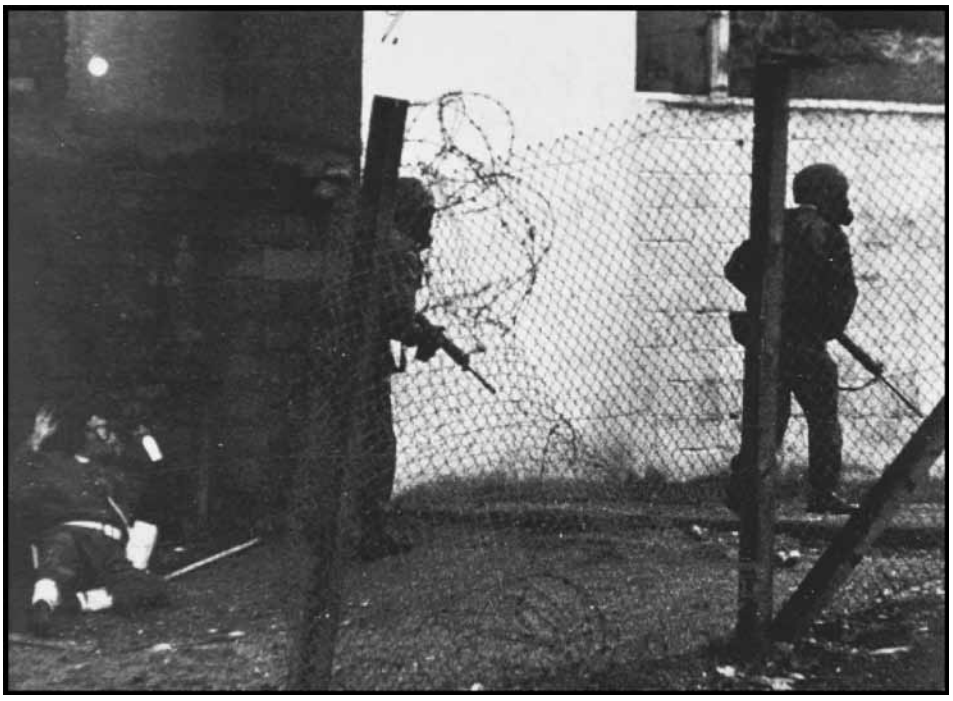
64.80 In our view it is possible that Private Q thought that Michael Bradley might have been about to throw a bomb and shot him for this reason, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. Private Q may have fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

Private S

64.81 Although we accept that Private S fired 12 shots and probably did so from the eastern side of the car park, we are sure that he did not fire at a gunman or gunmen as he claimed in his accounts that he had.

64.82 According to these accounts, 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. Private S 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 said he did not know whether each group of shots was fired at the same man.

64.83 Private S had come from Lieutenant N's APC and had been involved in the incident with Charles McMonagle, the Order of Malta Ambulance Corps volunteer, at the wall at the back of the Chamberlain Street houses, near the fence that ran along the southern edge of the Eden Place waste ground. He can be seen moving forward with Lance Corporal V after this incident in the photograph taken by Colman Doyle.



64.84 Private S told the Widgery Inquiry, in our view falsely, that there were a lot of people milling about in the car park even after he had seen a body lying on the ground. Apart from the fact that there is abundant evidence to contradict Private S's description of people milling about in the car park, it seems to us beyond belief that a gunman or gunmen, let alone a crowd of people, could have behaved in the way Private S described,

in the face of his repeated firing only some 50 yards away and the presence of other soldiers in the immediate vicinity. We reject as knowingly untrue the account Private S gave of his firing and of the shots he said were fired at him. There was no casualty in the area in which Private S said that he had shot a gunman or gunmen.

64.85 According to his trajectory photograph, reproduced below, the shots Private S said that he had fired would have passed close to where Jackie Duddy fell.

64.86 In our view Private S did not shoot Jackie Duddy. This casualty was running away to the south when he was shot, but, as Fr Daly told us,[1] he was looking over his shoulder from time to time as he ran. The bullet that killed him entered his right side and the minor injuries on his left side indicate that this was the side onto which he fell. It seems to us therefore that he had turned his upper body to the right when he was shot.

1 H5.3

64.87 It is important to bear in mind that, as our experts Dr Richard Shepherd and Mr Kevin O'Callaghan pointed out, "*The greatest care must be exercised in interpreting the track angles in this injury since the mobility of the shoulder may allow for many different positions of the chest and body with the arm in the same position*".[1] However, it seems to us that it would not have been possible for Jackie Duddy to have turned his body so far to the right as to present his right shoulder to a soldier firing from near the south end of the back of the Chamberlain Street houses, from where Private S fired. Thus it does not seem possible to us that Private S shot Jackie Duddy, despite the fact that his shots, according to his evidence and his trajectory photograph, which we reproduce below, would have passed through the area where Jackie Duddy fell.

1 E2.32

64.88 Private S told the Widgery Inquiry that he had seen what he took to be a body lying on the ground in front of him, at a stage that he thought was after he had taken up his position at the back of 34 Chamberlain Street, but before he had fired his first shots.[1] In our view this was the body of Jackie Duddy. He also told the Widgery Inquiry that some time passed, after he took up his position, before he fired his rifle. In his first RMP statement Private S said that the interval was "*about five minutes*",[2] but in our view it cannot in fact have been as long as this, though it might have been some time after he had reached his position; and after he had seen the body of Jackie Duddy. These matters further militate against the possibility that Private S shot Jackie Duddy.

1 WT13.7-8 2 B693

64.89 We have no evidence to suggest that Private S might have shot Margaret Deery, Michael Bridge or Michael Bradley and, for reasons given earlier,[1] we consider that other soldiers were responsible for these casualties. It is possible, but in our view unlikely, that Private S was responsible for firing the bullet that resulted in the injury to Patrick Brolly. In our view he probably fired his shots in order to frighten people rather than aiming at a particular target, but since he had no possible justification for such conduct it seems to us that he did not wish to admit that this was what he had done and so concocted a fictitious account of firing at the targets he described. It is possible that he was the soldier that Joseph Doherty, in his NICRA statement,[2] recorded seeing fire into the ground in order to

ricochet the bullets. He might also have been the soldier Isabella Duffy recorded seeing fire up into the Rossville Flats.[3] Finally, we cannot rule out the possibility that he might have been responsible for the shots that indirectly injured Patrick McDaid and Pius McCarron, or one of these two.

1 Paragraphs 64.17–20, 64.48–54 and 64.74–78
2 AD76.7
3 AD158.14-16; AD158.8; WT5.54-56; AD158.3-4

64.90 In these circumstances, although it may well be that Sergeant O and Lance Corporal V saw the firing, or some of it, by Private S, we do not accept their evidence in so far as it suggested that Private S was firing at a gunman or that shots were fired at Private S. We are sure that these soldiers invented these aspects of their accounts in order to seek to back up what Private S had falsely said that he had done.

Private T

64.91 There is a considerable body of convincing evidence that Private T fired up into Block 1 of the Rossville Flats at someone he believed was responsible for throwing down bottles containing some form of acid or other corrosive substance. We set out below his trajectory photograph.

64.92 In our view Private T believed that he was firing at someone who was posing a threat of causing serious injury, and Sergeant O also believed this to be the case. Private T did not hit the person he was aiming at, and though it is probable that one of his shots caused the injury to Patrick Brolly, we are satisfied that Private T did not intend to hit this casualty.

64.93 We have found no clear evidence as to when the acid bomb incident took place, though on both Sergeant O's and Private R's accounts this was after at least some of the shooting in Sector 2.

64.94 Earlier in this report[1] we expressed the view that the failure of Sergeant O and Private T to give a warning before firing was not a technicality. As we stated, in our view there was a real possibility of ending the threat of acid bombs 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, such as 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 of the Yellow Card would be met, and thus that Private T would be justified in firing.

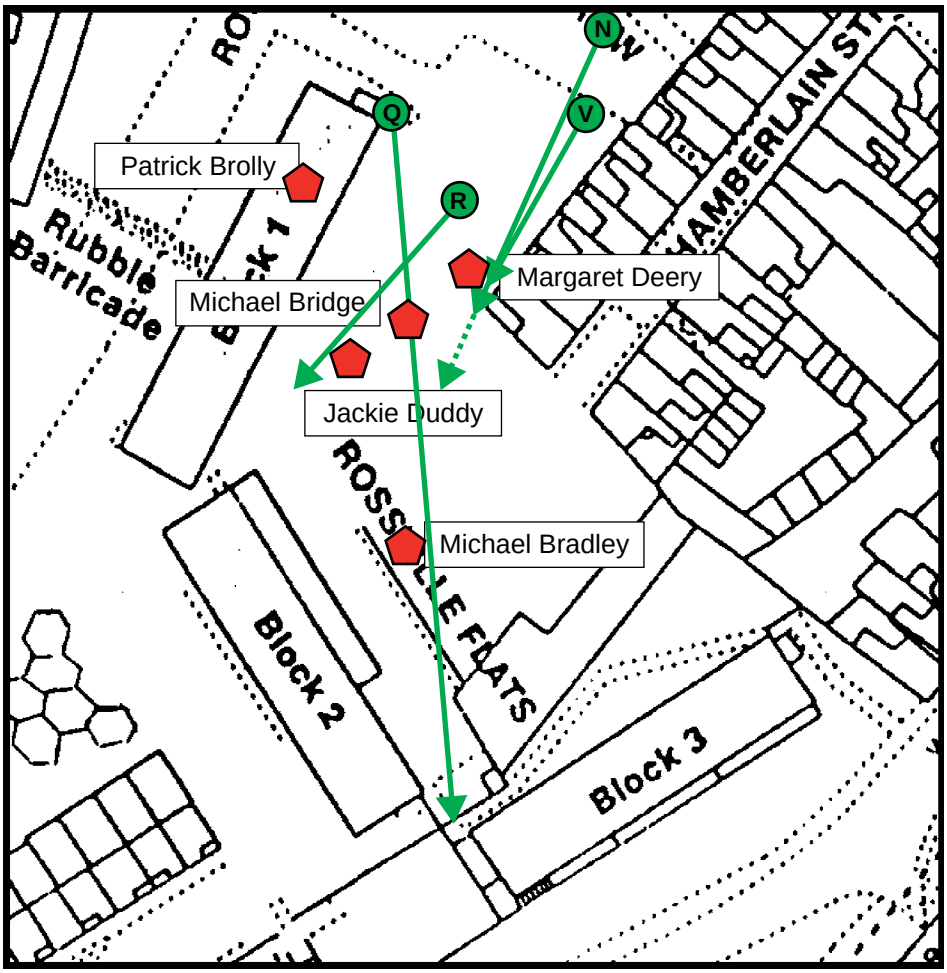
1 Paragraph 51.383

64.95 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, 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.

Summary

64.96 For the reasons we have given above, we have concluded that it is probable that Jackie Duddy was shot by Private R, Margaret Deery by Lance Corporal V, Michael Bridge by Lieutenant N, and Michael Bradley by Private Q. We consider that one or more of Sergeant O, Private R and Private S were responsible for the shots that indirectly injured Patrick McDaid and Pius McCarron. We set out below a map showing the location of Lieutenant N, Lance Corporal V, Private Q and Private R, the trajectories of their shots as shown on their trajectory photographs, and the position of the casualties hit directly by gunfire. We do not include Private S as it is uncertain where he fired his shots, and though one of them might have hit Patrick Brolly, it seems to us that Private T probably caused this casualty. The soldiers and casualties were not, of course, all in the positions

shown on the map at the same time. The map, for example, shows the trajectory of Private Q's shot passing through Michael Bridge. The Tribunal is of the view that Private Q did not shoot Michael Bridge.



64.97 None of the soldiers who in our view were probably responsible for the casualties shot someone posing a threat of causing death or serious injury, though Private T (who probably fired the shot that injured Patrick Brolly) believed that his target was posing a threat of causing serious injury.

64.98 We are sure that Lieutenant N fired, either in the belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the belief that his target might have been about to throw a nail bomb, but without being confident that that was so. In either case, it is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought as to whether his target was posing a threat of causing death or serious injury.

64.99 We consider that Lance Corporal V probably fired in the knowledge that his target was not posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving any proper thought as to whether his target was posing such a threat.

64.100 We consider that it is probable that Private R thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but in our view he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought as to whether his target was posing a threat of causing death or serious injury.

64.101 We consider that Private Q did not believe when he fired that he had identified a nail bomber. It is possible that Private Q thought that Michael Bradley might have been about to throw a bomb and shot him for this reason, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. Private Q fired in a state of fear or panic, giving no proper thought as to whether his target was posing a threat of causing death or serious injury.

64.102 Private T, one of whose shots probably caused the injury to Patrick Brolly, fired without giving a prior warning, contrary to the provisions of the Yellow Card. We do not accept that he had no other way of protecting himself; and consider that his second shot was also unjustified, since apart from the failure to give a warning, there was no further immediate danger from the man.

64.103 In our view the soldiers in the car park, who fired otherwise than at people, did not believe that they were justified in doing so and fired without any regard to the risk that by doing so they might kill or injure people.

64.104 It is important to note that none of the soldiers who in our view shot people in Sector 2 suggested that he had done so because of incoming fire. None of those killed or injured was deploying firearms or was even said by any of these soldiers to have been in possession of firearms. Thus there is nothing to suggest that incoming fire could somehow be regarded as providing an excuse for the shooting of the casualties in this sector.

Chapter 65: C Company

Contents

65.1 C Company of 1 PARA was commanded by Major 221A and consisted of three platoons, 7, 8 and 9. Earlier in this report[1] we described the stage when soldiers of C Company went through Barrier 14 in William Street. As we have observed,[2] this happened shortly after Support Company had deployed, in vehicles, through Barrier 12 in Little James Street and moved along Rossville Street into the Bogside.

1 Paragraphs 20.224–231

2 Paragraph 20.261

65.2 It appears from the evidence that we consider below[1] that 7 Platoon, commanded by Second Lieutenant 110, moved to the corner of Rossville Street and William Street. At least some of the members of this platoon subsequently moved into the Eden Place waste ground and across to the back of the houses on the western side of Chamberlain Street.

1 Paragraphs 65.9–52

65.3 8 Platoon, under Second Lieutenant 026, moved to the corner of Chamberlain Street and paused before advancing south along that street. The platoon encountered Fr Edward Daly and the group carrying Jackie Duddy at the junction with Harvey Street. Soldiers of this platoon subsequently made their way further along Chamberlain Street to the edge of the Rossville Flats car park. Members of 8 Platoon were responsible for arresting a number of civilians in 33 Chamberlain Street, the southernmost house on the eastern side of that street. This was the house to which two of the Sector 2 casualties, Michael Bridge and Margaret Deery, had been taken.

65.4 The movements of 9 Platoon are less clear. It appears that they too moved along William Street and some probably got as far as the junction with Rossville Street, but the soldiers of this platoon do not seem to have advanced further into the Bogside.

65.5 7 Platoon was the first platoon of C Company to go through Barrier 14. This platoon was followed by 9 Platoon and 8 Platoon in that order.[1]

1 B1366.3; B1545.2

65.6 In this chapter of the report, we deal first with the composition of these platoons and their movements, and then consider the evidence that C Company soldiers gave of hearing non-military fire and of seeing civilian gunmen. In the following chapter[1] we deal with the circumstances in which the arrests in 33 Chamberlain Street took place.

1 Chapter 66

65.7 Very few members of C Company gave evidence in 1972. Thus most of the accounts given by the soldiers of this company are what they told us that they recalled decades after Bloody Sunday. In the case of some of these soldiers, we concluded that they had no real or accurate recollections of the day. In the case of other soldiers it was necessary to test their recollections against other material in order to try to assess what weight we could properly give to their accounts. We should note at this point that the recollections

of Major 221A, the Commander of C Company, about the movement of his soldiers after they had gone through Barrier 14 were not sufficiently clear to be of much assistance.[1] We consider his evidence of hearing incoming fire in detail below.[2]

1 B2168; Day 294/153; Day 294/156

2 Paragraphs 65.140–141

65.8 We have found no evidence that suggests to us that any soldier of C Company fired his rifle on the day.

The composition and movements of 7 Platoon of C Company

65.9 From the evidence that we have collected, it appears that the following soldiers were members of 7 Platoon, though there may well have been others.

	Cipher	Rank	Identified by
1	Soldier 110	Second Lieutenant	Himself[1]
2	Soldier 003	Lance Corporal	Himself[2]
3	INQ 5	Private	Himself[3]
4	INQ 96	Private	Stated to this Inquiry that his Platoon Commander was Second Lieutenant 110[4]
5	INQ 131	Private	Himself[5]
6	INQ 444	Corporal	Himself[6]
7	INQ 554	Private	Lance Corporal 003[7]
9	INQ 815	Private	Himself[8]
10	INQ 1582	Private	Himself[9]
11	INQ 1799	Lance Corporal	Himself[10]

1 B1726.002
2 Day 309/64
3 C5.1
4 C96.1
5 C131.1
6 C444.1
7 B1366.003; Day 309/69-70
8 C815.2
9 C1582.1
10 C1799.1

65.10 Only two members of 7 Platoon gave statements in 1972. We consider their accounts first.

65.11 One of the two was the Platoon Commander, Second Lieutenant 110, who gave a Royal Military Police (RMP) statement timed at 1405 hours on 4th February 1972.[1] In this account, Second Lieutenant 110 referred to making an earlier statement which was recorded on 3rd February 1972.[2] We have not been able to trace this statement,[3] and Second Lieutenant 110 told us he had no recollection of making it.[4] The statement dated 4th February 1972 does not deal specifically with the movements of 7 Platoon, but instead records Second Lieutenant 110's account of hearing incoming fire and seeing a gunman, both matters that we deal with later. According to the statement, Second Lieutenant 110 moved to the corner of William Street and Rossville Street and later to "*a recess at the rear of houses facing Chamberlain Street*".[5]

1 B1726.009
2 B1726.008
3 B1726.001
4 B1726.005
5 B1726.008

65.12 The other soldier of 7 Platoon who gave evidence in 1972 was Lance Corporal 003, who gave an RMP statement dated 4th February 1972.[1] In this statement, Lance Corporal 003 recorded that he moved with Second Lieutenant 110 from Rossville Street to the corner of 36 Chamberlain Street, the southernmost house on the west side of Chamberlain Street. References in the statement to being "*in the forecourt of the flats*" and to being able to "*observe the flats*" from this position suggest that Lance Corporal 003 was at the rear of number 36. Lance Corporal 003 stated that after "*about twenty minutes*" he was ordered by Second Lieutenant 110 to pull back to the junction of Harvey Street and Chamberlain Street, before being withdrawn further to the junction of High Street and Chamberlain Street.

1 B1366.008

65.13 In his RMP statement, Lance Corporal 003 gave an account of seeing, as he ran from Rossville Street to 36 Chamberlain Street, a soldier from Support Company fire several shots from a kneeling position in the direction of Columbcille Court, "*where gunfire was coming from*".[1] He also stated that from 36 Chamberlain Street he witnessed "*quite a lot of firing coming from the flats at this time directed towards us*". We return to these accounts of incoming fire later in this chapter.[2]

1 B1366.008
2 Paragraphs 65.142–146 and 65.197

65.14 Both Second Lieutenant 110 and Lance Corporal 003 gave written and oral evidence to this Inquiry. According to his written statement to this Inquiry, Lance Corporal 003 ran up William Street with Corporal INQ 444 and Private INQ 554 and reached the south-eastern corner of the junction of Rossville Street and William Street.[1] Lance Corporal 003 stated

that he thought the whole of his platoon had come up to this point when he, Corporal INQ 444 and Private INQ 554 were ordered to cross the Eden Place waste ground.[2] He told us that he ran across with these soldiers and ended up behind the yards of the Chamberlain Street houses at the southern end of that street.[3]

1 B1366.003
2 B1366.003
3 B1366.004

65.15 It is not clear from the written evidence of Lance Corporal 003 to this Inquiry when he got to this position. He recalled that it was after he had arrived there that Support Company came south along Rossville Street in their vehicles.[1] This cannot be right since, as we have observed earlier in this report, Support Company had moved into the Bogside before any C Company soldiers had crossed Barrier 14.

1 B1366.004

65.16 Lance Corporal 003 gave the following account of what he saw while at the southern end of the Chamberlain Street houses:[1]

> "At some point, I saw a soldier take up a kneeling position near to a Pig on Rossville Street. The soldier was facing south down Rossville Street, and I saw him fire one or two rounds in a southerly direction, from a kneeling position. His approximate position was at the point marked G on the attached map … I saw him fire, and saw the gas extrusion or smoke come off his weapon. He was wearing a helmet, but not a gas mask. I do not know what his height or build was, as he was kneeling down when I saw him. I cannot recall whether he was right or left handed as he fired. I did not see where he was aiming, apart from south down Rossville Street. I didn't know who the soldier was although I found out later that he would have been from Support Company. There were other soldiers from his Company around him."

1 B1366.004-5

65.17 The point marked "G" was on Rossville Street just south of the entrance into Pilot Row.[1]

1 B1366.010

65.18 In his oral evidence to this Inquiry, Lance Corporal 003 identified himself on a still from BBC film footage, among a group of soldiers waiting behind Barrier 14.[1] We set out that still below.[2]

1 Day 309/66
2 B1366.0011

65.19 Lance Corporal 003 told us that he was the first soldier through the barrier.[1] He agreed that when he went through the crowd had moved back and there was no prospect of being able to catch any of them.[2] Apparently contrary to his RMP statement, he told us that he was not with Second Lieutenant 110 as he crossed the Eden Place waste ground.[3] He repeated what he had stated in his written statement to this Inquiry, that to the best of his knowledge there was no-one in the car park and no vehicles in the car park when he was at the end of the Chamberlain Street houses.[4]

1 Day 309/68
2 Day 309/109-110
3 Day 309/116
4 Day 309/97-98

65.20 In his written evidence to this Inquiry,[1] Second Lieutenant 110 told us that his platoon went through Barrier 14 on foot, and that "*The aim of my platoon as the men went through Barrier 14 was to clear the area, prevent further civil disorder and to make as many arrests as possible*".[2] He also told us that on turning the corner into Rossville Street he saw Support Company soldiers further down Rossville Street in the area around Eden Place. Since there was no need for his men to be in the same place he directed his platoon to go south-east across the Eden Place waste ground towards the back of the houses on the western side of Chamberlain Street. He thought that at this time civilians had already cleared away from the waste ground and he told us that he believed that "*the area in front of the Rossville Flats and to the north of the flats as I looked at them*

was also very open and that there were no people in that area at that time".[3] In his oral evidence to this Inquiry, Second Lieutenant 110 accepted that there might have been "*one or two people*" in the car park at that time.[4]

1 B1726.002-006
2 B1726.003
3 B1726.004-5
4 Day 350/108-109

65.21 In the course of his oral evidence to this Inquiry, Second Lieutenant 110 was asked to look at footage filmed by a BBC camera crew showing soldiers running across the Eden Place waste ground and taking up positions to the rear of the houses on the western side of Chamberlain Street. Second Lieutenant 110 agreed that it might have been his soldiers seen running across the Eden Place waste ground and that his soldiers had taken up positions as shown in the footage.[1] In our view this footage does show soldiers of 7 Platoon running across the Eden Place waste ground.

1 Day 350/67-71; Day 350/74-78; Vid 1 05.12

65.22 It can be seen from the film footage that at the time when these soldiers crossed the Eden Place waste ground and ran along the backs of the Chamberlain Street houses there were no longer military vehicles parked in Rossville Street opposite Kells Walk. Instead, a number of vehicles are shown just to the north of Block 1 of the Rossville Flats, while three vehicles, one of them a military ambulance, can be seen moving north along Rossville Street. This, as was suggested to Second Lieutenant 110, indicates that this film footage was shot relatively late in the day. For reasons given earlier in this report,[1] we have concluded that it was filmed not only after the Army vehicles had moved to the north of Block 1 of the Rossville Flats, but after all the casualties had been sustained in Sectors 2, 3, 4 and 5.

1 Paragraphs 58.41–58

65.23 Despite this, Second Lieutenant 110 remained sure that when he reached the junction of Rossville Street and William Street, Support Company vehicles were still present on Rossville Street, although he could not say in which direction they might have been moving.[1] He agreed that it was possible that he had waited for some time at the junction of Rossville Street and William Street before moving across the Eden Place waste ground, but he could not remember stopping and his assumption was that he moved through this area "*in a relatively short period of time*".[2]

1 Day 350/75-77
2 Day 350/111

65.24 Private INQ 5 was a member of 7 Platoon and Second Lieutenant 110's signaller.[1] As such, he should have remained with his commander.[2] However, in his first written statement to this Inquiry,[3] Private INQ 5 told us that after going through Barrier 14 he had turned left down Macari's Lane into the Eden Place waste ground, where he came under fire and took cover behind a burned-out car.[4] He also told us that after the shooting had died down he and other soldiers went into one of the back yards of the houses on the western side of Chamberlain Street, where he found 20 to 30 civilians sheltering. According to Private INQ 5, the civilians were not arrested, but they were told to get out with their hands on their heads.[5] At the end of this statement Private INQ 5 asserted that he had not spoken to the press about Bloody Sunday.[6]

1 Day 379/3
2 Day 350/65; Day 379/9
3 C5.1
4 C5.2; C5.4
5 C5.2-3
6 C5.3

65.25 In a supplementary written statement to this Inquiry,[1] Private INQ 5 accepted that he had been interviewed by journalists. He told us that he had forgotten about this when he made his first written statement.[2]

1 C5.5
2 C5.8-9; Day 379/59

65.26 Private INQ 5 gave oral evidence to this Inquiry. He accepted that he was wrong in saying that he had gone down Macari's Lane, and agreed that he had moved with other members of his platoon to the junction of William Street and Rossville Street before crossing the Eden Place waste ground.[1] He identified himself as the centre figure in a still from the BBC film footage showing soldiers running across the waste ground.[2]

1 Day 379/13-14
2 C5.61; Day 379/15

65.27 The impression we gained from Private INQ 5's evidence to us, including his evidence on incoming fire which is discussed below,[1] was that he had little if any independent recollection of events and was relying wholly or to a very substantial extent on what he had been told by others or had otherwise come to believe. He gave accounts to journalists of C Company going into the Bogside, where they were fired on by the IRA and then in effect rescued by Support Company arriving in vehicles. In view of the evidence that we have considered earlier in this report[2] this account is at odds with what actually happened.[3] Although it is possible he did so, we remained unconvinced by his evidence that he sheltered behind a burned-out vehicle on the Eden Place waste ground, and his account of finding civilians sheltering in a back yard appears to be unsupported by any civilian evidence. In these circumstances, while we do not doubt his identification of himself on the still from the film footage shown above, we consider that it would be unwise to place any reliance on Private INQ 5's accounts of what he witnessed.

1 Paragraphs 65.151–153

2 Paragraphs 20.224–271 and 24.1–4

3 C5.29; C5.49

65.28 As already observed,[1] the film footage on which Private INQ 5 identified himself shows Army vehicles in the background travelling north. This was after Support Company vehicles had moved forward to the north side of Block 1 of the Rossville Flats. In our view, for the reasons we have given earlier,[2] by this stage all the casualties had been sustained in Sectors 2, 3, 4 and 5.

1 Paragraph 65.22 2 Paragraphs 58.41–58

65.29 Corporal INQ 444, another member of 7 Platoon, told us in his written statement to this Inquiry that after deploying through Barrier 14 he moved along William Street. He recalled that he had not quite got to the junction with Rossville Street when he heard, but did not see, Support Company vehicles moving south down Rossville Street. He stated that he returned back along William Street and turned into Chamberlain Street, from where he entered a small alleyway that led into a large area of waste ground. Corporal INQ 444 was unable to identify the alleyway on the map attached to his statement, but he thought that he moved to the end of it, from where he was able to see Block 1 and "*about a quarter*" of Block 2 of the Rossville Flats.[1]

1 C444.4; C444.9

65.30 Corporal INQ 444 stated that from this position he saw a civilian gunman moving between Blocks 1 and 2 of the Rossville Flats, a matter to which we return later.[1] He also recalled the following incidents:[2]

> "The second incident that sticks out in my mind is seeing a person standing on the roof of Block 1 of the Rossville Flats. I saw this person immediately after seeing the gunman. The person was at position D (grid reference L14) on the attached map [a position at the northern end of Block 1]. I do not know if the person was male or female, I just saw a figure standing up. The person threw a bucket of liquid towards the Pig at position B [close to Block 1, just to the south of the northern end of the block]. The liquid was aimed at some soldiers below the flats who were near to the Pig. I cannot give any description of the soldiers. I can't recall anyone actually hit with the liquid. I initially thought that it was just water or crap that was being thrown but I suddenly saw a couple of soldiers jumping about and some other soldiers dousing their bodies with water so I knew it was acid. It was maybe the upper body area which was being doused.

Almost as soon as this occurred, a soldier, who seemed to appear from nowhere as far as I can recall, began shooting. This is the third incident that sticks out clearly in my mind. I did not know what target he had found as he was shooting out of my line of sight, but I heard rapid firing and I had never seen that before. I think that the soldier was standing approximately at position E (grid reference L14) on the attached map [the northern edge of the car park, approximately half way between Rossville Street and the backs of the Chamberlain Street houses]. I believe although I do not know that the person who was firing was a man called Lance Corporal H. I have it in my mind it is Lance Corporal H. I think I came to the conclusion it was Lance Corporal H although I did not know him to recognise him, nor can I give any description of him. It was single, distinct shots that I heard from an SLR rifle, but rapid semi-automatic fire. It was not automatic fire.

I remember that the soldier was standing up and he was holding his rifle under his arm at a position between his shoulder and his waist. I could not see the butt of the rifle. He was firing at an angle of 30 to 40 degrees towards Block 2 and 3 of the Rossville Flats, in the direction shown on the attached map. I personally thought that he was being stupid firing as he did. I think he fired more than 10, less than 20. Our brief was always to fire aimed shots with minimum force. We always carried out disciplined controlled fire. It is my opinion that he was phased out by the situation, was frightened and he had 'lost the plot'. That was the impression I formed of him. He is the only person I can recollect seeing firing. He had possibly seen a target, but he did seem to be firing an awful lot of rounds.

I think that Lance Corporal H at that time was fairly new to the battalion. Although I have in my mind that it was Lance Corporal H I saw there is a good chance that I did not know at that time that it was him but that I found out it was Lance Corporal H from either talking about the incident or hearing it was him after the event. I believe that he fired more than ten rounds, but probably less than twenty. I do not recall hearing any return fire towards Lance Corporal H during that period. I do not remember him trying to take cover. I then remember a voice of authority shouting 'cease fire cease fire', and Lance Corporal H stopped firing. I cannot remember who gave the command or where that command came from."

[1] Paragraphs 65.206 and 65.212

[2] C444.5-6; C444.9

65.31 In his oral evidence to this Inquiry, Corporal INQ 444 said that at the time he did not know that the liquid he had described being poured from Block 1 of the Rossville Flats was acid; he said he must have picked this up from talk later. He also said to us that his identification of "Lance Corporal H" (who was in fact a Private, not a Lance Corporal) as the soldier firing indiscriminately was something that he had learned much later. He said that he had a "*clear recollection of a soldier firing too many rounds in an indisciplined manner*", but he thought he had been "*far too detailed [in his statement] in certainly the position I put the man in, um, where he was firing, et cetera*". In addition, he told us that he did not remember exactly when the ceasefire order was shouted, nor whether his memory of the order came from the day itself or from the television footage he had subsequently seen.[1]

1 Day 344/82-83

65.32 During the course of his oral evidence Corporal INQ 444 was shown the evidence of Second Lieutenant 110 and Lance Corporal 003, who both described moving from the northern end of Rossville Street, across the Eden Place waste ground, to the backs of the houses in Chamberlain Street. Corporal INQ 444 was told that Lance Corporal 003 had recorded in his RMP statement that he (Lance Corporal 003) had moved in this way with Corporal INQ 444. Corporal INQ 444 was then asked if he accepted that his recollection of being in Chamberlain Street and looking through an alleyway could be at fault:[1]

> "Yes, I do, and this was always my concern, right from the beginning, when I first started to make statements, is how I actually got there. I was convinced that I had come through an alleyway, but it was pointed out to me that there was not an alleyway, but I just could not recollect how I got there."

1 Day 344/100-102

65.33 Corporal INQ 444 was asked about the soldier he said he had seen firing:[1]

> "Q. You describe, if we look at paragraph 34 and we take it in stages:
>
> 'The soldier was standing up and he was holding his rifle under his arm at a position between his shoulder and his waist.'

Can you elaborate, please, on the firing position that was being adopted by this soldier?

A. I am pretty certain he was in the standing position, um, and firing rapidly, probably starting with his rifle properly in his shoulder, but the amount of rounds that he fired, which was a number of rounds, I cannot say exactly how many, the rifle had slipped out of the shoulder and was working its way down the body. At that particular stage he should have stopped firing.

Q. You described it at the beginning of giving your evidence as 'indisciplined'?

A. Yes.

Q. Did you get the impression that this soldier was not firing aimed shots?

A. Yes.

Q. If we look, please, at your map at C444.9, in 2000 when you made this statement, you put the approximate position of the soldier at point E and the arrow indicated the direction of fire. So that we understand your evidence properly: how sure are you today of the position of the soldier?

A. I am not at all sure. Um, with lots of mind searching I believe the soldier come from across the other side of Rossville Street because he seemed to be, um, totally alone; he was in the middle of the open area, um, but I am not sure. I was gently asked to come up with a position and that was probably a totally wrong assumption. I believe he was somewhere in the general area of that wasteground. I could identify, you know, a general area.

Q. What about the direction of fire?

A. The direction of fire was at 45 degrees – between 30 and 45 degrees. It was definitely up in the air, absolutely certain it was up in the air, but I could not say where it was directed to.

…

Q. … How sure are you now that these shots were being fired in between the blocks and towards the car park?

A. Not sure at all."

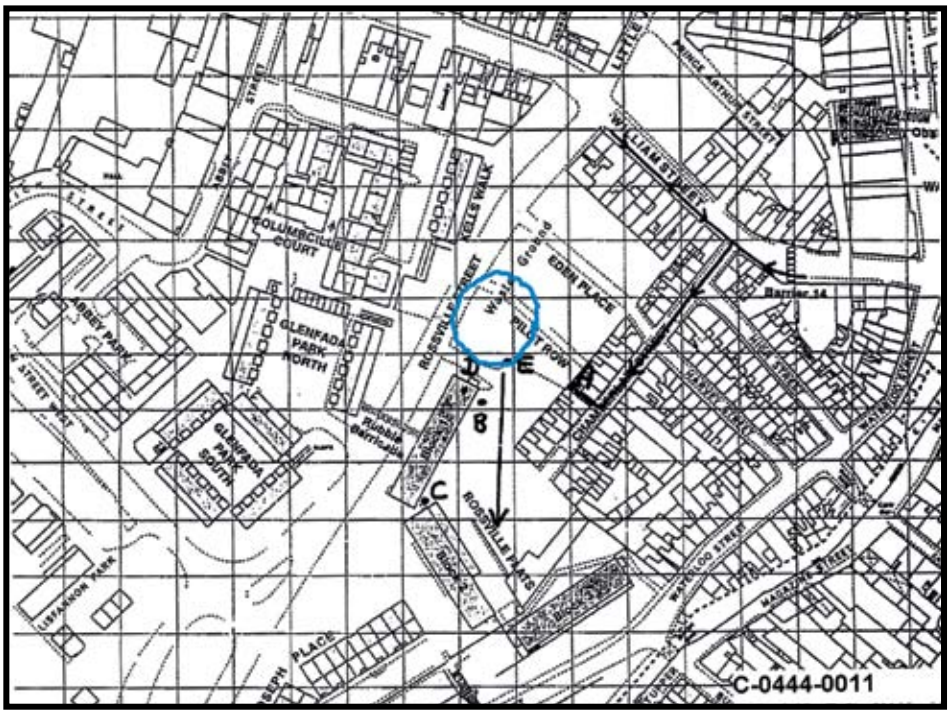
[1] Day 344/107-109

65.34 A little later in his evidence Corporal INQ 444 said that he was not sure how many shots the soldier had fired: "*It could have been six to 15*". However, he stood by his recollection of a soldier somewhere in the waste ground, firing at least six shots in an undisciplined manner.[1] He told us that he did not recall seeing a Lance Corporal's stripe on the soldier's uniform, and that he had somehow gained the belief that the soldier was a Lance Corporal when he first started making his statement.[2]

1 Day 344/110-111 2 Day 344/115

65.35 With regard to the soldier that he said he saw firing indiscriminately, Corporal INQ 444 described him as being about 50 yards away somewhere in the area of a circle that he drew on the following map, the letter "A" representing Corporal INQ 444's approximate position.[1]

1 Day 344/137-139; C444.11



65.36 Corporal INQ 444 told us that he was not certain of the direction in which this soldier was firing, but it "*was up in the air at 45, 30 to 40 degrees as I remember it, from a standing position*". He also told us that his earlier evidence about the soldier probably starting to fire with the rifle at his shoulder with the rifle then slipping down was "*something I worked out; I did not see it*".[1]

1 Day 344/139-140

65.37 Corporal INQ 444 told us that he had no recollection, apart from the soldier firing indiscriminately, of any other soldiers firing into the area of the Rossville Flats car park.[1]

1 Day 344/135

65.38 We formed the view that Corporal INQ 444 was doing his best to assist this Inquiry. He was careful to make clear that he was now not sure about the sequence of events or about how he reached the back of the Chamberlain Street houses. He also told us that some of his account was based on what he had heard afterwards from others. We consider that an example of this was his recollection of something being poured on soldiers from the roof of the Rossville Flats, which we believe to be an inaccurate version of an incident concerning Private R and Private T that we have considered earlier in this report.[1] While in our view it would be unwise to place much reliance on his recollection of his movements, we do accept his account of seeing a soldier firing in an indiscriminate manner.

1 Paragraphs 51.266–385

65.39 In the light of the fact that Corporal INQ 444 had in our view arrived at the back of the Chamberlain Street houses at a late stage, and believed that the soldier firing indiscriminately had come from the other side of Rossville Street, it seems to us that it is unlikely that this was Private S or another soldier from Mortar Platoon, as suggested by the representatives of the majority of the families.[1] It also seems unlikely that it was Corporal P, since it appears that the shots this soldier described firing were fired at an earlier stage, as we discuss later in this report.[2]

1 FS1.1283

2 Chapter 73; paragraphs 85.2–28

65.40 Corporal INQ 444 was at pains to explain that the only reason that he thought the soldier was Private H (of Anti-Tank Platoon) was because of information that he received after the events of the day. We consider this matter later in this report,[1] where we conclude that it is somewhat more likely than not that Corporal INQ 444 saw Private H, though we remain far from certain. We return later in this chapter[2] to the evidence of Corporal INQ 444 of hearing incoming fire and of seeing a civilian with a rifle.

1 Paragraph 105.29

2 Paragraphs 65.127–129 and 65.206

65.41 Private INQ 131 and Private INQ 1582 gave evidence that they were members of 7 Platoon, and that after they went through Barrier 14 they moved along William Street to the junction with Rossville Street and then across the waste ground to the back of the houses on the western side of Chamberlain Street.[1]

1 C131.3-4; C1582.2-3

65.42 In his written statement to this Inquiry, Private INQ 131 told us that he believed that he was one of the first to climb over Barrier 14 and, with Lance Corporal 003, among the first soldiers to turn south from William Street into Rossville Street.[1]

1 C131.3

65.43 We formed the impression from his oral evidence[1] that Private INQ 131 really had little if any clear recollection of events.

1 Day 333/1-37

65.44 Private INQ 1582 did not give oral evidence to this Inquiry, but he did make a written statement. He told us that Second Lieutenant 110 was his Platoon Commander,[1] and recalled running across waste ground to the back yard of one of the houses on Chamberlain Street. He described hearing a lot of firing, but was not sure whether this was as he was running across the waste ground:[2]

> "There seemed to be a lot of firing going on and although I had been in fire fights before, there had generally not been that much firing. Generally a terrorist would fire then disappear and soldiers would only have a chance to fire once or twice at a target. However, on this occasion I was conscious of more shooting than that going on to the right of me (west). Although that I know I wasn't fired at personally, I did not know who was firing what, at whom, or why."

1 C1582.1-6
2 C1582.3

65.45 In respect of his movements on the day, Lance Corporal INQ 1799 recorded in his written statement to this Inquiry that he turned into Chamberlain Street from William Street,[1] but during his oral evidence he seemed inclined to think that he reached the rear of the Chamberlain Street houses from Rossville Street.[2] We discuss below[3] Lance Corporal INQ 1799's evidence of seeing two gunmen on Bloody Sunday: first, a civilian with an automatic pistol whom he saw shortly after his deployment through Barrier 14; and second, a man with an M1 carbine in the vicinity of the Rossville Flats. We also consider below[4] Lance Corporal INQ 1799's evidence of what he described as the first gunfire he had heard that day, namely two bursts of automatic fire from a Thompson sub-machine gun after he had taken cover in a doorway.

1 C1799.5
2 Day 314/159-163; C1799.15
3 Paragraphs 65.208–211 and 65.234–235
4 Paragraph 65.130

65.46 Listening to Lance Corporal INQ 1799 we came to the conclusion that he too had little clear recollection of events. He agreed that he had difficulties with his memory in confusing things that he had been told with things that he actually recalled.[1]

1 Day 314/189

65.47 Private INQ 815 did not give oral evidence to this Inquiry, but he did make a written statement. In this he told us that he was the driver of one of the two Armoured Personnel Carriers (APCs) of 7 Platoon.[1] Again it seemed to us that this soldier had little clear recollection of events. However, he did state, and we accept, that after Barrier 14 had been moved, he drove his (empty or almost empty) APC through, and stopped behind his Platoon Commander's Pig on William Street, approximately level with the northern end of Chamberlain Street.[2]

1 C815.2

2 C815.4

65.48 In his written statement to this Inquiry, Private INQ 96 told us that his Platoon Commander was Second Lieutenant 110, which would put him in 7 Platoon.[1] According to his account, having crossed the barrier he went along William Street, turned left into Macari's Lane, south across the Eden Place waste ground and then turned and went north up Chamberlain Street. He told us he was following Private INQ 5. He also told us that he did not encounter any snipers on the day nor did he feel under fire at any stage: "*By the time I went in, I suspect that the shooting was already over.*"[2]

1 C96.1

2 C96.3-4

65.49 Private INQ 96 did not give oral evidence to this Inquiry. If, as he recalled, he was following Private INQ 5, then it seems to us that he was probably mistaken in believing that he had gone into the Eden Place waste ground through Macari's Lane. Although Private INQ 5 initially thought that this was the way he had gone, he later agreed that in fact he must have come into the Eden Place waste ground from Rossville Street.

65.50 Private INQ 554 told this Inquiry that he was in 9 Platoon. However, he recalled taking cover "*in an area of rubble*",[1] and Lance Corporal 003 believed that the two of them were together on the day.[2] Both of these pieces of evidence suggest that Private INQ 554 was actually in 7 Platoon. We return to his account when considering evidence of C Company soldiers of non-military fire.

1 C554.7

2 B1366.003; Day 309/69-70

65.51 It is possible that Private INQ 559 was a member of 7 Platoon, but his evidence to us was to the effect that he went down Chamberlain Street,[1] and so on the whole it seems more likely that he was part of 8 Platoon.

1 C559.2

65.52 Our consideration of the evidence reviewed above[1] leads us to conclude that the soldiers of 7 Platoon who moved into the Eden Place waste ground and along the back of the Chamberlain Street houses did so at a late stage, after all the casualties had been sustained in all the sectors.

1 Paragraphs 65.9–51

The composition and movements of 9 Platoon of C Company

65.53 We do not know for certain who commanded 9 Platoon. Private INQ 587 suggested it was Sergeant UNK 925.[1] However, the Ministry of Defence informed us that this soldier was not in Northern Ireland on Bloody Sunday. A more likely candidate is UNK 410. He is referred to in the written evidence to this Inquiry of Second Lieutenant 026, Platoon Commander of 8 Platoon.[2] Since Second Lieutenant 026 correctly identified the Platoon Commander of 7 Platoon, he may be correct in his recollection that UNK 410 was the Commander of 9 Platoon. Lance Corporal INQ 1056, whom we believe to have been a member of 9 Platoon, told us that he thought that the Platoon Commander was UNK 410, although he could not recall him being present on Bloody Sunday.[3] We were unable to obtain a statement from UNK 410.

1 C587.1; Day 324/154
2 B1545.002
3 C1056.1

65.54 No member of 9 Platoon gave evidence in 1972. We traced a number of soldiers whose accounts indicate that they were or may have been among the members of this platoon, although it is likely that there were others.

	Cipher	Rank	Identified by
1	UNK 410	Unknown	Second Lieutenant 026[1]
2	INQ 488	Sergeant	Tribunal, on the basis that his platoon did not advance beyond the junction of William Street and Rossville Street[2]
3	INQ 587	Private	Himself[3]
4	INQ 736	Corporal or Lance Corporal	Tribunal, on the basis that he stated that he was with Sergeant INQ 488 and that he remained around the junction of William Street and Rossville Street[4]
5	INQ 956	Private	Himself[5]
6	INQ 1010	Private	Himself[6]
7	INQ 1056	Lance Corporal	Himself, by implication from his statement[7]
8	INQ 1093	Private	Himself[8]
9	INQ 1594	Corporal	Himself, tentatively, on being told that Private INQ 587 believed that he was in 9 Platoon[9]
10	INQ 1910	Lance Corporal	Himself[10]
11	INQ 2057	Private	Tribunal, on the basis that he stated that he was ordered to remain by "*a junction*"[11]

1 B1545.001
2 Day 300/44-45
3 C587.1
4 C736.2-3
5 C956.1
6 C1010.1
7 C1056.1
8 C1093.2
9 C1594.1
10 C1910.1
11 C2057.1-2

65.55 Much of the evidence that we have obtained from soldiers of 9 Platoon as to their movements is muddled and inconsistent, which is not surprising in view of the fact that they were first asked to give their accounts long after Bloody Sunday.

65.56 Sergeant INQ 488 gave written and oral evidence to this Inquiry. He told us that he could not remember which platoon he was with on the day.[1] He recalled that his platoon was the first across Barrier 14, and that it did not advance further than the junction of William Street and Rossville Street, and he had no recollection of other platoons of C Company doing so either.[2]

1 C488.1 2 Day 300/44-45

65.57 Private INQ 587 told this Inquiry that after going through Barrier 14 he moved along William Street towards Rossville Street. As we discuss below,[1] he stated that he heard gunfire, including incoming rounds, before reaching the junction. He took cover until his APC was brought forward and then exchanged the baton that he was carrying for his self-loading rifle (SLR). He subsequently moved into the northern end of Rossville Street, but did not proceed beyond the block of buildings on the south-east corner of the junction with William Street.[2]

1 Paragraph 65.135 2 C587.3-4; C587.6; Day 324/161-163; Day 324/172

65.58 Lance Corporal INQ 1910 told us, in his written evidence to this Inquiry, that he moved along William Street to the junction with Rossville Street following 9 Platoon's deployment through Barrier 14. He recalled hearing shots and temporarily detaining and searching civilians on the waste ground to the north of the junction, something that he said was done "*for their own safety as much as anything*".[1] Lance Corporal INQ 1910 did not give oral evidence to this Inquiry.

1 C1910.4-5; C1910.10

65.59 Since we are satisfied from the evidence considered above[1] and below[2] that soldiers of 7 Platoon did go further than the junction of William Street and Rossville Street and that 8 Platoon went down Chamberlain Street, it seems more likely than not that Sergeant INQ 488 was with 9 Platoon on the day.

1 Paragraphs 65.9–52 2 Paragraphs 65.67–119

65.60 INQ 736 told us in his written statement to this Inquiry that he was either a Lance Corporal or a Corporal on the day.[1] He gave an account of going through the barrier with Sergeant INQ 488 and stated that the Sergeant called for him to follow.[2] He thought that he was not among the first to go through the barrier, but not among the last either, and he recalled running west, straight along William Street. We discuss below[3] his evidence of hearing incoming shots, high velocity fire and explosions. INQ 736 described looking round the corner of the buildings on the eastern side of Rossville Street (ie the buildings that extended a short distance from the south-eastern corner of the junction with William

Street), and seeing soldiers from Support Company in aiming positions, including a soldier leaning against a wall near Kells Walk. INQ 736 told us that he stayed by the buildings on the eastern side of Rossville Street, but he neither saw nor heard anything else of significance.[4] In his oral evidence to this Inquiry he said that he did not see any members of Support Company attempting to make arrests "*because the crowd had dispersed as soon as the shooting started*".[5]

1 C736.1
2 C736.2
3 Paragraphs 65.131–133
4 C736.2-3
5 Day 310/159

65.61 In the course of his oral evidence INQ 736 gave an account of Support Company initially entering the Bogside on foot and being met by hostile fire. In response, according to INQ 736, Support Company's vehicles were brought forward, and the men returned to them in order to re-arm.[1]

1 Day 310/152-154; Day 310/164-165

65.62 The evidence given by INQ 736 of the movement of Support Company into the Bogside is inconsistent not only with the evidence of members of that company but also with the photographic and other evidence of what in fact happened, as we have set out earlier in this report.[1] On listening to his evidence we formed the view that it would be wise to place little reliance on INQ 736's account of what he said he heard and saw on the day, though his references to Sergeant INQ 488 and the fact that he did not seem to move from the area of the junction of William Street and Rossville Street indicate that he was probably a member of 9 Platoon.

1 Paragraphs 20.233–271 and 24.1–36

65.63 Private INQ 1093 appears to have been the signaller for 9 Platoon who accompanied the Platoon Commander on Bloody Sunday.[1] He told us that he recalled following behind Support Company, walking at a brisk pace, and said that he saw the soldiers of Support Company "*dismounting*" near the Rossville Flats. He recalled walking along a "*terraced street*", but he was unsure whether this was Chamberlain Street or Rossville Street.[2] We consider below[3] his evidence of seeing the strike of a burst of automatic fire that "*danced down the street*" in front of him.[4]

1 C1093.2
2 C1093.3
3 Paragraph 65.134
4 C1093.3-4

65.64 It is far from clear from this account where Private INQ 1093 went. If he had gone down Chamberlain Street he could not have seen the Support Company vehicles entering the Bogside, and he could not have "*followed behind*" them.[1] However, it is difficult to accept that he advanced very far (or at all) along Rossville Street. There is no other evidence that suggests to us that 9 Platoon went further along Rossville Street than the houses at the south-eastern corner of the junction with William Street, and Rossville Street cannot be described as a "*terraced street*". In our view it would be unwise to place reliance on the evidence of Private INQ 1093.

1 C1093.3

65.65 It is possible that Private INQ 2057 was a member of 9 Platoon, but according to his written evidence to this Inquiry[1] he had little recollection of the day, save that he was at a junction.

1 C2057.1

65.66 We refer to the evidence of other soldiers who appear to have been members of 9 Platoon when considering the evidence of C Company soldiers of non-military fire. We consider that 9 Platoon, after crossing Barrier 14, did not advance further than the buildings on the south-eastern corner of the junction of William Street and Rossville Street.

The composition and movements of 8 Platoon of C Company

65.67 Counsel to the Inquiry prepared what we consider to be an accurate summary of the evidence relating to the composition of 8 Platoon on the day, which with few alterations we set out below:[1]

1 CS9.14-16

1. According to Sergeant INQ 2000, Platoon Sergeant of 8 Platoon, he, Corporal 007 and Private INQ 12 were members of a 17-man patrol commanded by Second Lieutenant 026.[1]

1 C2000.2

2. Second Lieutenant 026 identified himself as a Second Lieutenant and the Platoon Commander of 8 Platoon, which consisted of 22 men on Bloody Sunday.[1] He named Private INQ 12,[2] Corporal INQ 579,[3] Private INQ 876,[4] Lance Corporal INQ 1334[5] and Lance Corporal INQ 2121[6] as having been under his command that day.

1 B1541
2 Day 315/141
3 Day 315/121-123
4 Day 315/132-133
5 B1545.002
6 Day 315/119

3. Corporal 007 identified himself as a Corporal and a Section Commander in 8 Platoon.[1] He further identified Private INQ 876, Private INQ 12 and Lance Corporal INQ 2045,[2] Sergeant INQ 2000,[3] Private INQ 437 and Lance Corporal INQ 2121.[4]

1 B1384.001; Day 312/4
2 B1384.001
3 B1384.003
4 Day 310/12

4. Private INQ 12 was a Private in 8 Platoon.[1] He identified Corporal INQ 579,[2] Lance Corporal INQ 1334,[3] Sergeant INQ 2000[4] and Lance Corporal INQ 2045[5] as members of 8 Platoon present on Bloody Sunday.

1 C12.001
2 Day 351/32
3 Day 351/32
4 Day 351/13
5 Day 351/13

5. Private INQ 437 identified himself as a Private in 8 Platoon.[1]

1 C437.1-C437.4

6. Private INQ 471 identified himself as a radio operator in 8 Platoon, although on Bloody Sunday he operated as a rifleman.[1] He claimed that Private INQ 12, Lance Corporal INQ 1334 (who he thought was his Section Commander[2]) and Lance Corporal INQ 2121 travelled from Belfast in his Pig, which was driven by Private INQ 876.[3] According to Private INQ 471 there would have been eight men in the back of the Pig and two in the front.[4] He also identified Corporal INQ 579 and Corporal 007 as members of 8 Platoon although he was not sure that either man was there on the day.[5]

1 C471.1
2 Day 312/119-120
3 C471.2
4 C471.2
5 Day 312/119-120

7. Corporal INQ 579 identified himself as a Corporal and Section Commander in 8 Platoon.[1] He also identified Private INQ 12 and Sergeant INQ 2000.[2]

1 C579.1
2 Day 308/64-65

8. Private INQ 876 confirmed that he was a member of 8 Platoon.[1] He identified Private INQ 12 and Lance Corporal INQ 1334,[2] who he believed might all have been in his Pig from Belfast to Londonderry.

1 C876.1
2 C876.3

9. Private INQ 1073 stated that on 30th January he travelled in a Pig with Private INQ 12, Private INQ 437, and Lance Corporal INQ 1334 from Palace Barracks, Belfast to Londonderry.[1]

1 C1073.1

10. Private INQ 1296 identified himself as being in 8 Platoon.[1] He cited Corporal INQ 579 and Lance Corporal INQ 1334,[2] and Lance Corporal INQ 2121[3] as members of 8 Platoon.

1 C1296.1
2 C1296.5
3 C1296.1

11. Lance Corporal INQ 1334 identified himself as a member of a platoon commanded, he thought, by Second Lieutenant 026.[1]

1 C1334.3

12. Lance Corporal INQ 1574 identified himself as a member of 1 PARA, C Company, 2 Platoon. However, he described travelling from Belfast to Londonderry in the company of Private INQ 12, Private INQ 437, Private INQ 876, Private INQ 1073, Sergeant INQ 2000 and Lance Corporal INQ 2121.[1]

1 C1574.3

13. Lance Corporal INQ 2045 confirmed he was a member of 8 Platoon.[1] On his account, other members of this platoon included Private INQ 12, Lance Corporal INQ 1334, Corporal INQ 579, Private INQ 876, Sergeant INQ 2000, Lance Corporal INQ 2121 and Lance Corporal INQ 1574.[2]

1 Day 309/171
2 Day 309/171-172

14. Lance Corporal INQ 2121 identified himself as a member of 8 Platoon. He also named Sergeant INQ 2000.[1]

1 C2121.1

15. Lance Corporal INQ 2151 declined to co-operate with this Inquiry, but he was identified in a photograph[1] standing face on to the camera at the corner of Chamberlain Street and William Street by both Second Lieutenant 026 and Private INQ 12.[2]

1 Paragraph 65.102
2 Day 315/121-122; Day 351/14

65.68 The table below summarises this evidence.

	Cipher	Rank	Position/Identified by
1	026	Second Lieutenant	Platoon Commander. Identified by Lance Corporal INQ 1334 and Sergeant INQ 2000.
2	007	Corporal	Section Commander. Identified by Private INQ 471 and Sergeant INQ 2000.
3	INQ 12	Private	Identified by Corporal 007, Second Lieutenant 026, Private INQ 471, Corporal INQ 579, Private INQ 876, Lance Corporal INQ 1056, Private INQ 1073, Lance Corporal INQ 1574, Sergeant INQ 2000 and Lance Corporal INQ 2045.
4	INQ 437	Private	Identified by Corporal 007, Private INQ 1073 and Lance Corporal INQ 1574.
5	INQ 471	Private	Identified by himself.
6	INQ 579	Corporal	Section Commander. Identified by Second Lieutenant 026, Private INQ 12, Private INQ 1296 and Lance Corporal INQ 2045.
7	INQ 876	Private	Identified by Corporal 007, Second Lieutenant 026, Corporal INQ 444, Private INQ 471, Lance Corporal INQ 1574 and Lance Corporal INQ 2045.
8	INQ 1073	Private	Identified by Lance Corporal INQ 1574.
9	INQ 1296	Private	Identified by himself.
10	INQ 1334	Lance Corporal	Identified by Second Lieutenant 026, Private INQ 12, Private INQ 471, Private INQ 876, Private INQ 1073, Private INQ 1296 and Lance Corporal INQ 2045.
11	INQ 1574	Lance Corporal	Identified by himself and Lance Corporal INQ 2045.
12	INQ 2000	Sergeant	Platoon Sergeant. Identified by Corporal 007, Private INQ 12, Corporal INQ 579, Lance Corporal INQ 1574, Lance Corporal INQ 2045 and Lance Corporal INQ 2121.
13	INQ 2045	Lance Corporal	Identified by Corporal 007, Private INQ 12 and Lance Corporal INQ 1056.
14	INQ 2121	Lance Corporal	Identified by Private INQ 471, Private INQ 1296, Lance Corporal INQ 1574 and Sergeant INQ 2000.
15	INQ 2151	Lance Corporal	Identified by Second Lieutenant 026 and Private INQ 12.

65.69 It is likely that there were other soldiers forming part of 8 Platoon on the day, but the evidence does not allow us to identify them with any certainty. However, it seems on balance that Private INQ 559 was also in this platoon, as he described running down a narrow street after he had gone through the barrier.[1,2]

1 C559.1-2

2 Counsel to the Inquiry prepared an Appendix which dealt with other possible members of this platoon. In our view it is not necessary to reproduce that Appendix in this report (CS9.61-63).

The evidence of Second Lieutenant 026

65.70 In his RMP statement dated 4th February 1972, the Commander of 8 Platoon, Second Lieutenant 026, gave the following account:[1]

> "About 1615 hrs, 30 January 1972, my entire platoon of 22 men all moved down Chamberlain Street towards Rossville Flats. We had one APC carrying some of the Platoon, while some of us were on foot. Our object was to secure our left flank and to consolidate at the end of Chamberlain Street.
>
> As we moved down Chamberlain Street a crowd of about 80 persons were confronting us. They moved backwards as we approached and shouted abuse at us. They remained 50 yards ahead of us all the time. Nothing was thrown at us.
>
> When we reached the end of Chamberlain Street, the crowd disappeared into the Rossville Flats complex. The APC moved into a position at MR 43311681, and the Platoon deployed around it."

1 B1541

65.71 The grid reference given by Second Lieutenant 026 indicates that the APC moved to a point at the southern end of Chamberlain Street.

65.72 Second Lieutenant 026 did not give evidence to the Widgery Inquiry, but he did give written and oral evidence to this Inquiry.

65.73 According to Second Lieutenant 026's written statement to this Inquiry, 8 Platoon went through Barrier 14 after 7 and 9 Platoons. He stated that Major 221A, the Commander of C Company, gave him orders "*to take my Platoon down Chamberlain Street and secure the Battalion's left flank*". The platoon climbed over the barrier, turned left and went on foot down Chamberlain Street.[1]

1 B1545.002

65.74 In his oral evidence to this Inquiry, Second Lieutenant 026 told us that he was "*as certain as I can be*" that 7 and 9 Platoon went through Barrier 14 before his platoon. He recalled that one of his APCs had broken down, which had delayed his men. He told us that he assumed that the platoons of C Company had all been given the task of arresting rioters. He said that the other platoons were no more than a few hundred metres ahead of him and that "*7 and 9 Platoon went off down William Street and I was, at that stage, caught up with Major 221A and was tasked to go down Chamberlain Street*".[1] He had earlier stated that he was met by Major 221A "*at the barrier*".[2]

1 Day 315/123-124 2 Day 315/123

65.75 We are of the view that Second Lieutenant 026 was with his soldiers when they went into Chamberlain Street. He said that "*There was absolutely no reason why I would lag behind, I was the platoon commander*".[1]

1 Day 315/130-131

65.76 Second Lieutenant 026 recorded in his written evidence to this Inquiry that having entered Chamberlain Street, he advanced towards the junction with High Street. He said that he saw a crowd, which he did not judge to be a threat, ahead of his platoon at the southern end of the street, and that he could tell from the debris on the street and the smell of CS gas that a riot had recently been dispersed.[1]

1 B1545.002

65.77 In his oral evidence to this Inquiry, Second Lieutenant 026 stated that he preferred the account that he had given in 1972 of pushing an abusive and confrontational crowd backwards as his platoon moved along Chamberlain Street.[1] Initially he added that "*there were a few stones that were thrown, but they were not going to hit us, they were probably … too far away for that*".[2] However, on being shown the section of his RMP statement in which he stated that "*Nothing was thrown at us*", Second Lieutenant 026 retracted his comment to this Inquiry and accepted his earlier evidence.[3] In response to being asked how he came to the conclusion that the crowd ahead of his platoon was riotous, he said:[4]

> "The riotous behaviour, as I recall, had taken place in the area of Waterloo Street and was dispersing by the time we, C Company, went in there. So we were following up a rioting situation.

I had every reason to believe, based on the fact that the crowd was dispersing and the crowd were throwing – were shouting abuse at us, that those people on Chamberlain Street had been part of the, part of the rioters."

1 Day 315/125-126
2 Day 315/126
3 Day 315/127-128; B1541
4 Day 315/128

65.78 Second Lieutenant 026 was shown a photograph taken by Gilles Peress, reproduced below, of the scene in Eden Place just before, as we discuss earlier in this report,[1] Lieutenant N of Mortar Platoon fired a shot up this alleyway. Second Lieutenant 026 said that he did not see any such scene, nor did he recall civilians being present in Eden Place.[2]

1 Chapter 30
2 Day 315/156-157

65.79 Second Lieutenant 026 told us that he and his platoon advanced to the junction of Chamberlain Street and High Street. From there, he saw Fr Daly coming north up Chamberlain Street with a group carrying a body. This must have been the group carrying Jackie Duddy. He said that he sent Lance Corporal INQ 1334 "*to quickly check the*

person who was being carried".[1] In his oral evidence, Second Lieutenant 026 stated that he did not think that he had been in Chamberlain Street for "*very long*" before encountering the group carrying Jackie Duddy.[2]

1 B1545.002 2 Day 315/131

65.80 Second Lieutenant 026 recalled that he then moved with his men to a point about halfway along Chamberlain Street, where he was joined by an APC driven by Private INQ 876. The platoon and the APC advanced to the end of Chamberlain Street, where Second Lieutenant 026 saw two frightened women crouching behind a small car. "*The women were clearly in fear and we persuaded them to come to us. We then arranged for them to move further up Chamberlain Street to a place of safety*."[1] We have no reason to doubt this recollection of Second Lieutenant 026, but we do not know who these people were.

1 B1545.003

65.81 Second Lieutenant 026 gave the following evidence of what he saw as he looked into the Rossville Flats car park from the southern end of Chamberlain Street:[1]

> "My memory was that the people who had moved down the Chamberlain Street ahead of us, some dispersed into the bottom left house at the – I do not know the number – and some dispersed across the car park. It was very quickly – the car park was very quickly empty of all people, apart from the two women."

1 Day 315/135

65.82 Second Lieutenant 026 told us that he heard gunfire as his platoon crossed the barrier but before they moved into Chamberlain Street. This was "*shooting going on in the general area of west, somewhere in the area of Rossville Street and beyond*". However, he said that he was not aware of any further firing from the time that he entered Chamberlain Street until the time that he reached the southern end of that street.[1] We discuss below[2] Second Lieutenant 026's evidence of hearing incoming fire from that position.

1 Day 315/163-164; Day 315/158 2 Paragraphs 65.168–172

The evidence of other members of 8 Platoon

65.83 Corporal 007 gave two statements to the RMP in 1972, in which he dealt with his actions and movements shortly after 8 Platoon moved through Barrier 14. In his first statement, dated 4th February 1972, he said that his platoon:[1]

> "… moved along Chamberlain Street, Londonderry, towards Rossville Flats. Our intention was secure the left flank. We were confronted by a mob of about 80–100 persons who shouted abuse at us but moved back as we approached. As we came to the end of Chamberlain Street the mob disappeared into surrounding houses."

1 B1378

65.84 The account that Corporal 007 gave in this statement is similar, in both content and phraseology, to that which Second Lieutenant 026 gave to the RMP on the same day.[1] Both of these soldiers were interviewed by the same person, Staff Sergeant Middleton-Jones, within 20 minutes of one another.[2]

1 B1541
2 B1542; B1379

65.85 In his later statement, dated 19th May 1972, Corporal 007 gave a different version of events:[1]

> "About 1600 hrs, 30 Jan 72, a group of rioters who had been throwing stones [at] the Security Forces left WILLIAM ST and ran into CHAMBERLAIN ST. We gave chase, but when we reached CHAMBERLAIN ST *they had disappeared* [emphasis added] … I assumed that they had gone into the ROSSVILLE Flats area."

1 B1383

65.86 As will be seen from the discussion that follows,[1] this account is in somewhat similar terms to those given by Private INQ 12 and Sergeant INQ 2000, who were interviewed by the same member of the RMP shortly before and shortly after Corporal 007.[2]

1 Paragraphs 65.88 and 65.92–93
2 C2000.4; B1384; C12.11

65.87 Corporal 007 told this Inquiry that he could not recall seeing civilians in Chamberlain Street, but he could not be sure that there were none.[1] He said that he had no recollection of being confronted by a crowd in the way described in his first RMP statement.[2] He also said that he did not remember seeing Fr Daly and the group carrying Jackie Duddy.[3]

1 Day 310/18
2 Day 310/20
3 Day 310/23

65.88 Private INQ 12 gave three statements in 1972, two of which dealt with his actions and movements shortly after 8 Platoon deployed through Barrier 14. In a statement dated 10th March 1972, Private INQ 12 told a Royal Ulster Constabulary (RUC) officer that he had seen one man throwing stones from within a hostile crowd that had confronted troops at the barrier. When C Company deployed, this man "*ran up Chamberlain Street and into*

a house".[1] Private INQ 12 told the RMP in a statement dated 19th May 1972 that although his patrol gave chase to a group of rioters who had run from William Street to Chamberlain Street, "*on our arrival in CHAMBERLAIN ST they had disappeared*". It was not until he subsequently entered a house (33 Chamberlain Street) that he saw again those who he believed had been throwing stones in William Street.[2] As is noted above,[3] this second account is in somewhat similar terms to the evidence given by Corporal 007 and Sergeant INQ 2000 to the same RMP interviewer on the same day.

1 C12.9
2 C12.10
3 Paragraph 65.86

65.89 During his oral evidence to this Inquiry it was suggested to Private INQ 12 that these two statements were inconsistent, on the basis that his evidence to the RUC officer suggested that he had seen the man running up Chamberlain Street, whereas in his RMP statement he had stated that the rioters had disappeared by the time his patrol reached Chamberlain Street. When asked which was true, Private INQ 12 answered, "*The both of them really*"; when pushed as to how that could be, he replied: "*It is how the question was asked, sir, that is the only way I can answer that.*"[1] In our view, in the light of the other evidence of the situation when 8 Platoon soldiers reached the north end of Chamberlain Street, we consider that on this point Private INQ 12's RMP statement is likely to be closer to the truth than his account to the RUC officer.

1 Day 351/110-111

65.90 In his evidence to this Inquiry, Private INQ 12 gave an account of moving into Chamberlain Street, hearing incoming fire and then taking cover in the doorway of a house until his APC arrived. He stated that he subsequently retrieved his SLR from the APC and held his position for ten to 15 minutes.[1] At some stage after that, he said he recalled entering a house where he found a number of people whom he recognised as having been involved with the civil rights demonstration and rioting. He said that he did not know that these people were in the house until after he had entered it.[2]

1 C12.2-4; Day 351/16-27
2 C12.4; Day 351/29

65.91 We consider below[1] Private INQ 12's evidence of hearing incoming fire and seeing civilian gunmen. In the next chapter[2] of this report we discuss his role in arresting people in 33 Chamberlain Street.

1 Paragraphs 65.161–165 and 65.213–219
2 Chapter 66

65.92 Sergeant INQ 2000 gave an RMP statement dated 19th May 1972 in which he said the following:[1]

> "About 1600 hrs, 30 Jan 1972, we were chasing rioters who had left WILLIAM ST and entered CHAMBERLAIN ST. There were about 50 persons in this group, mostly male. This group disappeared on reaching the top of CHAMBERLAIN ST and I assumed that they had gone into the ROSSVILLE Flats area, because on our arrival at the top of CHAMBERLAIN ST they were nowhere to be seen. The patrol was then approached by a woman, who came from 33 CHAMBERLAIN ST. She asked if we could call for an ambulance as a person who had been shot was in the house."

1 C2000.2

65.93 This account is in similar terms to those given by Corporal 007 and Private INQ 12 on the same day and to the same interviewing soldier. However, the context of Sergeant INQ 2000's statement suggests that he was referring to the southern end of Chamberlain Street as the "*top*". Number 33 was the southernmost house on the eastern side of the street and, as we discuss in the next chapter,[1] members of 8 Platoon were not alerted to the presence of injured people there until they had moved most of the way along the street. Sergeant INQ 2000's RMP statement is not inconsistent with the evidence considered above[2] to the effect that a crowd was present on Chamberlain Street as 8 Platoon advanced along it.

1 Chapter 66

2 Paragraphs 65.70, 65.76–77 and 65.83

65.94 In his evidence to this Inquiry, Sergeant INQ 2000 stated that he could not remember anything about the events of Bloody Sunday, but he accepted that his RMP statement accurately reflected what he remembered at the date on which he gave it.[1]

1 C2000.1

65.95 Lance Corporal INQ 1334 gave an account to this Inquiry, which we discuss below,[1] of hearing incoming gunfire shortly after he moved through Barrier 14. He told us that William Street and Chamberlain Street seemed "*completely empty apart from a crowd of about two dozen people, who were trying to get into a house at the far end of Chamberlain Street*".[2] Lance Corporal INQ 1334 said that he was the soldier who approached Fr Daly and the group carrying Jackie Duddy as they made their way up Chamberlain Street;[3] this can be seen in the photographs and television footage discussed below.[4]

1 Paragraph 65.157

2 C1334.4

3 C1334.4-5; Day 340/108-109

4 Paragraphs 65.106–109

65.96 Private INQ 471 told this Inquiry that by the time his platoon moved through Barrier 14 the crowd that had been in William Street had "*dispersed around the corners*".[1] He recalled moving towards or into Chamberlain Street and pausing at a corner, before hearing gunfire and then moving to his APC in order to exchange his baton for a rifle.[2] He did not believe that there were any civilians in Chamberlain Street when he entered it,[3] but shortly afterwards he saw Fr Daly and the group carrying Jackie Duddy moving north along the street towards his platoon.[4]

1 Day 312/128
2 C471.3; Day 312/150-151
3 Day 312/128-129
4 C471.4

65.97 Corporal INQ 579 said in his evidence to this Inquiry that as he advanced down Chamberlain Street he saw a crowd of about 30 civilians who had retreated to the southern end, close to the flats. He recalled that the crowd were looking towards his platoon and had their backs to the flats, "*but they were not causing us any trouble*". He thought that they were "*just bystanders, onlookers*". He told us that the crowd retreated as his platoon advanced, and that the "*vast majority*" of this crowd went into the last house on the eastern side of Chamberlain Street (number 33). He did not recall seeing any other civilians on Chamberlain Street or the surrounding side streets.[1] We discuss below[2] his evidence of being fired upon and taking cover as he moved down Chamberlain Street.

1 C579.2-3; Day 308/39-41; Day 308/50-51
2 Paragraphs 65.180–181

65.98 Private INQ 1073 told this Inquiry that when he entered Chamberlain Street the street was empty except for a crowd of people at the southern end.[1]

1 C1073.1; C1073.5

65.99 It follows from the evidence of these soldiers, and that of Second Lieutenant 026, that there is some uncertainty as to whether there were any civilians on Chamberlain Street when 8 Platoon deployed down it. The RMP accounts given by Second Lieutenant 026 and Corporal 007 on 4th February 1972 suggest that a confrontational and verbally abusive crowd of about 80–100 people were present, and that they moved back as 8 Platoon advanced, before dispersing into the area of the flats or into surrounding houses. Sergeant INQ 2000's RMP statement may also suggest that the soldiers saw, and indeed chased, a crowd along Chamberlain Street. However, the statements given by Corporal 007 and Private INQ 12 on 19th May 1972 record that the crowd of rioters that these soldiers had seen on William Street had "*disappeared*" by the time 8 Platoon reached Chamberlain Street. The evidence given to this Inquiry by members of 8 Platoon on this issue can be divided between those who cannot remember any civilians being

present on Chamberlain Street (Corporal 007 and Private INQ 471) and those who thought that there was a crowd at the southern end of the street, possibly comprising people who subsequently went into a nearby house (Lance Corporal INQ 1334, Corporal INQ 579, Private INQ 1073 and Second Lieutenant 026 in his written evidence to this Inquiry).

65.100 Before reaching our conclusions on this issue, we turn to consider the photographic and television footage material that we have seen of 8 Platoon's movements down Chamberlain Street.

Photographic evidence

65.101 In the course of their evidence to this Inquiry,[1] Second Lieutenant 026 and Private INQ 12 identified some of the soldiers of 8 Platoon as those grouped on the western side of the corner of Chamberlain Street and William Street on the following photograph. From right to left, the following were identified: Corporal INQ 579 (standing with one foot on and one foot off the pavement, with his visor pulled back to the rear of his helmet); Private INQ 12 (looking in the same direction as Corporal INQ 579); Lance Corporal INQ 2151 (facing the camera); Lance Corporal INQ 2045 (holding a weapon with a large sight); and Sergeant INQ 2000 (standing with his back against the wall). The final soldier, who was holding his SLR to his shoulder, was not identified by Second Lieutenant 026 or Private INQ 12.

[1] Day 351/12-14; Day 351/32; Day 315/121-121

65.102 It is not clear whether James Dakin (a *Daily Express* staff photographer) or Frederick Hoare (a photographer working for the *Belfast Telegraph*) took this photograph. It appears from their evidence to the Widgery Inquiry that both of them were in this area at relevant times.[1]

[1] M17.1-2; M40.1-2

65.103 There are two further photographs taken by James Dakin that help to establish the order of events. As can be seen from his contact sheet, they were taken in the following order.

65.104 The first photograph is of two soldiers at the corner of Chamberlain Street and William Street. It seems to us that these were probably Lance Corporal INQ 2045 (with a sniping rifle which had what was known as a Starlight sight) and Sergeant INQ 2000.[1]

[1] Day 309/174-179

65.105 The second photograph shows members of 8 Platoon, including Lance Corporal INQ 2045 with his sniping rifle, running in Chamberlain Street. By this time an APC has arrived in that street.

65.106 After taking these photographs James Dakin took a further sequence of photographs looking south along Chamberlain Street. These were of the approach of the group, including Fr Daly, carrying the body of Jackie Duddy. The sequence of photographs can be seen on James Dakin's contact sheet.

65.107 The last of this sequence is available as a full-size photograph, which we have also shown when describing where Jackie Duddy was taken to after he had been shot.[1]

[1] Paragraph 55.76

65.108 The moments in which the group carrying Jackie Duddy approached 8 Platoon at the corner of Chamberlain Street and Harvey Street are also captured on BBC television footage.[1] As can be seen, and as we have discussed earlier in this report,[2] Jackie Duddy was carried into and along Harvey Street.

1 Vid 1 05.00

2 Paragraphs 55.75–77

65.109 Frederick Hoare, whose movements at that time were similar to those of James Dakin, also took a photograph of the group as it walked along Chamberlain Street.

65.110 Two men can be seen behind the group carrying Jackie Duddy. On the right, carrying a television camera, was David Green of CBS.[1] On the left, carrying a stills camera, was the photographer Fulvio Grimaldi.[2] Unfortunately, the Inquiry was unable to obtain any of the footage shot by David Green at that time. However, Fulvio Grimaldi told this Inquiry that he took the following photograph from the southern end of Chamberlain Street.[3]

1 M33.1-2; M33.6

2 M34.1-2

3 Day 131/33-34

65.111 From Fulvio Grimaldi's evidence to the Widgery Inquiry, it appears that this photograph was taken shortly before Fr Daly and others carried Jackie Duddy into Chamberlain Street from the Rossville Flats car park.[1] The photograph shows an APC and several soldiers, who must have been from 8 Platoon, towards the northern end of Chamberlain Street. The sign for the 720 Bar and a nearby lamp post are visible on the right-hand side of the frame; these stood on the corner of Harvey Street and Chamberlain Street. It can be seen that the APC is some way to the north of this corner, as are most of the visible soldiers. It follows that this photograph was taken earlier than those reproduced above showing the group carrying Jackie Duddy approaching 8 Platoon and the APC.

1 M34.1

65.112 It is evident from the photographs and television footage considered above[1] that there were very few civilians on Chamberlain Street shortly before and during the moments when Fr Daly and others carried Jackie Duddy from the Rossville Flats car park. The earliest photograph, that of Fulvio Grimaldi, shows an almost empty street, with only two civilians visible in doorways on the western side. The later photographs of James Dakin and Frederick Hoare, and to a more limited extent the BBC television footage, also indicate that other than those with and following Jackie Duddy, there were very few people present.

1 Paragraphs 65.106–111

Consideration of the evidence of 8 Platoon soldiers

65.113 In the light of the foregoing evidence, we consider that the soldiers of 8 Platoon were the last of the three platoons of C Company to come through Barrier 14 and that, as the photographs show, this platoon initially grouped at the corner of Chamberlain Street and William Street before moving south down Chamberlain Street.

65.114 Earlier in this report[1] we considered the incident in which Lieutenant N fired three shots up the Eden Place alleyway. In that context we examined the evidence given by Gilles Peress, to whose photograph of the Eden Place alleyway we have referred above.[2] In our view that evidence establishes that Gilles Peress was one of the last civilians who moved down Chamberlain Street from the area around Barrier 14, when the vehicles of Support Company came into the Bogside. Nothing in his evidence suggests that there was still a crowd in Chamberlain Street who were confronting 8 Platoon as the soldiers of that platoon moved down that street. The other evidence we have considered in relation to

that incident indicates to us that, initially at least, people were moving down Chamberlain Street, not because soldiers were advancing down that street, but because Army vehicles had come through Barrier 12.

1 Chapter 30 2 Paragraph 65.78

65.115 Our assessment of the evidence as a whole leads us to conclude that by the time soldiers of 8 Platoon started to move down Chamberlain Street, Lieutenant N had fired his shots up the Eden Place alleyway and virtually all the people who had been in Chamberlain Street had either moved to the southern end of that street or had otherwise dispersed, so that the street was more or less empty. We do not accept that 8 Platoon soldiers pushed back a confrontational and abusive mob as they moved along Chamberlain Street. The photographic evidence establishes that soldiers had not moved very far along Chamberlain Street and had not reached, or had only just reached, Harvey Street when Fr Daly and the group carrying Jackie Duddy came along Chamberlain Street. At that stage there were very few people in Chamberlain Street and no sign of a crowd at the southern end of that street.

65.116 On the evidence we have already considered[1] about when the casualties in Sector 2 occurred, by the time 8 Platoon met the group carrying Jackie Duddy at the junction of Chamberlain Street and Harvey Street, Margaret Deery, Michael Bridge and Michael Bradley, as well of course as Jackie Duddy, had already been shot, and it is probable that Patrick Brolly had been injured. It is possible that Pius McCarron and Patrick McDaid had also been injured by this stage, though this is not so certain. It is however clear in our view that by the time Second Lieutenant 026 and other soldiers of 8 Platoon reached the southern end of Chamberlain Street, and Second Lieutenant 026 had looked into the car park, all the casualties of Sector 2 had been sustained.

1 Paragraphs 55.112–118, 55.187–191, 55.240–241, 55.299, 55.345 and 55.360; Chapter 56

65.117 We return below[1] to consider the evidence that Second Lieutenant 026 and other soldiers of 8 Platoon gave about hearing gunfire.

1 Paragraphs 65.157–166 and 65.168–181

65.118 We also return to 8 Platoon in the next chapter,[1] when we deal with the arrests of people at 33 Chamberlain Street, the southernmost house on the eastern side of Chamberlain Street. As we have already described,[2] it was to this house that Margaret Deery and Michael Bridge were taken after they had been wounded by gunfire in the car park of the Rossville Flats.

1 Chapter 66 2 Paragraphs 55.128–130 and 55.202–207

65.119 Several members of 8 Platoon told this Inquiry that at some stage after they had moved through Barrier 14, and in response to hearing shots fired, they were sent to their APC or APCs in order to exchange batons and baton guns for rifles.[1] There is no reference to this happening in any of the existing accounts given by 8 Platoon soldiers in 1972 (ie those given to the RMP and RUC by Second Lieutenant 026, Sergeant INQ 2000, Corporal 007 and Private INQ 12), but it should be noted that these accounts were relatively brief and focused on specific issues. BBC television footage does show a number of soldiers at the top of Chamberlain Street carrying batons and without SLRs.[2] The position of these soldiers at the time shown in the footage strongly suggests that these were members of 8 Platoon. It is possible that at some stage after hearing gunfire some members of 8 Platoon did exchange their batons and baton guns for rifles, but we remain in doubt about this.

1 C12.4; C1334.3-4; C471.3; C559.2

2 Vid 1 04.36

65.120 We now turn to examine as a specific topic the evidence of C Company soldiers relating to non-military firing. This necessarily involves some duplication with the accounts that we have examined above.[1]

1 Paragraphs 65.9–119

The evidence of C Company soldiers relating to non-military firing

65.121 The Inquiry obtained evidence from 44 members of C Company, many of whom gave accounts of hearing incoming or non-military gunfire on Bloody Sunday. The most significant of these accounts can be grouped into four broad categories: those who said that they heard such firing while at the junction of William Street and Rossville Street; those who said that they heard such firing while on the Eden Place waste ground to the east of Rossville Street; and those who were at the northern and southern ends of Chamberlain Street. It should be borne in mind that this division of the C Company evidence is for the purpose of analysis of the evidence and should not be taken as suggesting that there were four separate incidents, or that the evidence of soldiers in different geographical groups is necessarily unconnected.

65.122 In addition to the witnesses who are included in the four categories listed above, it is important to bear in mind that 14 members of C Company gave evidence that they either did not hear, or did not recall, or could not positively identify incoming fire, or otherwise did not comment about incoming fire. These were Private INQ 2057,[1] Private INQ 939,[2]

Sergeant INQ 2000,[3] Private INQ 1296,[4] Private INQ 559,[5] Corporal INQ 1594,[6] Private INQ 96,[7] Private INQ 429,[8] Private INQ 437,[9] Private INQ 815,[10] Warrant Officer Class II 204,[11] Private INQ 1574,[12] Private INQ 1582[13] and Lance Corporal INQ 1916.[14]

1 C2057.2
2 C993.3-4
3 C2000.1-3
4 C1296.3
5 C559.2-3
6 C1594.2
7 C96.4
8 C429.2
9 C437.2
10 C815.4
11 B2117.002; B2115
12 C1574.4-5
13 C1582.3
14 C1916.1-2

65.123 A further four soldiers gave evidence of hearing shots while they were stationed at or near Barrier 14, and before going through that barrier: they were Private INQ 876,[1] Corporal INQ 457,[2] Lance Corporal INQ 945[3] and Private INQ 1582.[4] With the exception of Private INQ 1582, these soldiers, none of whom gave accounts in 1972, were in our view mistaken in their recollection about this, since they described a volume of firing which we are sure did not occur at this stage. As for Private INQ 1582, who described hearing "*a couple of rounds*" fired, it is possible that he heard some of the firing further west in the William Street area, to which we have referred[5] in our consideration of the events of Sector 1. Private INQ 1010 told us that he thought that a soldier was shot in front of him as they went through Barrier 14.[6] In our view he was mistaken. There is no other evidence from any source to suggest that this happened.

1 C876.3-4
2 C457.1-2
3 C945.3; Day 309/164-169
4 C1582.2-3
5 Chapters 18 and 19
6 C1010.2-3

C Company soldiers at the junction of William Street and Rossville Street

65.124 As we have noted above,[1] 7 Platoon of C Company advanced from Barrier 14 to the corner of William Street and Rossville Street. At least some members of 9 Platoon seem to have moved in this direction as well.

1 Paragraph 65.2

65.125 A number of soldiers from these platoons gave evidence of hearing incoming fire, stating that they heard it either as they moved to the junction or once they had arrived there.

65.126 Second Lieutenant 110, who commanded 7 Platoon, told the RMP that he heard a burst of eight Thompson sub-machine gun shots while standing at the corner, and he thought that they came from "*a two storey block of flats west of Kells Walk*".[1] In his evidence to this Inquiry he stated that he could no longer recall the detail of his 1972 statement, but he assumed that it recorded his recollection at the time.[2] Instead, he said that he remembered hearing a mixture of high velocity and low velocity fire as he moved towards Rossville Street.[3]

1 B1724
2 B1726.005-006; Day 350/63-65; Day 350/81-85
3 B1726.004; Day 350/92-94

65.127 Corporal INQ 444, another member of 7 Platoon, stated in his written evidence to this Inquiry that he heard Thompson sub-machine gun fire after he had moved through Barrier 14, and while he was moving along William Street. He recalled that there were two bursts of fire, with six to seven rounds in each. He initially stated that the firing came from somewhere to the south-west of his position on William Street, but he later expressed some uncertainty as to the location of the gunman or gunmen, and the time at which he heard the bursts of fire. Nonetheless, he stated that he was convinced that the firing in question came from a Thompson sub-machine gun.[1]

1 C444.3; Day 344/93-96; Day 344/118-124

65.128 Corporal INQ 444 also told us that at some stage he heard high velocity rifle fire coming from the direction of Glenfada Park. The firing continued for some time, and he formed the impression that he was listening to an ongoing gun battle; he told us that he did not himself feel threatened by this firing.[1]

1 C444.4; Day 344/98-99

65.129 In his written evidence to this Inquiry, Corporal INQ 444 stated that he was "*fairly sure*", but not certain, that as he ran along William Street he heard the sound of nail bombs exploding in the area of Glenfada Park and Kells Walk.[1] In his oral evidence he agreed that it was possible that the noises that he heard were the shots fired by Lieutenant N along the Eden Place alleyway,[2] which we have discussed above.[3] For reasons given elsewhere in this report,[4] we are sure that no nail bombs exploded in any of the sectors on Bloody Sunday. In our view (assuming his recollection of hearing sounds is accurate) what Corporal INQ 444 heard was the firing of baton rounds or the shots fired by Lieutenant N up the Eden Place alleyway.

1 C444.3
2 Day 344/98
3 Chapter 30
4 Paragraphs 18.64, 47.43, 83.8, 111.242 and 119.264

65.130 Lance Corporal INQ 1799 of 7 Platoon also told this Inquiry that the first gunfire he heard was two bursts of Thompson sub-machine gun fire after he had moved through Barrier 14. Initially he recalled moving into Chamberlain Street, but during his oral evidence he stated that he was no longer sure that this was the case. However, he told us that he remained "*absolutely certain*" that he heard Thompson sub-machine gun fire.[1] As we have commented above,[2] we came to the conclusion that this soldier had little clear recollection of events. We consider below[3] Lance Corporal INQ 1799's evidence of seeing armed civilians, including a man with an automatic pistol in the area of Chamberlain Street or William Street.

1 C1799.4-5; Day 314/141-145
2 Paragraph 65.46
3 Paragraphs 65.208–211 and 65.234–235

65.131 INQ 736, who appears to us to have been in 9 Platoon, told this Inquiry that either while he was at the corner of William Street and Rossville Street, or as he moved there from Barrier 14, he heard high and low velocity rounds. He said that while it was difficult to distinguish (Army) SLR fire from (IRA) M1 carbine fire, he thought that he heard the latter. He attributed the low velocity shots to the firing of a Thompson sub-machine gun, but he could not recall whether these rounds were fired in bursts. INQ 736 also recalled hearing outgoing shots, fired from closer to him, but he thought that there was more incoming fire than outgoing and that it was, with one exception, the heaviest firing that he heard in Northern Ireland. INQ 736 thought that the incoming high and low velocity shots sounded like they were coming from the south, from the direction of the Rossville Flats, and were aimed towards his position.[1] He told us he recalled seeing Support Company moving as if they were under fire.[2]

1 C736.2; Day 310/146-150
2 C736.2-3; Day 310/146-154

65.132 INQ 736 also told us that he recalled hearing two small explosions, which were louder than a baton round or a gas canister and could have been from a nail bomb. He said that he did not pay any particular attention to them, as he knew they were too far away to be directed at him.[1] In his written statement to this Inquiry, INQ 736 recorded that he heard these explosions as he ran down William Street.[2] However, in his oral evidence he said that he could not remember where he was when he heard the noises, but he thought that they occurred after he had passed through Barrier 14, but before the Support Company vehicles went into the Bogside.[3]

1 C736.2
2 C736.2
3 Day 310/144-145; Day 310/172-173

65.133 For reasons given earlier,[1] we have taken the view that it would be wise to place little reliance on the accounts given by INQ 736 of what he saw and did. As we have already concluded, there were no nail bomb explosions on Bloody Sunday.

1 Paragraph 65.62

65.134 Private INQ 1093, a signaller in 9 Platoon, told this Inquiry that he saw the strike of rounds fired from what he took to be an automatic weapon about 10m to 12m in front of him as he advanced down either Chamberlain Street or Rossville Street. We have earlier expressed the view[1] that it would be unwise to rely on his evidence.[2]

1 Paragraph 65.64

2 C1093.3-4

65.135 Private INQ 587, another member of 9 Platoon, later became a weapons instructor. He told this Inquiry that as he moved towards the junction of William Street and Rossville Street he heard a mixture of firing, which went on for 20 minutes. He estimated that 20 per cent of the shots that he heard on Bloody Sunday came from non-military sources.[1] Private INQ 587 said that he thought that the first weapon he heard was a Thompson sub-machine gun, and that this was followed by shots from SLRs and a Garand rifle (a high velocity weapon that was not carried by soldiers on 30th January 1972).[2] However, he stated that he could only identify these weapons in retrospect years later, and that he would not have been able to identify the types of fire at the time.[3]

1 C587.3-4; Day 324/161-163; Day 324/194-195

2 C587.7; Day 324/168-170; Day 324/189-190

3 C587.3; Day 324/167-168; Day 324/173-175; Day 324/193-194

65.136 In our view it would be unwise to rely on this retrospective identification of the sound of weapons, years after the event.

65.137 Private INQ 131, a member of 7 Platoon, told us that he heard incoming fire from a low velocity, low calibre weapon as he reached the junction of William Street and Rossville Street; he was sure that this was not SLR fire.[1] Lance Corporal INQ 1056 of 9 Platoon told us that he recalled hearing small arms fire at some point shortly after he moved through Barrier 14, but his precise location at the time was not clear.[2]

1 C131.4; Day 333/4-9

2 C1056.3

65.138 Sergeant INQ 488 stated to this Inquiry that he heard low velocity gunfire coming from the south when he was about 20 yards from the corner of Rossville Street.[1] He was not able to identify the type of weapon from which this came.[2] During his oral evidence to this Inquiry, Sergeant INQ 488 expressed himself as sure that what he heard was not the sound of baton rounds, because he had heard the "*crack and then thump*" which he said applied to both high and low velocity rounds but not to baton rounds.[3] In our view Sergeant INQ 488

was mistaken in seeking to distinguish low velocity rounds from baton rounds on the basis that the former made a "*crack and then thump*". He was correct in describing the "crack" as the sound of a round passing overhead or close by[4] and the thump as the explosion in the breech of the weapon, but the "crack" is the sound of the round breaking the sound barrier, which is why it is heard before the "thump" of the weapon being fired. A low velocity round does not exceed the speed of sound, so that the sound of the bullet (if heard at all) will not be heard before the sound of the weapon being fired.[5] It follows in our view that we cannot accept Sergeant INQ 488's basis for distinguishing between low velocity rounds and baton rounds, both of which are subsonic. His written description of hearing a "*booming*" sound is in our view apt to describe the sound made by the firing of a baton gun.[6]

1 C488.3
2 C488.3; Day 300/74; Day 300/38-39
3 Day 300/38-39
4 Day 300/38
5 E9.172-183; Day 353/175-176; Day 298/70-71; Day 298/85-86; Day 301/42
6 C488.3

C Company soldiers on the Eden Place waste ground

65.139 After they had deployed through Barrier 14 some C Company soldiers, including the Officer Commanding, Major 221A, and a significant proportion of 7 Platoon, eventually made their way onto the waste ground to the east of Rossville Street. We have heard evidence from some of these soldiers that while they were in this area they heard incoming fire or saw the strikes of incoming rounds on the ground.

65.140 Major 221A prepared a statement, dated 31st January 1972, which included a Diary of Operations. This contained the following entry for the time period 1610–1620 hours:[1]

> "During asslt [assault] 22 persons were arrested. I heard gunfire from my right. I quite definitely heard an M1 carbine firing from Rossville Flats across the open ground to the North. I saw the strike of several enemy rounds in the Rossville/William St area."

1 B2166.1; B2166

65.141 In his oral evidence to this Inquiry, Major 221A said that he had no aural recollection of any shooting on the day, and nor did he remember seeing rounds striking the ground. However, he had no reason to think that his 1972 statement was untrue.[1] He also stated that at the time of Bloody Sunday he would have had considerable knowledge as to the different sounds made by different weapons.[2] He told us that he recalled that he made his way to the Eden Place waste ground via Chamberlain Street and Eden Place, and once there he saw that Support Company had taken up defensive positions.[3] He was unable,

though, to help us further as to the timing of his movements.[4] He also commented that he believed that he would have included a reference to hearing automatic gunfire in his Diary of Operations, had he in fact done so.[5]

1 Day 294/96-97; Day 294/157; Day 294/179-180; Day 294/221
2 Day 294/221-222
3 B2168.003-004
4 Day 294/205-206; Day 294/153; Day 294/208-209; Day 294/160; Day 294/220-221
5 Day 294/163

65.142 Lance Corporal 003, a member of 7 Platoon, gave the following account to the RMP on 4th February 1972:[1]

> "I had moved from Rossville Street with [Second Lieutenant] 110 to the corner of number 36 Chamberlain Street where I was able to observe the flats … There was quite a lot of firing coming from the flats at this time directed towards us. I was unable to locate any gunmen.
>
> When we ran from Rossville Street to the corner of No 36 Chamberlain Street I saw one member of Support Company, I do not know who he was, take up a kneeling position and fire several rounds in the direction of Columbcill Court where gunfire was coming from. I did not see any gunman fire from that area but I heard automatic fire coming from there. It could possibly have been a Thompson MG [machine gun]."

1 B1364

65.143 Number 36 Chamberlain Street was at the southern end of the terraced houses that backed onto the Eden Place waste ground. Lance Corporal 003's evidence of hearing shots once he *had* moved to that position, or at least *as* he moved to that position, contrasts with Second Lieutenant 110's 1972 account, discussed above,[1] of hearing Thompson sub-machine gun fire while at the corner of William Street and Rossville Street.[2] However, Second Lieutenant 110 told this Inquiry that he did move to the back of 36 Chamberlain Street,[3] and it is clear, as is noted above,[4] that he gave an earlier statement to the RMP on 3rd February 1972, which has not survived and in which it is possible that he might have referred to further incoming fire.

1 Paragraph 65.126
2 B1724
3 Day 350/99
4 Paragraph 65.11

65.144 We consider Lance Corporal 003's 1972 account of seeing a member of Support Company firing several rounds in the direction of Columbcille Court when examining the events of Sector 4.[1]

1 Paragraph 94.37

65.145 In his evidence to this Inquiry, Lance Corporal 003 told us that he recalled that he heard Thompson sub-machine gun fire as he ran from the corner of William Street and Rossville Street to the back of the houses at the southern end of Chamberlain Street.[1] He also stated that he saw the strike of rounds on the ground.[2] He said that he was sure that the incoming fire was that of a Thompson sub-machine gun and attributed the more equivocal identification contained in his RMP statement to the statement taker's choice of words.[3] He told us that he thought that the fire was coming from the general direction of Columbcille Court and not necessarily the complex itself, as had been implied by his RMP statement.[4] He also told us that he was not aware of any shooting until he was crossing the Eden Place waste ground.[5]

1 B1366.004; Day 309/80-81
2 B1366.004
3 B1366.004; Day 309/85-86; Day 309/115-118
4 Day 309/81-83
5 Day 309/110-111

65.146 Lance Corporal 003 was asked about the reference in his RMP statement to incoming fire from "*the flats*" which was directed towards his position. In his written statement to this Inquiry, he told us that he understood this to mean shots from the Rossville Flats and that although he no longer recalled such firing, "*if I said it then, we were fired at*".[1] During his oral evidence, it was suggested to Lance Corporal 003 that what he had said to the RMP was "*just wrong*". He replied: "*No, at the time I would say that that is the truth, but I cannot recollect it now, to this day, not now.*"[2] However, a little later in his evidence Lance Corporal 003 told us that "*we were not fired at while we were at the back of Chamberlain Street*" and that the firing that he had recorded in his RMP statement was that which he heard as he was crossing the waste ground.[3]

1 B1366.006
2 Day 309/93
3 Day 309/113-114

65.147 Private INQ 131 told this Inquiry that he was with Lance Corporal 003 as they ran across the waste ground.[1] Lance Corporal 003 did not mention being with Private INQ 131 at that time, but his evidence about who he was with was slightly uncertain and not wholly consistent with that of his supposed companions.[2] As is explained above,[3] Private INQ 131 told us that he recalled that he heard shots from a low velocity weapon (and not an SLR) as he approached the corner of Rossville Street and William Street. He told us that he recalled that this shooting continued for some time, and that as he ran from the corner to the back of the Chamberlain Street houses he saw the dirt jumping from the bullet strikes on the ground.[4] He stated that the shots could have come from anywhere, but he thought that they were being fired in his direction.[5] Private INQ 131 stated that he also

heard SLR fire at this time, which he believed came from members of Support Company who were then positioned in the Kells Walk area.[6] In contrast to Lance Corporal 003, Private INQ 131 told us that he did not recall hearing any automatic gunfire.[7]

1 C131.4
2 B1366.003; Day 309/69-70
3 Paragraph 65.137
4 C131.4; Day 333/4-9; Day 333/16; Day 333/21-23; Day 333/31
5 C131.4
6 C131.5
7 C131.5

65.148 Lance Corporal 003 gave no evidence of being with Private INQ 131 as they ran across the Eden Place waste ground; indeed, he believed that he was with Corporal INQ 444 and Private INQ 554.[1] Lance Corporal 003 also recalled that he was armed with an SLR and not, as Private INQ 131 thought, a baton.[2]

1 B1366.003; Day 309/69-70
2 Day 309/70; C131.2

65.149 We have earlier[1] expressed the view that Private INQ 131 really had little if any clear recollection of events.

1 Paragraph 65.43

65.150 As we have already noted,[1] though Private INQ 554 told this Inquiry that he was in 9 Platoon, it appears to us that he was in 7 Platoon. Private INQ 554's recollection of events was limited, but he told us that he recalled hearing either a mix of high and low velocity fire, or high velocity fire from different areas.[2] He also thought that he heard small arms fire, such as that from a pistol, a shotgun or a Garand rifle (a weapon that he only identified in retrospect).[3] Although he could not be sure where he was when he first heard the firing, he recalled taking cover "*in an area of rubble*",[4] which we consider is likely to have been a reference to the Eden Place waste ground. Private INQ 554 did not recall hearing Thompson sub-machine gun fire, and he thought that he would have remembered this had he heard it.[5]

1 Paragraph 65.50
2 C554.8
3 C554.8
4 C554.7
5 C554.8

65.151 Private INQ 5, a member of 7 Platoon, told this Inquiry that as he arrived at the Eden Place waste ground he became aware of incoming fire, which caused him to take cover behind a burned-out car.[1] He stated that the firing, which was "*definitely heavy*" and probably lasted for some minutes, came from a mixture of small arms and heavy calibre weapons, including some machine gun fire. However, he could not identify exactly which

weapons were used.[2] Private INQ 5 told us that he did not know from where the firing was coming, and that he could not respond anyway as he was only armed with a baton.[3] He said that he did not recall hearing any SLR fire as he sheltered behind the car.[4]

1 C5.2; Day 379/17-20
2 C5.2; Day 379/27-28
3 C5.2
4 Day 379/27-28

65.152 Private INQ 5 gave interviews to a number of media organisations.[1] In these he gave broadly consistent accounts of hearing incoming fire before and as he took cover on the Eden Place waste ground.[2] On some occasions he stated or implied that the firing came from the Rossville Flats.[3] He told this Inquiry that this was an assumption on his part, and that he could not, in fact, be sure of the source or sources of the hostile firing.[4]

1 C5.3; C5.5; C5.8-9; Day 379/59-61; Day 379/80-81
2 C5.15-16; C5.28-29; C5.49; C5.56
3 C5.15; C5.28-29
4 Day 379/29-30

65.153 We have already[1] expressed the view that it would be unwise to rely on the accounts given by Private INQ 5.

1 Paragraph 65.27

65.154 Lance Corporal INQ 1799, also a member of 7 Platoon, gave evidence to this Inquiry that he heard a mixture of incoming single shots from an unidentified weapon, SLR rounds and "*distinct slow automatic fire which I would say came from a Bren gun, or an LMG [light machine gun], possibly the 303 version*".[1] In his written statement, Lance Corporal INQ 1799 told us that he thought that he was at the southern end of Chamberlain Street when he heard this firing, but in his oral evidence he accepted that he was somewhere on the Eden Place waste ground.[2] Lance Corporal INQ 1799 said that he did not think that the incoming fire was aimed at him, but was instead "*off to the side*".[3]

1 C1799.6; Day 314/150-151
2 C1799.6; C1799.10; C1799.15; Day 314/148-168
3 Day 314/164

65.155 According to Lance Corporal INQ 1799, the Company Commander, Major 221A, and his radio operator were with him when he heard this incoming fire.[1] Major 221A, whose evidence is considered above,[2] told this Inquiry that he heard M1 carbine fire, but he did not comment on the incoming shots recalled by Lance Corporal INQ 1799.[3] As we discuss below,[4] while Lance Corporal INQ 1799 stated that he saw a civilian gunman at this time, Major 221A did not remember such an incident, although he did not rule out the possibility that it happened.[5]

1 C1799.6; Day 314/151-152
2 Paragraphs 65.140–141
3 Day 294/165-169
4 Paragraphs 65.208–210
5 Day 294/167-168

65.156 We have earlier[1] expressed the view that Lance Corporal INQ 1799 had little clear recollection of events.

1 Paragraphs 65.46 and 65.130

C Company soldiers at the northern end of Chamberlain Street

65.157 Lance Corporal INQ 1334, a member of 8 Platoon, told this Inquiry that as he entered Chamberlain Street he heard the "*distinct sound*" of one or two short bursts of Thompson sub-machine gun fire,[1] which he believed was being fired on William Street rather than at him.[2] He was "*absolutely certain*" that the sound he heard was a Thompson sub-machine gun firing,[3] and he said that he did not recall hearing any high velocity shots at that time.[4] Lance Corporal INQ 1334's evidence was that he heard these shots before he saw Fr Daly and the group carrying Jackie Duddy moving up Chamberlain Street.[5]

1 C1334.3; Day 340/106; Day 340/137-139
2 C1334.3-4; C1334.8; Day 340/105
3 Day 340/106
4 Day 240/139
5 C1334.4

65.158 Lance Corporal INQ 2045, another member of 8 Platoon, told this Inquiry that while he was in Chamberlain Street he "*had the impression*" of hearing automatic Thompson sub-machine gun fire, and he was also "*aware*" of single shots, which he thought were high velocity, passing over his head as he heard the sound of a "*crack*". However, his memory of the events of Bloody Sunday, and particularly of the sequence in which they occurred, was very limited.[1] Lance Corporal INQ 2045 told us that he initially thought that he heard the relevant shots when he had advanced about three-quarters of the way down the street to the south.[2] However, as he believed that he did not see Fr Daly and the group carrying Jackie Duddy until after he had heard the shooting, he thought it possible that he was actually far further to the north than he had originally recalled.[3]

1 C2045.2-3; Day 309/189-195; Day 309/214-219; Day 309/222-226
2 C2045.2-3
3 C2045.3-4; Day 309/196-200; Day 309/208-209

65.159 Lance Corporal INQ 2045's evidence appeared to be that these shots took place in the context of a short and intensive gun battle, involving Thompson sub-machine gun fire and high velocity, single shots which he thought probably came from SLRs.[1] He said that he did not think that he would have confused the sound of Thompson sub-machine gun fire with baton rounds.[2] He described the Thompson sub-machine gun fire as having come from the south-west of his position, although he could not be sure on this point.[3]

1 C2045.2-3; Day 309/190-193; Day 309/214-215
2 Day 309/191-192
3 C2045.3; Day 309/190-191; Day 309/214-215

65.160 Private INQ 1073 also told this Inquiry that he heard Thompson sub-machine gun or small arms fire as he turned into Chamberlain Street. He stated that he was not sure where the firing was coming from, but it did not seem to be directed at his position and "*nobody commented about it*". He stated that he did not recall hearing any high velocity fire.[1]

1 C1073.1

65.161 Private INQ 12, another member of 8 Platoon, gave evidence to this Inquiry of coming under fire and taking cover, as he and his colleagues turned into what we are confident was Chamberlain Street.[1] He said he thought that the source of the incoming shots was either a semi-automatic rifle, or from a bolt action rifle that was fired rapidly, although he also thought it possible that the shots came from more than one weapon.[2] He said that he did not think that the firing sounded like SLR fire or baton rounds.[3] In his written evidence to this Inquiry he described the shots as being high velocity.[4] In his oral evidence he said first that they were lower velocity than an SLR, and then that they were low velocity; but when the discrepancy between this evidence and his written statement was pointed out, he said that he must have been mistaken and that the shots were high velocity after all.[5]

1 C12.3; C12.8; Day 351/15-17
2 C12.3; Day 351/18-19; Day 351/93-94
3 Day 351/18-19
4 C12.3
5 Day 351/94-95

65.162 Private INQ 12 stated throughout his evidence to this Inquiry that after the shots were fired, he and his platoon took cover.[1] Some people dived in the gutter, but he kicked open a door of a family home and hunkered down in the doorway, while another soldier entered the hallway.[2] He also stated, in his oral evidence, that he saw the strike of rounds hitting the ground,[3] and that he thought that they were fired straight down the road towards them.[4]

1 C12.3
2 C12.3; Day 351/20
3 Day 351/96
4 Day 351/19-20

65.163 Private INQ 12 told us that from his position in cover, he heard SLR fire and then saw a civilian gunman on the roof of Block 2 of the Rossville Flats. Private INQ 12 said that he did not have a weapon at that stage and so he could not fire at this man; in any event, he said he recalled hearing the Lieutenant commanding 9 Platoon telling soldiers not to fire as Support Company was in that building.[1] We discuss this aspect of his evidence further below.[2]

1 C12.3-4; Day 351/21-23; Day 351/97-104
2 Paragraphs 65.213–219

65.164 Private INQ 12 made statements to the RMP and the RUC in the months after Bloody Sunday.[1] These dealt with the arrests that he made on Bloody Sunday and made no reference to his having heard incoming fire or having seen a gunman. He told this Inquiry, and we accept, that he was not asked to include this aspect of his evidence when he made those statements.[2]

1 C12.9-14

2 Day 351/88-93

65.165 Having listened to Private INQ 12, we formed the impression that he had very little real recollection of Bloody Sunday and that it would be unwise to place much reliance on his evidence. We return to this soldier's evidence when considering the arrest of civilians in 33 Chamberlain Street and their subsequent treatment.[1]

1 Chapter 66

65.166 One member of 8 Platoon, Private INQ 471, told this Inquiry that he was sure that he *did not* hear Thompson sub-machine gun fire as he entered Chamberlain Street. He stated that he knew the sound of the weapon as he had been injured by one.[1] Private INQ 471 said that he did hear shooting either while he was at the corner of William Street and Chamberlain Street, or at a time when he had advanced to the junction of Eden Place and Harvey Street.[2] Initially he thought that he heard hostile rounds followed by a pause and then a return of fire.[3] However, he later accepted that the first shots might have been those fired by Lieutenant N along Eden Place and into Chamberlain Street, and that it was quite possible that soldiers were responsible for all of the fire that he heard.[4] He was unsure as to the direction and type of the first firing that he heard.[5]

1 Day 312/153

2 C471.3; C471.6; Day 312/150-151

3 C471.3-4; Day 312/130-131

4 Day 312/149-152

5 Day 312/130; Day 312/152

65.167 Lance Corporal INQ 1056, a member of 9 Platoon, gave evidence to this Inquiry that he heard small arms fire and then high velocity rounds shortly after he moved through Barrier 14. The small arms fire came from his left and the high velocity shots from his right. His evidence was unclear as to where he was when he heard these shots, but he may, on his account, have been somewhere close to the northern end of Chamberlain Street.[1]

1 C1056.3

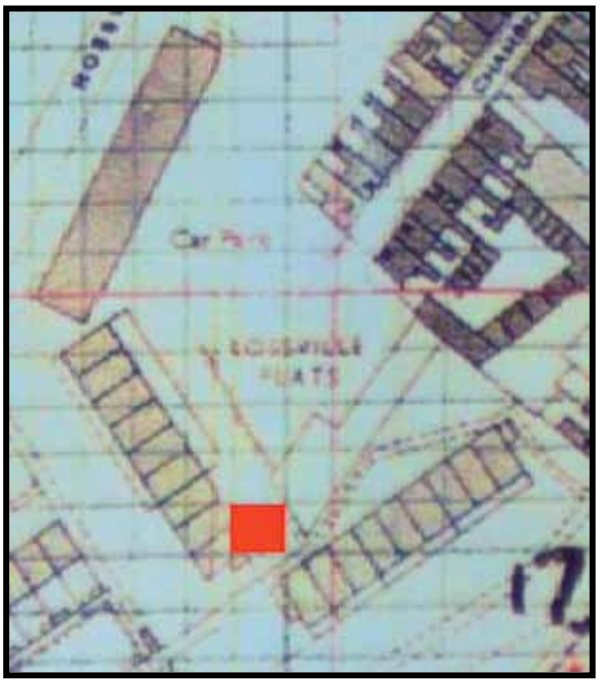
C Company soldiers at the southern end of Chamberlain Street

65.168 Second Lieutenant 026 commanded 8 Platoon. In an RMP statement timed at 1640 hours on 4th February 1972, he recorded that he witnessed the following events after his platoon, accompanied by an APC, had taken up positions at the southern end of Chamberlain Street:[1]

> "At this time I heard the sound of two distinct weapons firing between 20–30 rounds within a space of five–ten minutes. The fire was not directed at us but the projectiles passed across our front. One weapon was almost certainly a M1 Carbine while the other was possibly of a .303 calibre. It was definitely not a 7.62 weapon.
>
> I could not see the target in question, neither was I able to pinpoint the exact position of the gunmen. I could not see any weapon or flashes indicating firing position consequently we did not return any fire.
>
> From my own observations, I am of the opinion the both weapons were located on the roof of Rossville Flats in the immediate vicinity of a lift-housing. I have marked the area concerned on the map the approximate map reference being 43281675."

1 B1541-1542

65.169 The map to which Second Lieutenant 026 referred has not survived. However, the grid reference indicates that the position to which he was referring was the south-east corner of Block 2 of the Rossville Flats, as is shown on the following image, which was created for this Inquiry.



65.170 In his evidence to this Inquiry, Second Lieutenant 026 told us that he recalled hearing, while at the southern end of Chamberlain Street, two or three shots from a high velocity weapon, which sounded to him (and to some of his men) like an M1 carbine.[1] He said that he was sure of this identification, and that he did not think that he would have mistaken the sound for that of SLR fire.[2] The shots were fired rapidly, and he thought that there might have been two gunmen.[3] He was not sure of the position of the firer or firers, but he thought that they were above ground level and in or on Block 2 of the Rossville Flats.[4] He told us that the shots were not aimed at him or his men and passed in front of them, having been fired in a north-westerly direction.[5]

1 B1545.003; B1545.006
2 Day 315/136-138; Day 315/165
3 B1545.003
4 B1545.003; Day 315/166; Day 315/137
5 B1545.003; Day 315/136; Day 315/168-169

65.171 In relation to his RMP statement, Second Lieutenant 026 told us that he believed that the details of the incident would have been clearer in his mind in 1972.[1] He was happy to stand by that statement as being correct,[2] although he did suggest that it was the RMP who first mentioned the lift housing on top of Block 2 of the flats.[3]

1 B1545.004
2 Day 315/159
3 Day 315/139-140; Day 315/166-168

65.172 Second Lieutenant 026 told this Inquiry that, as far as he was able to recall, he reported these shots to his Company Commander on the radio.[1] C Company's Commander was Major 221A, who, as is explained above,[2] also gave evidence in 1972 of hearing an M1

carbine firing from the Rossville Flats, albeit while he was somewhere in the region of the Eden Place waste ground.[3] Major 221A made no reference in his evidence to receiving a message concerning incoming fire from Second Lieutenant 026, and there is no log for the C Company net, on which such a report would have been transmitted. Whether Second Lieutenant 026 was right in thinking he recalled that he had made a radio report to his Company Commander remains in doubt.

1 B1545.003
2 Paragraph 65.140
3 B2166.1; B2166

65.173 Corporal 007 also gave evidence of hearing M1 carbine fire at a time when he was at the southern end of Chamberlain Street. He gave the following account in an RMP statement timed at 1700 hours on 4th February 1972:[1]

> "From where I was standing, behind the APC I heard the sound of about 4 or 5 shots. I heard only one weapon firing, which in my opinion was a M1 carbine. It was definitely not 7.62 calibre. The shots panned across our position, and I do not believe the fire was directed at us.
>
> From what I could see the gunman was in the vicinity of a lift housing on the roof of Rossville Flats. I did not actually see him or the weapon concerned, and I base my opinion on my experience alone and the sound of the weapon. I estimate the distance of the gunman from us to be about 100 yds. His position would be approximately MR 43281675 [the same reference as was given by Second Lieutenant 026, which is marked on the image above[2]]."

1 B1378
2 Paragraph 65.169

65.174 This Inquiry is in possession of the original handwritten notes of the RMP interviews conducted with Second Lieutenant 026 and Corporal 007. These show that both men were interviewed by the same RMP statement taker, Staff Sergeant Middleton-Jones. According to the timings given, the interviews took place within 20 minutes of one another.

65.175 As is noted above,[1] Second Lieutenant 026, who gave his statement before Corporal 007, told us that he thought that the reference to the lift housing in his statement was suggested to him by the interviewer.[2] The same words, and the same grid reference, are contained in Corporal 007's statement.[3] Corporal 007 told us that his RMP evidence on

this point was an "*assumption made after the event*", the result of being taken through "*suggested areas*", in a "*process of elimination*".[4] Staff Sergeant Middleton-Jones is dead. He gave no evidence to this Inquiry.

1 Paragraph 65.171
2 Day 315/139-140; Day 315/166-168
3 B1378
4 B1384.003; B1384.005; Day 310/77-80

65.176 Despite the caveat as to the location of the gunman, Corporal 007 gave a similar account to this Inquiry as he had done to the RMP. He recalled that as he was standing behind an APC at the southern end of Chamberlain Street he heard three to four high velocity shots fired in quick succession.[1] Although in his written evidence he stated that the shots "*seemed to me to be from an M1 Carbine*", he said in his oral evidence that "*Standing here today I could not say that [the shots came from an M1 carbine as opposed to another weapon], but obviously at the time I believed it was [an M1 carbine]*".[2] He told us he thought that the shots passed across the front of the vehicle and were not aimed at his position; that he did not know the exact location from which they were fired; and that he did not see anyone or any weapon.[3] He said that this was the first gunfire that he could recall hearing since moving through Barrier 14.[4]

1 B1384.002-003; Day 310/30-31; Day 310/77-80
2 B1384.003; Day 310/77
3 B1384.003; B1384.005
4 Day 310/29

65.177 Lance Corporal INQ 1334, whose evidence of hearing Thompson sub-machine gun fire shortly after moving through Barrier 14 is summarised above,[1] also told this Inquiry that he heard an M1 carbine while with 8 Platoon at the southern end of Chamberlain Street.[2] He said he thought that the incident occurred at around the time that people arrested by other members of his platoon were being brought out of 33 Chamberlain Street, although he accepted that his recollection of relative timings was hazy.[3] Lance Corporal INQ 1334 told us that he did not feel that the firing was aimed at him,[4] but was confident that the sound was that of an M1 carbine and not an SLR.[5] He said he thought that the gunman was firing "'*double taps*'" (two shots in quick succession) and that there were a large number of shots fired, although he could not specify how many.[6] He said that he did not see the source of the firing, but thought that it came from the central area of Block 2 of the Rossville Flats.[7]

1 Paragraph 65.157
2 C1334.5
3 Day 340/115; Day 340/119
4 C1334.5
5 Day 340/115-116; Day 340/159; Day 340/118
6 C1334.5; Day 340/115-116
7 Day 340/116-117; Day 340/120

65.178 Lance Corporal INQ 1334 told this Inquiry that while he was at the southern end of Chamberlain Street he also heard low velocity pistol or single shot sub-machine gun fire. He thought that this came from the direction of Block 3 of the Rossville Flats, and that it was possible that more than one weapon was being fired. He was not sure how many rounds were fired, but he was confident that he heard these shots after he had heard the M1 carbine fire.[1]

1 C1334.5-6; Day 340/118-119; Day 340/162-163

65.179 According to his evidence to this Inquiry, Lance Corporal INQ 1334 was with his pair, Private INQ 1596, when he heard the firing at the southern end of Chamberlain Street.[1] Private INQ 1596 gave no evidence to this Inquiry. However, Second Lieutenant 026 told this Inquiry that he thought that Lance Corporal INQ 1334 might well have been one of the soldiers who were with him when he heard M1 carbine fire at the bottom of Chamberlain Street.[2]

1 Day 340/120

2 Day 315/136

65.180 Corporal INQ 579, who was also a member of 8 Platoon, told us that he recalled being aware of high velocity fire aimed towards him as he moved down Chamberlain Street. He told this Inquiry that when he was about halfway down Chamberlain Street he heard the crack and thump of a high velocity round passing him. He said that he thought that this had been fired at him from a position in the Rossville Flats area. Corporal INQ 579 and his colleagues took cover, and within seconds a second shot was fired from the same direction. He said he asked if anyone had seen a gunman, but no-one had. It was his recollection that 8 Platoon then advanced under cover to the end of Chamberlain Street.[1]

1 C579.3; Day 308/44-49

65.181 Corporal INQ 579's account is to be contrasted with that of Second Lieutenant 026, who told us that he was not aware of any gunfire from the time he went into Chamberlain Street with his soldiers until he got to the Rossville Flats end of that street.[1] Corporal 007 also stated that he did not hear gunfire until he reached the southern end of Chamberlain Street.[2] Had there been gunfire along Chamberlain Street, we are sure that Second Lieutenant 026 would not only have remembered it, as it would have meant that his soldiers were under attack, but would also have made mention of it in his RMP statement. In these circumstances we do not place any reliance on the account of firing given by Corporal INQ 579.

1 Day 315/163-164

2 Day 310/29

Consideration of C Company soldiers' evidence of non-military fire

65.182 We were greatly assisted by the report prepared by RA Davis, Michael Lower and Stuart Dyne of ISVR Consultancy Services, who advised us on various aspects of sound and sound perception in relation to the firing of weapons.[1] We accept the views of these experts.

1 E9.1-183

65.183 In general terms, and according to most definitions, a high and medium velocity weapon fires a supersonic bullet, the former at a greater speed than the latter, while a low velocity weapon fires a subsonic round. When a high velocity weapon is fired, a listener in front of the firearm and close to the passage of the bullet will, if he or she is some distance from the weapon, hear a crack and then a thump or boom. The crack is the sound of the bullet breaking the sound barrier. The thump or boom is the sound of the blast from the muzzle of the weapon. The latter noise travels at the speed of sound and is accordingly heard after the crack of the supersonic bullet. Thus the closer the listener is to the weapon, the less the interval between the two different sounds. The presence of a crack sound would enable an experienced listener to deduce that the shot was from a high velocity firearm. The absence of a crack sound does not permit the listener to draw any conclusion regarding the type of firearm.

65.184 Part of the ISVR Consultancy Services report considered the feasibility of conducting experiments to test the abilities of listeners to identify firearms subjectively.[1] The conclusion was that experiments would be extremely difficult to carry out, the results would be difficult to interpret, and the findings would be of limited use to this Inquiry.

1 E9.16-18

65.185 The reasons for this conclusion were as follows:[1]

> "**Test conditions**
>
> The witnesses on Bloody Sunday were in an urban environment with sound reflections and shielding by buildings, considerable background noise, and many distractions. Firearms sounds may have occurred with little or no warning, and any decision made by an individual about the type of weapon being fired would have relied on a spontaneous judgement. Any identification of a weapon may also have been based on other cues, particularly visual cues, on the individual's surmise about or knowledge of

what had happened, or on the individual's expectations of which weapons were likely or unlikely to be extant. It is obviously not possible to reproduce the above conditions for the purposes of an experiment, although the effects of buildings on the propagation of sounds can be reproduced to some extent in a similar environment.

Test subjects

The individual witnesses who heard gunfire or similar sounds on Bloody Sunday would have fallen into several categories, including soldiers, police and civilians. They would not be from a single, homogeneous group. To have been able to discriminate between weapons, or to identify particular types of weapon from the sounds produced, individual witnesses would not only have to have been exposed to weapons noise previously, but they would have to have seen, or known for certain, which type of firearm was being fired at any time, so that they could learn to associate a given sound with a given type of weapon. The opportunities available to each individual to obtain such experience, and the range of firearms encompassed by that experience, must have varied considerably from person to person and cannot be quantified. It is therefore obviously impossible to match the experience of potential subjects to the experience of the individual witnesses to Bloody Sunday. If an experiment were to be carried out the abilities tested would be those of the subjects participating, and it would not be possible to relate their abilities to the abilities of the original witnesses.

Test firearms

We do not know what types of weapon and ammunition, if any, were used on Bloody Sunday other than by the Army. Thus the choice of any firearms or ammunition to be used in a subjective listening experiment would be arbitrary and not necessarily representative of the firearms and ammunition which might possibly have been used on Bloody Sunday. It would also not be possible to include test firings of one of the most important firearms, a baton gun with ammunition of the type used in 1972, because the particular type of ammunition has long been superseded.

Practical difficulties and design complexities

It is extremely difficult, even with the best of loudspeakers, to reproduce waveforms of very short-duration, very high-level, impulsive sounds of nearby gunfire at a realistic level or with convincing realism. Therefore we concluded that any experiment should involve listeners hearing real rather than recorded gunfire. Live firing experiments would be limited because, for safety, listeners would only be able to hear gunfire from behind or to the side of the firer, and certainly not in front.

We carried out some informal pilot tests using ourselves as subjects to listen to live firing. Close to the firing point, about 50 metres away, with an unobstructed sound path between us and the firearms, and with the benefit of a direct comparison, we could hear clear differences in sound level and character between the high- and low-velocity firearms (i.e. between rifles and pistols) fired in succession from the same position. However it was also clear that the benefit of direct comparison between sounds from different firearms made the discrimination relatively easy. If we wished to test the abilities of listeners to identify firearms from single shots we would need to take precautions to prevent listeners having an opportunity to compare directly sounds fired from the same spot and we would not be able to allow the listeners to hear more than one firearm at a time without changing the firing position, the listening position, or both.

At greater distances, or when screened by buildings, our observation was that the sounds of some of the high-velocity and low-velocity firearms could become very similar in character, although the actual sound levels of high-velocity weapons were still higher. This meant that if two shots were fired in succession from the same point, one from a rifle and one from a pistol, it could be deduced that the louder shot was obviously from a rifle and the quieter from a pistol. Again we would have to prevent listeners from making a comparison. We also considered that in some circumstances the sound of a rifle a given distance away could be similar in character to the sound of a pistol being fired at a shorter distance. This observation reinforced the conclusion that any formal experiment must be designed to allow the distance between the firing point and the listeners, and the direction of firing relative to the listeners, to be readily and randomly changed between successive shots.

These informal tests confirmed the practical and logistical difficulties which would be involved in carrying out a formal scientific listening experiment. In particular, the precautions which would need to be taken to prevent listeners from hearing more than one firearm at a time from any given firing position and at any given listening position would make an experiment long and unwieldy, and probably impracticable.

In some very specific circumstances, the sound of a firearm may assist identification. These circumstances are when a bullet from a high-velocity firearm passes close to the listener or witness. The presence of a ‘crack’ sound from a supersonic bullet’s shock wave will identify the firearm as a high-velocity type to an experienced listener, whereas the absence of the crack will not assist identification. We do not know how

close a listener would need to be to the bullet's path to be able to hear the crack of the shock wave. This particular point was not addressed in our Report No. 5903 R04, but is covered in our Report No 5903 R06 and summarised in Section 7 below."

1 E9.16-18

65.186 An SLR and an M1 carbine both produce a crack sound. Revolvers and Thompson sub-machine guns, which fire subsonically, do not.[1]

1 E9.22; E9.181; Day 301/42

65.187 The evidence of Colour Sergeant 002 of Composite Platoon, Support Company (a weapons training officer) was that in a built-up area it is not possible to identify from the sound the type of weapon being used.[1] The evidence of Colonel James Ferguson, Commanding Officer of 22 Lt AD Regt, was that in a built-up area such as Londonderry, 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.*"[2] Colonel Roy Jackson, Commanding Officer of 1 R ANGLIAN, gave evidence to much the same effect, noting in particular that the topography of Londonderry made it "*almost impossible*" to identify from where a shot was fired unless the flash from the weapon on firing could be seen.[3] In the light of the ISVR report, we prefer the evidence of these soldiers to those (such as Private INQ 587) who were positive that they were able from the sound to distinguish between different types of weapons and from where and in which direction firing was coming.

1 B1363.002; B1363.007
2 B1122.11-12; Day 281/67
3 CJ2.2; Day 287/8

65.188 Bearing in mind these difficulties in the identification of weapons from the sound of firing, we turn to consider the evidence of C Company soldiers about non-military firing.

65.189 On the basis of the available material and as is explained above,[1] we consider that soldiers of 7 Platoon did not move across the Eden Place waste ground until a late stage, by which time the vehicles of Mortar Platoon had been moved to the north end of Block 1 of the Rossville Flats and some Army vehicles were moving from there back along Rossville Street. In the course of this report,[2] we consider what was happening in Sector 3 after the vehicles had moved forward. We have found nothing that suggests to us that there was at that stage non-military firing of the kind described by soldiers of 7 Platoon into the area of the Eden Place waste ground.

1 Paragraph 65.52
2 Chapters 121–124

65.190 There was (as we discuss in the context of the later events in Sector 3[1]) late firing by soldiers of Support Company and Composite Platoon at a window on the western side of Block 1 of the Rossville Flats and in our view this is likely to be what the 7 Platoon soldiers heard from the Eden Place waste ground. As will be seen,[2] in our view other soldiers mistook this firing, or some of it, for firing by paramilitaries.

1 Chapter 123 2 Paragraphs 124.118–121

65.191 In these circumstances we do not accept the evidence of non-military firing given by soldiers of 7 Platoon who went across the Eden Place waste ground. In our view what, if anything, they heard was firing by soldiers of Support Company.

65.192 As to the 8 Platoon soldiers, as we have already observed,[1] it seems to us that before these soldiers had gone far along Chamberlain Street, the group carrying Jackie Duddy had come along that street and turned up Harvey Street; and that by the time soldiers had got to the southern end of Chamberlain Street and Second Lieutenant 026 had looked into the car park, all the casualties in Sector 2 had been sustained. We do not find convincing the evidence of non-military fire from soldiers who were at the southern end of Chamberlain Street. They did not suggest that it was directed at them and in our view it is much more likely that what they heard were some of the shots fired at a late stage by soldiers at a flat in Block 1 of the Rossville Flats, which we consider in detail later in this report.[2]

1 Paragraphs 65.115–116 2 Chapter 123

65.193 We are of the view that there was no non-military firing along Chamberlain Street, as was suggested by Lance Corporal INQ 2045, Private INQ 12 and Corporal INQ 579. In our view, had 8 Platoon come under fire in Chamberlain Street, Second Lieutenant 026 would have noticed it or been told of it and would have recorded the fact that his soldiers had come under fire in his 1972 account.

65.194 We now consider the remaining accounts of non-military firing.

65.195 For the reasons given above,[1] we are unable to accept the evidence of those soldiers of C Company who said that they were able to distinguish between different types of high or medium velocity weapons. In our view it must also be borne in mind when considering what reliance to place on the evidence of C Company soldiers of non-military fire, that shortly after they crossed Barrier 14, Lieutenant N fired three shots up the Eden Place alleyway; and soon after that other soldiers of Support Company opened fire in Sectors 2 and 3, followed by further Army fire in Sectors 4 and 5. We discuss this firing in detail in

our consideration of the events of the five sectors.[2] Within a short space of time, probably ten minutes or less, Support Company soldiers fired over 100 rounds, as well as a substantial number of baton rounds. In our view this must have given rise to a belief among soldiers who had come through Barrier 14 that 1 PARA soldiers had become engaged in a full-scale gun battle. In these circumstances some soldiers at least would be expecting to hear non-military fire, and would be ready (albeit in good faith) to ascribe some of what they heard to such firing. As will have been noted, Corporal INQ 444 and Private INQ 1582 in effect told us that this is what they thought. In our view there was in fact no such gun battle, as will be seen from our detailed consideration of what took place in the five sectors; but soldiers of C Company could understandably have mistaken what was going on.

1 Paragraphs 65.182–187

2 Chapters 30, 51, 73, 81, 84, 85, 97, 107 and 119

65.196 As to those who described hearing Thompson sub-machine gun fire, much the same considerations apply. As will be seen from our consideration of the events of Sector 5,[1] soldiers on the City Walls described hearing and in one case seeing Thompson sub-machine gun fire from Glenfada Park North. We are sure, for the reasons we give, that there was no such firing from there; and in our view what these soldiers thought was sub-machine gun fire was in fact a soldier firing repeatedly at the corner of Glenfada Park North and Rossville Street. To our minds this instance provides a striking example of soldiers mistakenly attributing repeated high velocity Army gunfire to fire from a Thompson sub-machine gun.

1 Paragraphs 119.57–141

65.197 The only evidence of Thompson sub-machine gun fire given in 1972 by members of C Company was that of Second Lieutenant 110 and Lance Corporal 003. The former recorded that he heard a burst of eight rounds fired from a two-storey block of flats west of Kells Walk,[1] while he was at the corner of Rossville Street and William Street. The latter recorded that as he ran across the Eden Place waste ground with Second Lieutenant 110 he saw a member of Support Company fire several rounds in the direction of Columbcille Court, from where he could hear automatic gunfire, "*possibly*" from a Thompson.[2] There is nothing in the evidence from the soldiers of Support Company who went into the Bogside that suggests to us that there was automatic gunfire from Columbcille Court or elsewhere to the west of Kells Walk.

1 B1724

2 B1364

65.198 Corporal INQ 444 told us that he recalled hearing two bursts of Thompson sub-machine gun fire, of six to seven rounds each, as he was moving along William Street, but in view of the state of his recollection, on which we have commented above,[1] it is difficult to rely on his account of where he was when he said he had heard this firing.

1 Paragraph 65.40

65.199 Lance Corporal INQ 1334, Lance Corporal INQ 2045 and Private INQ 1073, all of 8 Platoon, also described hearing Thompson sub-machine gun fire when they were in or turning into Chamberlain Street. However, there is no record of such firing by Second Lieutenant 026 (the Commander of 8 Platoon) in his 1972 account. As already noted, Private INQ 471 (also of 8 Platoon) told us that he knew the sound of this weapon as he had been injured by one; but he did not recall hearing Thompson sub-machine gun fire as he entered Chamberlain Street.

65.200 We have already expressed the view[1] that it would be unwise to rely upon the accounts given by INQ 736 and Private INQ 1093. We have also expressed the view[2] that it would be unwise to rely upon the retrospective description of Thompson sub-machine gun fire given by Private INQ 587 and that Lance Corporal INQ 1799 had no clear recollection of events.

1 Paragraphs 65.62, 65.64 and 65.133–134

2 Paragraphs 65.46, 65.130, 65.136 and 65.156

65.201 In all the circumstances we are doubtful whether any of the soldiers of C Company heard or witnessed Thompson sub-machine gun fire. It is possible that some of them did, but it is in our view more likely that what happened was that they mistakenly thought or came to believe that some of the substantial firing by soldiers of Support Company was that of paramilitary gunmen with Thompson sub-machine guns. Elsewhere in this report[1] we consider other evidence about Thompson sub-machine gun fire, and give reasons for our conclusion that although we cannot eliminate the possibility that there was some such firing on Bloody Sunday, we consider it more likely that there was not.

1 Chapter 153

65.202 As to other low velocity gunfire, it is possible that some soldiers did hear what little low velocity firing there was in the sectors; but for the reasons already given,[1] it is our view that it is equally likely that they were mistaken about this.

1 Paragraphs 65.182–187 and 65.195

Evidence from C Company soldiers of seeing civilian gunmen

65.203 Some members of C Company gave evidence of seeing a civilian gunman or civilian gunmen on Bloody Sunday. Their accounts can be divided into soldiers who claim to have seen or been aware of a man with a rifle running at ground level in the vicinity of Block 1 or Block 2 of the Rossville Flats, those who thought that there was a gunman on the roof of one of the blocks of the same flats, and the account of Lance Corporal INQ 1799 of seeing a man with an automatic pistol on either Chamberlain Street or William Street.

A gunman at ground level in the vicinity of Block 1 or Block 2 of the Rossville Flats

65.204 Second Lieutenant 110, the officer in command of 7 Platoon, gave the following evidence of seeing a gunman in his RMP statement of 4th February 1972:[1]

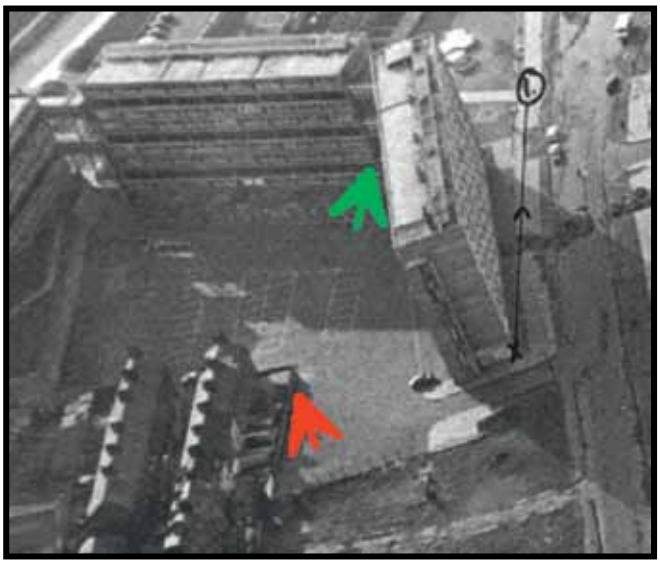
> "At approximately 1600 hrs I was positioned in a recess at the rear of houses facing Chamberlain St observing in the direction of Rossville Flats. Whilst in this position I saw a male person aged about 25 yrs and was wearing jacket and trousers. The distance between this person and myself was about 100 metres, so I could not say what colour of clothing he was wearing.
>
> I observed that this person was carrying a weapon under his right arm, all I saw was the butt of the weapon sticking out from underneath his arm. Again fire was not returned to the best of my knowledge."

1 B1724

65.205 Second Lieutenant 110 gave a similar account of seeing a civilian carrying a gun in his evidence to this Inquiry. He told us that he recalled that the man moved from Block 1 of the Rossville Flats to Block 2 at ground level and then disappeared from view. Second Lieutenant 110 stated that he recalled that the man was carrying a long weapon, of which he could see both the butt and the barrel. Second Lieutenant 110 stated that he did not fire at the gunman as he only had a baton.[1] He marked his position and that of the gunman with red and green arrows on the following photograph.[2]

1 B1726.005; Day 350/71-73; Day 350/98-108

2 Day 350/71-72; B1726.010



65.206 Another member of 7 Platoon, Corporal INQ 444, also gave evidence of seeing, from a position at the back of the Chamberlain Street houses, a man with a rifle close to the corner of Blocks 1 and 2 of the Rossville Flats. In contrast to Second Lieutenant 110, Corporal INQ 444 recalled that the gunman passed from Block 2 to Block 1. Corporal INQ 444 stated that events took place so quickly that he was unable to take any action and only had a fleeting glimpse of the man in question. He added that the gunman, who was alone, was carrying the rifle in both hands and making no effort to conceal it. The gunman, according to Corporal INQ 444, did not aim the weapon. Corporal INQ 444 stated that he was "*pretty certain … not 100 per cent, but … pretty certain*" that the man was carrying a rifle.[1]

1 C444.5; C444.9; Day 344/81; Day 344/99-103; Day 344/129-133

65.207 Lance Corporal 003, also of 7 Platoon, told this Inquiry that he was with Corporal INQ 444 as they moved across the Eden Place waste ground and to the back of the Chamberlain Street houses.[1] He stated that at some point during the time they spent at the back of the houses he heard Corporal INQ 444 ask whether or not he had seen a man with a weapon between Blocks 1 and 2 of the Rossville Flats. Lance Corporal 003 told us that he did not see this, nor any gunman.[2] Lance Corporal 003 did not mention this incident in his RMP statement, although he did state that he was "*unable to locate any gunmen*", despite being aware of incoming fire.[3] In his evidence to this Inquiry, Corporal INQ 444 said that he did not recall shouting a warning to anyone in his platoon, but he thought that it was possible that he might have done so.[4]

1 B1366.003
2 B1366.004; Day 309/91; Day 309/100-101
3 B1364
4 Day 344/103

65.208 Lance Corporal INQ 1799, again of 7 Platoon, recorded in his written evidence to this Inquiry that while he was sheltering behind a "*boulder*" at the southern end of Chamberlain Street he saw a civilian gunman lying prone with an M1 carbine at the low wall in front of the gap between Blocks 2 and 3 of the Rossville Flats. He nearly fired at this man, but did not due to the proximity of a civilian, who he thought was seeking to restrain the gunman. He also recalled that Major 221A, the Commander of C Company, was with him and gave an order not to fire at that time. The gunman, on Lance Corporal INQ 1799's evidence, crawled back towards a "*pillar type object*".[1]

1 C1799.6-7

65.209 In his oral evidence Lance Corporal INQ 1799 said that he was "*Absolutely certain*" that he had seen a man armed with an M1 carbine, but he thought that he, Lance Corporal INQ 1799, might have been in the Eden Place waste ground, while the gunman was in the waste ground to the north of Block 1.[1] He did not, however, see any Army vehicles or soldiers in the vicinity of the gunman.[2] Lance Corporal INQ 1799 said that he saw the gunman at a time when he could hear the firing that is described above.[3,4]

1 Day 314/166; Day 314/156-168; C1799.0015
2 Day 314/177-180
3 Day 314/163
4 Paragraph 69.154

65.210 In his evidence to this Inquiry, Major 221A stated that he did not recall being with Lance Corporal INQ 1799 at the southern end of Chamberlain Street, but, as he gave oral evidence before Lance Corporal INQ 1799, he was not asked about the latter's change of evidence as to his and the gunman's position.[1] Major 221A stated that he had no recollection of the incident described by Lance Corporal INQ 1799 and no reference to it appeared in his 1972 statements; however, he thought it was still possible that it happened as Lance Corporal INQ 1799 described.[2]

1 Day 294/165
2 Day 294/165-169; B2166; B2166.1; B2168

65.211 We have already expressed the view[1] that it would be unwise to rely on the accounts given by Lance Corporal INQ 1799.

1 Paragraphs 65.46, 65.130, 65.156 and 65.200

65.212 In our view it is unlikely that Second Lieutenant 110 and Corporal INQ 444 saw a gunman. As we have already concluded,[1] by the time Second Lieutenant 110 and Corporal INQ 444 had got to the back of the Chamberlain Street houses, from where they said that they had seen a gunman, the shooting in Sector 2 had finished, but there were soldiers and Army vehicles in the area of the Rossville Flats. In these circumstances it

seems to us that a gunman would be foolhardy in the extreme to come into the open with his weapon in full view, when the Rossville Flats provided a ready means of moving, concealed from the soldiers.

1 Paragraphs 65.21–22 and 65.52

A gunman on the roof of one of the blocks of the Rossville Flats

65.213 Private INQ 12, a member of 8 Platoon, told this Inquiry that as he advanced down Chamberlain Street he saw a gunman, armed with a rifle and dressed in civilian clothing, on the roof of the block of flats 300 to 350 yards in front of him (which would have been Block 2 of the Rossville Flats).[1] He said that he saw this man just after he had heard incoming fire; his evidence of this firing is discussed above. Private INQ 12 told us that he recalled that the man emerged from behind a structure on top of the roof and looked as if he was getting into a firing position, but that he did not see him fire;[2] and that the gunman subsequently stood up again and walked away.[3] Private INQ 12's evidence was that he could not engage the target as he did not have a weapon; and that in any event he heard one of the Lieutenants, who he believed was in command of 9 Platoon, shout three times that no-one was to fire as Support Company was in the building.[4]

1 C12.3; Day 351/20-23
2 C12.3; Day 351/21-22
3 C12.3; Day 351/97-104
4 C12.3; Day 351/23

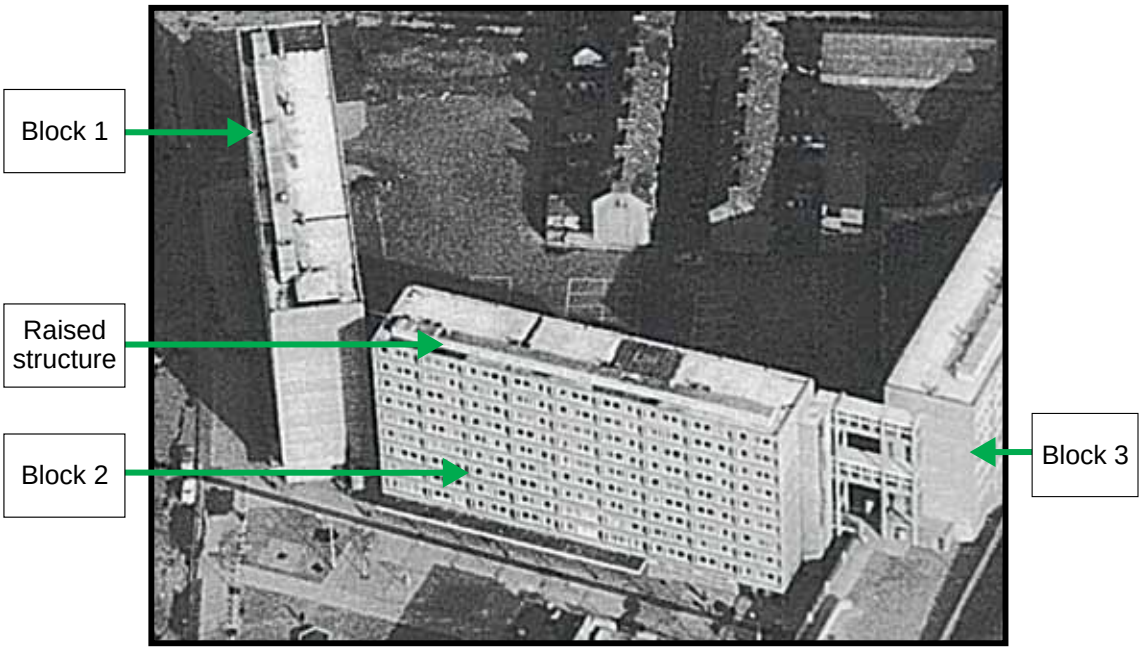
65.214 As already noted,[1] we do not have any evidence from anyone who claimed to have commanded 9 Platoon.

1 Paragraph 65.53

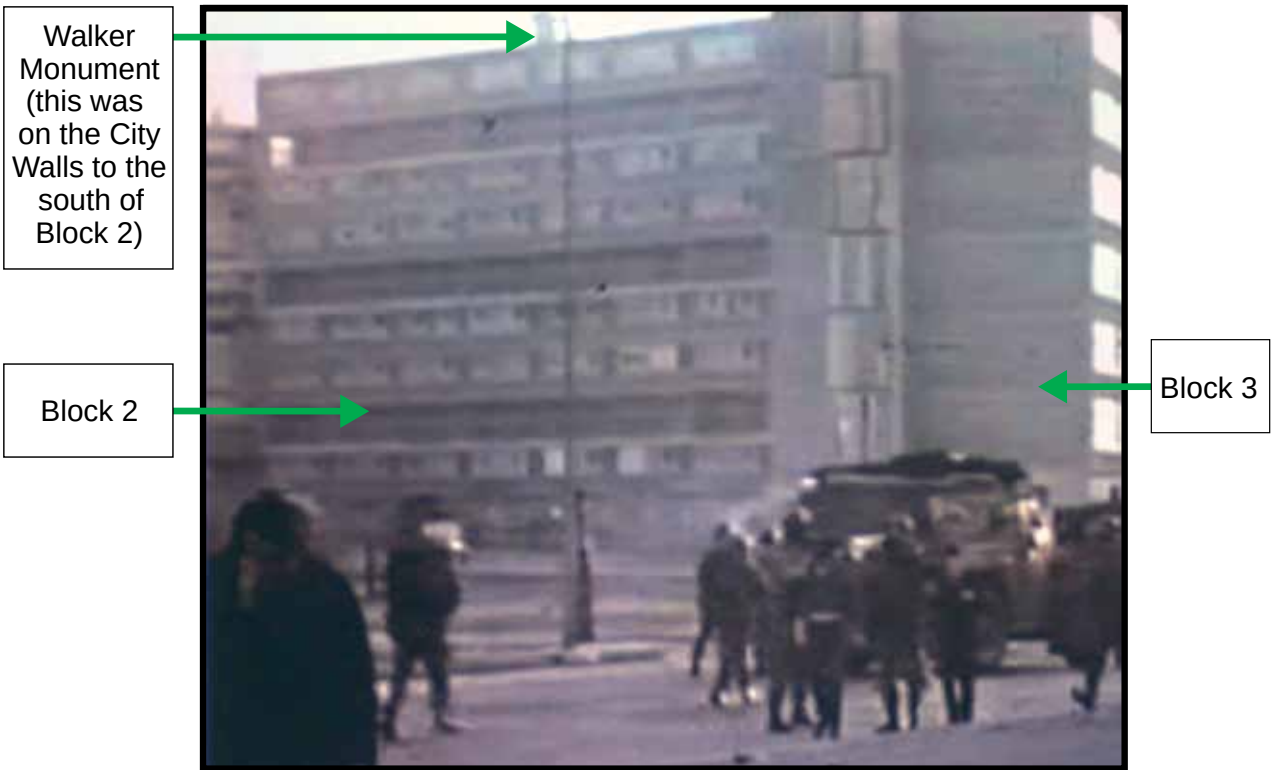
65.215 Private INQ 12's evidence of seeing a man with a rifle close to a structure on top of Block 2 of the Rossville Flats is comparable to the 1972 accounts, described above, of Second Lieutenant 026 and Corporal 007. Both of these soldiers, also members of 8 Platoon, thought that they heard rifle shots fired from the area around what was described in their RMP statements as the "*lift housing*" at the eastern end of the Block 2 roof.[1] Neither Second Lieutenant 026 nor Corporal 007 claimed to have seen a gunman, and both expressed reservations as to the extent to which the description of the source of fire reflected their memory, as opposed to the RMP statement taker's interpretation.[2]

1 B1541-1542; B1378
2 Day 315/139-140; Day 315/166-168; B1384.003; B1384.005; Day 310/32-33; Day 310/77-80

65.216 This Inquiry has a number of photographs showing the roof of Block 2 of the Rossville Flats, but in none of these is there any evidence of the presence of what might be described as lift housing. There was a raised structure running all the way along the southern edge of the roof, but we doubt whether this would have been visible to a soldier at ground level at the southern end of Chamberlain Street.



65.217 While most of the relevant photographs, including those shown above, were not taken on Bloody Sunday, a still image from film footage taken on that day seems to confirm that the roof at the south-eastern end of Block 2 would have appeared to be flat when viewed from ground level.



65.218 In his evidence to this Inquiry, Private INQ 12 said that he was unable to explain why, contrary to his stated memory, there did not appear to be any structure on the roof of Block 2 of the Rossville Flats.[1] Second Lieutenant 026 told us that he could not recall seeing a lift housing, and suggested that the phrase was that of the RMP statement taker.[2] However, he did suggest that from the ground level he might have had the impression, possibly mistakenly, of seeing a raised area on the roof in the relevant position.[3] Corporal 007 was not asked specifically about the apparent lack of any structure on the roof of Block 2. In our view the top of the Walker Monument, which was some 180 yards south of the Rossville Flats, could hardly be mistaken for a lift housing.

1 Day 351/22
2 Day 315/139-140
3 Day 315/166-168

65.219 We have already[1] expressed the view that it would be unwise to place much reliance on the evidence given by Private INQ 12. We do not accept that he saw a gunman on the Rossville Flats.

1 Paragraph 65.165

65.220 Another member of 8 Platoon, Lance Corporal INQ 2121, gave evidence to this Inquiry of seeing a gunman on the roof of Block 1 of the Rossville Flats. Lance Corporal INQ 2121 stated that he did not deploy through Barrier 14 with other members of his platoon as he

remained behind guarding a broken-down vehicle. He was subsequently driven into the Bogside as the guard to a Medical Officer, and he disembarked somewhere in the region of the entrance to Pilot Row, close to the Rossville Flats.[1]

1 C2121.2-3; Day 369/211-215; P520

65.221 Lance Corporal INQ 2121 told this Inquiry that as he disembarked he heard two shots fired in the direction of the vehicle, and the crack as the bullets passed over him.[1] Although he did not recognise the type of weapon used to fire the shots, he thought that the sound was slower and lighter than that of an SLR.[2] He said that these were the only shots that he recalled hearing, and he said that he was "*definite*" that they were incoming fire.[3] He told us that he was not sure where the shots came from, but he did see a man, who was on his own, moving in a crouching position from east to west across the roof at the north-west corner of Block 1 of the Rossville Flats.[4] Lance Corporal INQ 2121 said that he formed the impression that the long object that the man was holding in both hands was a rifle or a carbine,[5] and he shouted to a colleague that he had seen a gunman.[6] However, the man disappeared before Lance Corporal INQ 2121 could fire.[7]

1 C2121.3
2 C2121.3; Day 369/216
3 C2121.3; Day 369/216-217; Day 369/248-250
4 C2121.3; Day 369/218-222; C2121.26
5 C2121.3; Day 369/221
6 C2121.3
7 C2121.3

65.222 During the 1990s, Lance Corporal INQ 2121 gave interviews to John Goddard and Tony Stark of Praxis Films Ltd,[1] Lena Ferguson of Channel 4 News[2] and Toby Harnden of the *Daily Telegraph*.[3] In each case, he referred to the incident described above, and commented that he thought that one of the rounds had struck the roof of the vehicle in which he had travelled. In his oral evidence to this Inquiry, Lance Corporal INQ 2121 said that his recollection was that the bullets passed overhead and that he could not be sure that one of them struck the vehicle.[4]

1 C2121.13
2 C2121.20-21
3 Day 369/224-227
4 Day 369/216-217; Day 369/258-262

65.223 In his interview with Lena Ferguson, Lance Corporal INQ 2121 appeared to say that he thought that one of the shots might have come from a Thompson sub-machine gun, and that this was a "*heavier calibre shot*" than those of SLRs.[1] In his oral evidence to this Inquiry, Lance Corporal INQ 2121 denied that he intended to give this impression, and said he thought that he might have been referring to some other shooting that he could no longer recall. He reiterated that he could not tell what type of shots were fired at him, other than that they were not SLR rounds.[2]

1 C2121.21
2 Day 369/237-240

65.224 It is not easy to tell from the evidence of Lance Corporal INQ 2121 when he entered the Bogside,[1] but in general his account suggests that by the time he disembarked from his vehicle the main shooting incidents were over.[2]

1 Day 369/250-253
2 C2121.3; Day 369/223

65.225 1 PARA's Medical Officer on Bloody Sunday was Captain 219. In an RMP statement dated 14th February 1972, he recorded driving into Rossville Street at about 1630 hours in order to attend "*a paratrooper who had fallen from a building and concussed himself*".[1] The injured soldier was probably Private INQ 455, a member of Machine Gun Platoon who fell while entering the Abbey Taxis building on William Street at a time when the march was still in progress,[2] as we have described earlier in this report.[3] It is not clear why there was such a delay in calling for medical assistance for him.[4] Captain 219's vehicle was an APC converted for use as an ambulance, and marked accordingly. He believed that this was the only such vehicle that was in the vicinity of the Rossville Flats on that day.[5] This suggests that Lance Corporal INQ 2121 was present in the same ambulance as Captain 219, even though the latter did not mention the former in his 1972 evidence. For his part, Lance Corporal INQ 2121 could not recall the name of the officer he accompanied, although he did remember that he was a Captain.[6]

1 B2160-2161
2 C455.1-2; C441.4; Day 303/82-84
3 Paragraph 17.9
4 Day 303/82-84
5 B2160
6 Day 369/212

65.226 The timing given in Captain 219's 1972 account is supported by the 1 PARA log, which records in an entry at 1630 hours that Support Company had incurred a casualty. In the "*Action*" column, there is a note reading "*Medic passed*" (entry 35).[1] This entry seemingly represents the moment at which Captain 219 was called forward. While the times contained in the log and Captain 219's RMP statement might not be exact, they would seem to indicate that the military ambulance did not enter the Bogside until after the main shooting incidents were over. Further, the evidence to this Inquiry of both Captain 219 and Lance Corporal INQ 2121 is that it took them some time to reach Support Company's position. Captain 219 recalled getting lost,[2] and Lance Corporal INQ 2121 remembered driving for about five minutes before stopping by the Rossville Flats.[3]

1 W90
2 B2162.003
3 C2121.2

65.227 In his written evidence to this Inquiry, Captain 219, who was not called to give oral evidence, told us that he recalled hearing incoming fire as he disembarked from his ambulance. He stated that the rounds did not strike the ambulance, but did hit the ground

near it. Although other soldiers thought that the shots were coming from the top of the Rossville Flats, Captain 219 believed that they were fired from the Glenfada Park North direction. Captain 219 stated that he took cover and then heard "*a lot of high velocity fire but also some low velocity fire*". He recalled that there was a lot of firing, and that he thought that the soldiers might have fired more than the rounds that were officially recorded as having been expended.[1]

1 B2162.004

65.228 In his one-page RMP statement, Captain 219 made no reference to hearing any firing when he was in the vicinity of the Rossville Flats.[1]

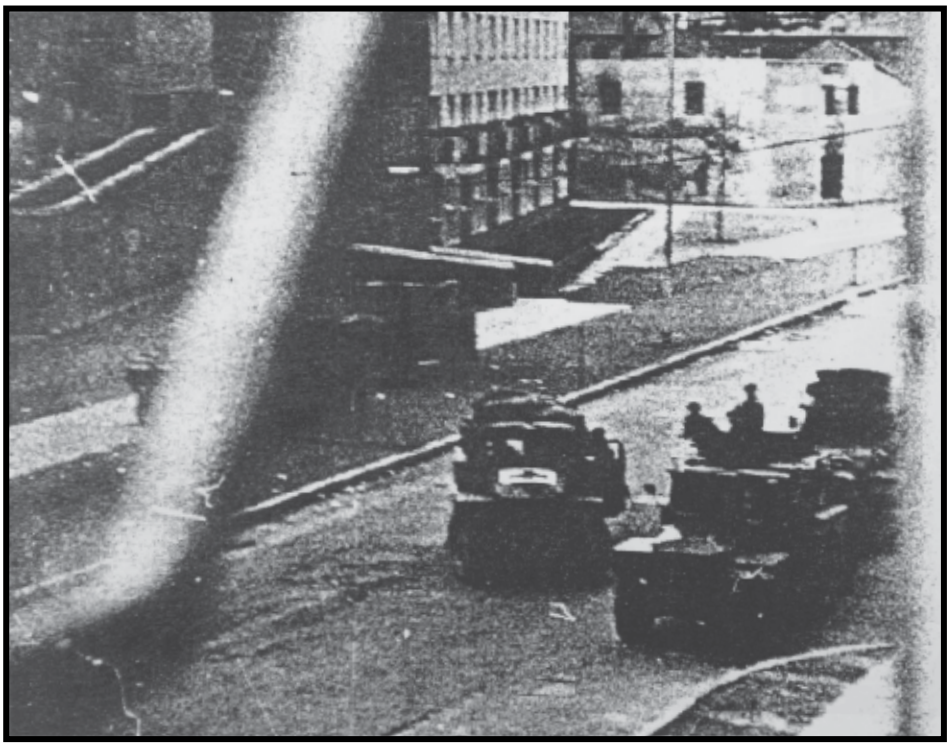
1 B2160

65.229 In our view there was no gunman on the roof of the Rossville Flats. As we describe elsewhere in this report there were soldiers on lookout on the City Walls in positions overlooking the Rossville Flats; and in an Observation Post (OP) on the Embassy Ballroom to the north-east of William Street. Any gunman on the roof of those flats and visible from the ground would also have been visible from either of these locations; but we have found nothing that suggests that one was spotted that day. It should be noted that the evidence of Gunner 023, a sniper stationed at the Peter England shirt factory on Sackville Street, was that he did not recall seeing anyone on the roofs of Blocks 1 and 2 of the Rossville Flats.[1] Furthermore, it would have been foolhardy in the extreme for anyone minded to fire at the soldiers to take up a position on the roof, in full view of soldiers on the City Walls and the Embassy Ballroom OPs, who customarily kept a look-out from those positions.

1 Day 360/24

65.230 As to the evidence of Lance Corporal INQ 2121 and Captain 219, we are sure that they did not arrive in the area until after most of the events of Sectors 2, 3, 4 and 5. As we discuss in our consideration of the events of Sector 3,[1] there was at a late stage firing by soldiers at a window on the west side of Block 1 of the Rossville Flats. The journalist Fulvio Grimaldi had taken a photograph (shown below) from that window shortly before soldiers had fired at it, which shows the converted APC ambulance.

1 Chapter 123



65.231 As we describe elsewhere in this report,[1] some of the firing at this window came from soldiers on a walkway on the west side of the Kells Walk flats, behind the ramp which can be seen in the left background of this photograph. These shots would have passed more or less over the ambulance. In our view this was the firing that Lance Corporal INQ 2121 and Captain 219 described hearing. We do not accept that they witnessed a shot hitting the ambulance or the ground nearby.

[1] Paragraphs 123.1–103

65.232 Other soldiers fired at the window from positions at ground level near the converted ambulance. In our view Lance Corporal INQ 2121 and Captain 219 probably also heard this firing, and may have again mistaken it for incoming fire.

65.233 In our view this incident is another example of soldiers mistakenly believing that they were witnessing incoming fire by paramilitaries.

Lance Corporal INQ 1799's account of seeing a man with an automatic pistol

65.234 Lance Corporal INQ 1799's evidence of hearing shots after he deployed into the Bogside and of seeing a gunman close to the Rossville Flats is considered above.[1] We have already noted[2] that he also told this Inquiry that as he moved down either Chamberlain

Street or William Street he saw a gunman armed with an automatic pistol among the crowd. According to Lance Corporal INQ 1799 the gunman, who was dressed in a black parka jacket, raised the pistol with both hands and pointed it in the general direction of Lance Corporal INQ 1799, who took cover in a doorway, from where he heard Thompson sub-machine gun fire. Lance Corporal INQ 1799 stated that he could not remember the gunman firing the pistol, but he thought that it was possible that he did so. Although Lance Corporal INQ 1799 only had a "*short, fast exposure*" to the gunman, he had a "*quite ineradicable*" impression of seeing the weapon.[3]

1 Paragraphs 65.130, 65.154–155 and 65.208–211
2 Paragraphs 65.45, 65.130 and 65.203
3 C1799.4-5; Day 314/135-136; Day 314/140-142; Day 314/170-174

65.235 We have already expressed[1] the view that Lance Corporal INQ 1799 had no clear recollection of events. We consider it unlikely that he saw a gunman. No other member of C Company gave evidence of seeing a civilian with a handgun at this location and at this time.

1 Paragraphs 65.46, 65.130, 65.156 and 65.200

Conclusions on the evidence of C Company soldiers of seeing civilian gunmen

65.236 For the reasons given above,[1] we are of the view that soldiers of C Company are unlikely to have seen civilian gunmen on Bloody Sunday.

1 Paragraphs 65.204–235

Chapter 66: Arrests at 33 Chamberlain Street

Contents

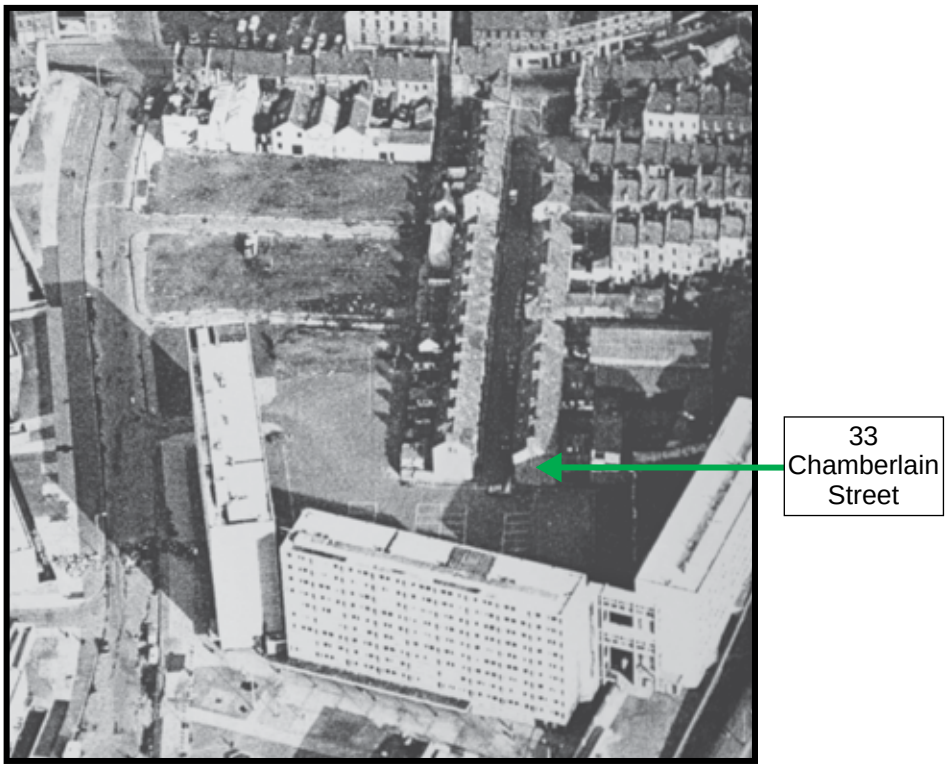
66.1 Earlier in this report[1] we described the movements of members of C Company of 1 PARA following their deployment through Barrier 14. We now turn to consider the circumstances in which members of 8 Platoon of that company arrested people who, as we have also explained earlier,[2] had taken refuge in 33 Chamberlain Street. We should note that in this report, unless otherwise indicated, we use the words "*arrest*", "*arrested*", "*arrestees*" and "*prisoners*" in a non-technical sense as meaning simply that the people in question were detained by soldiers and were not free to leave. It should not be understood that the use of such terms carries the inference that the formalities of a lawful arrest had necessarily been observed.

1 Paragraphs 65.1–119

2 Paragraphs 65.3 and 65.118

The scene in 33 Chamberlain Street as the soldiers arrived

66.2 We set out below a photograph on which we have marked 33 Chamberlain Street. The house was at the southernmost end of Chamberlain Street, on the east side.



66.3 Bridget Nelis was the occupier of 33 Chamberlain Street. She was in the house when soldiers from C Company arrived there, as were her two daughters, Anna and Margaret, who lived with their mother, and her son George. A number of civilians who had sought shelter in the house and its back yard were also present. In addition, and as we have described elsewhere in this report,[1] Margaret Deery and Michael Bridge, who had been shot and injured in the Rossville Flats car park, had been carried there. The following photographs, taken by Fulvio Grimaldi, show Michael Bridge in the back yard of 33 Chamberlain Street and Margaret Deery[2] in the house.

1 Paragraphs 55.128–130 and 55.202–206

2 AM124.9

66.4 Michael Bridge and Margaret Deery were attended by two Order of Malta Ambulance Corps volunteers, Majella Doherty and Charles McMonagle.

66.5 Following the arrival of soldiers at 33 Chamberlain Street, a total of 19 men were ordered from the house and arrested. They were: an individual whose name has been redacted, Robert Brady, Noel Breslin, Matthew Campbell, William Leo Carlin, William Duddy, James Ferguson, Joseph Hutchman, Kevin Leonard, Charles McCarron, William McCloskey, Maurice McColgan, James McDermott, Henry McGurk, Thomas Meehan,

John Morrison, George Nelis, George O'Neill and Otto Schlindwein. Of these, Otto Schlindwein, James McDermott, William McCloskey and Charles McCarron were charged with offences; Noel Breslin, Henry McGurk, George Nelis, Joseph Hutchman, Maurice McColgan, Robert Brady, William Duddy, the individual whose name has been redacted and James Ferguson were released pending further inquiry; and no further action was taken against Matthew Campbell, William Leo Carlin, Kevin Leonard, Thomas Meehan, John Morrison and George O'Neill. In those cases where individuals were charged, proceedings were subsequently dismissed, the prosecution having offered no evidence.[1]

1 L216

66.6 Charles McMonagle, the Order of Malta Ambulance Corps volunteer, was allowed to stay in 33 Chamberlain Street in order to treat the wounded.[1]

1 AM367.24

The arrival of the soldiers at 33 Chamberlain Street and the arrests

66.7 The manner in which members of 8 Platoon deployed south along Chamberlain Street, and their accounts as to what they saw and heard at that time, are described in the previous chapter of this report.[1] In the following paragraphs, we consider the evidence of those soldiers who arrived at, and in some cases entered, 33 Chamberlain Street.

1 Paragraphs 65.67–119

66.8 The Platoon Commander, Second Lieutenant 026, told this Inquiry that having reached the southern end of Chamberlain Street, he attempted to take cover in the doorway of a house. He stated that he "*nudged*" open the door and ordered a non-commissioned officer (NCO) "*to check the occupants*".[1] Second Lieutenant 026 told us that he was "*generally aware*" that "*people, rioters as we thought they were, who had moved down Chamberlain Street, had disappeared in the general area of that house*".[2]

1 B1545.003; Day 315/142 2 Day 315/141

66.9 Having been informed that there were "*no fewer*" than 30 people inside the house, Second Lieutenant 026, according to his evidence to this Inquiry, radioed his Company Commander, Major 221A, and was ordered to detain the people and take them "*back up*

Chamberlain Street".[1] Second Lieutenant 026 said that he did not enter the house himself.[2] He could not recall whether he told Major 221A that he suspected the people in the house of being involved in a riotous situation.[3]

1 B1545.003-004
2 Day 315/142
3 Day 315/143

66.10 Major 221A's evidence to this Inquiry was to the effect that he did not know that arrests were made inside a house in Chamberlain Street,[1] and that his recollection was that his company made their arrests in Harvey Street/High Street.[2] Major 221A's recollection in this regard is clearly wrong. Whether Second Lieutenant 026 is correct in his recollection that he contacted Major 221A, and that Major 221A ordered the arrest of those inside 33 Chamberlain Street, remains in doubt.

1 Day 294/173
2 Day 294/171

66.11 Second Lieutenant 026 told us that he could not remember the name of the NCO whom he thought he ordered to check the occupants of the house.[1] It is unlikely that this was Sergeant INQ 2000, because this NCO's 1972 evidence (considered below[2]) as to how those in the house came to be detected differs from the account given by Second Lieutenant 026 to this Inquiry. It is possible that it was Corporal INQ 579, whose evidence we also consider below,[3] but he said nothing about receiving an order from Second Lieutenant 026 to enter the house. It is notable that Second Lieutenant 026 did not refer to ordering men into 33 Chamberlain Street in his Royal Military Police (RMP) statement,[4] and in view of the accounts given by Sergeant INQ 2000 and Corporal INQ 579, it is possible that Second Lieutenant 026 was mistaken in his recollection to this Inquiry that he was responsible for sending soldiers into the house. In the end we remain in doubt whether Second Lieutenant 026 did order soldiers into 33 Chamberlain Street.

1 Day 315/142
2 Paragraph 66.12
3 Paragraph 66.25
4 B1541

66.12 In an RMP statement dated 19th May 1972,[1] Sergeant INQ 2000 made no mention of being ordered by Second Lieutenant 026 to check the house. Instead, he said that his patrol was approached by a woman who had come from 33 Chamberlain Street, and who asked for an ambulance to be called for a wounded person in the house. Sergeant INQ 2000 stated that he detailed Corporal 007 and Private INQ 12 to enter the house and ascertain the extent of the casualty's injuries while he used the radio in his Armoured Personnel Carrier to call for an ambulance. Sergeant INQ 2000 continued:

> "A few minutes later, Cpl 007 and Pte INQ 12 came out of the house and informed me that it was full of people. These people were the ones we had chased up CHAMBERLAIN ST after having seen them throwing stones at the Security Forces in WILLIAM ST/CHAMBERLAIN ST. I then went into the house with Cpl 007 and Pte INQ 12 and recognised these people as the ones who we had seen running down CHAMBERLAIN ST."

1 C2000.2

66.13 In this statement,[1] Sergeant INQ 2000 described how the people taken from 33 Chamberlain Street were searched outside the house and then taken to Fort George, where they were searched again:

> "I then positively identified [name redacted], CHARLES McCORRAN [sic] and WILLIAM MACCLOSKEY [sic] a people I had seen throwing stones at the Security Forces in WILLIAM ST and CHAMBERLAIN ST. I also identified JAMES PATRICK FERGUSON as being present in 33 CHAMBERLAIN ST, however, I had not seen FERGUSON throwing stones and he was only taken to FORT GEORGE for screening."

1 C2000.3

66.14 Sergeant INQ 2000 signed statements at Fort George, in which he recorded that the first three of these people (ie name redacted, Charles McCarron and William McCloskey) had thrown stones at the military.[1] This Inquiry also has the Arrest Report Forms for these men, each of which lists the relevant offence as "*RIOTOUS BEHAVIOUR*", and records either that "*The prisoner was seen throwing stones and taking part in a riot in Chamberlain St*",[2] or that he was "*seen throwing stones in Chamberlain St*".[3] In the case of James Ferguson, his Arrest Report Form does not contain an entry next to the heading "*Offence*", and neither this document, nor the statement signed by Sergeant INQ 2000 at Fort George, records any details or evidence of riotous or other criminal activity on his part.[4]

1 C2000.7; C2000.10; C2000.16
2 C2000.6; C2000.15
3 C2000.9
4 C2000.12-13

66.15 In his written statement to this Inquiry,[1] Sergeant INQ 2000 told us that he had "*absolutely no recollection*" of the events of the day. He did not give oral evidence.

1 C2000.001

66.16 Corporal 007 gave a statement to the RMP dated 19th May 1972,[1] that is similar to the account given by Sergeant INQ 2000 in his RMP interview of the same day. In his statement, Corporal 007 recorded that on entering the house he saw a woman with a gunshot wound in her thigh lying on a settee, and around 30 other people, some of whom he recognised as "*being in the crowd which we had chased out of WILLIAM ST into CHAMBERLAIN ST*". Corporal 007 told this Inquiry that he could no longer recall seeing any injured people in the house.[2]

1 B1383 2 B1384.003-B1384.004; Day 310/34

66.17 Corporal 007 was recorded in the Arrest Report Forms as having arrested James McDermott and Otto Schlindwein for "*throwing stones and taking part in a riot in Chamberlain St*", and William Duddy for "*throwing stones at the Security Forces*". He signed statements at Fort George in which he stated that these people had thrown stones at the military. However, in his RMP statement of 19th May 1972, he recorded that while he "*positively identified [the three men] as being members of the crowd which were throwing stones at the Security Forces in WILLIAM ST … I did not see any of these three people actually throw any stones*."[1]

1 B1384.010

66.18 In relation to the arrests, Corporal 007 told this Inquiry[1] that all of the men in the house were detained, and that identifications were then made by the soldiers of those individuals that they had seen in William Street and Chamberlain Street as they deployed. He described his evidence in this regard as being "*to the best of my recollection*", but subsequently stated that he "*assume[d]*" or "*would imagine*" that this was what had happened. He also said that when he initially identified the three men he arrested as having been involved in stone throwing or rioting, he "*must have believed it to be true, or I would not have said it*".[2]

1 Day 310/36-38 2 Day 310/73-77

66.19 Private INQ 12 made three statements in 1972 and gave two written statements and oral evidence to this Inquiry. In a statement taken by a Royal Ulster Constabulary (RUC) officer on 10th March 1972,[1] Private INQ 12 described entering the house after being told by a woman that there were two injured people inside. He said that he saw the two casualties and arrested George Nelis, whom he recognised as being "*in the hostile crowd in William Street*". Although it is not entirely clear, this statement appears to us to record

that Private INQ 12 recognised George Nelis as one of those throwing stones at Barrier 14; and that on going through the barrier, he had seen this individual run up Chamberlain Street and into the house.

1 C12.9

66.20 In his RMP statement dated 19th May 1972, Private INQ 12 gave an account similar to those of Corporal 007 and Sergeant INQ 2000 as to how they came to enter the house and make arrests. However, in contrast to what we believe he had told the RUC, Private INQ 12 recorded nothing about seeing a man run along Chamberlain Street and into a house. Instead he stated that "*a group of rioters ran out of WILLIAM ST. into CHAMBERLAIN ST. we gave chase, but on our arrival in CHAMBERLAIN ST they had disappeared.*"[1] As we have discussed in the previous chapter,[2] we consider this to be a more reliable account of what actually happened in Chamberlain Street. Private INQ 12 also said in this statement that he "*positively identified*" six people from 33 Chamberlain Street, including George Nelis, "*as persons I had seen throwing stones at the Security Forces in WILLIAM ST*".[3]

1 C12.10-11
2 Paragraph 65.89
3 C12.11

66.21 In a further statement dated 17th November 1972,[1] Private INQ 12 stated that he was "*personally responsible*" for the arrest of five men, one of whom was George Nelis. In this statement, Private INQ 12 said that although he could not say "*positively*" that George Nelis had been throwing stones, he could say that he (George Nelis) had been "*one of the crowd all of whom were shouting abuse and encouraging the stone throwers*". In this statement he denied allegations of abuse made against him by George Nelis, which we discuss further below.[2,3]

1 C12.12-14
2 Paragraphs 66.47–54
3 In his statement dated 17th November 1972, Private INQ 12 recorded that 22 people were arrested in the house. We do not know the reason for this figure, as opposed to the 19 that we believe were arrested.

66.22 In fact, Private INQ 12 was listed as the arresting soldier on the Arrest Report Forms of six people on Bloody Sunday. Of these, only one, Noel Breslin, was recorded in the arrest documentation as having been seen throwing stones. In the cases of the other five men, including that of George Nelis, the offence of "*riotous behaviour*" was recorded on each of their Arrest Report Forms, but neither these forms nor the statements signed by Private INQ 12 at Fort George contain any details or evidence as to how the alleged offence was committed.

66.23 In his first written statement to this Inquiry,[1] Private INQ 12 told us that he "*vaguely*" recalled a woman approaching his patrol and requesting assistance for an injured person in her house. He said that he and a Platoon Corporal, whom he later identified as Corporal 007,[2] were detailed by the Platoon Sergeant to enter the house and ascertain the extent of the casualty's injuries.[3] Private INQ 12 went into the hallway and noticed about 20 to 30 people in the house. He stated that he recognised some of those present as people who had "*been involved in the civil rights demonstration and rioting*". The people were brought out of the house and searched while standing against a wall.

1 C12.4
2 Day 351/24-25
3 C12.4

66.24 In his oral evidence to this Inquiry,[1] Private INQ 12 said that before entering the house he did not know that it contained people who had been rioting. His evidence was that all of the people in the house were taken outside, even though he was not in a position to say that each of them had been involved in the riot. In relation to those that he identified at Fort George, he said that he recognised them as having been at the riot, but he was not sure whether they had been stone-throwers or just people who were present.[2] He gave the following evidence in response to being asked to explain why he had not recorded, in the arrest forms that he signed at Fort George, seeing these individuals engaging in rioting:[3]

> "A. ... because they were not arrested as such, they were arrested to be screened.
>
> Q. What does that mean?
>
> A. It means they go back and the details are taken and they are checked off to be screened.
>
> Q. What is the point in screening somebody if no soldier is coming forward to say that he had been doing anything illegal?
>
> A. I am sorry, sir, they were doing illegal – they were illegal in the first place because they were at the riot.
>
> Q. Why did you not say that in the statement?
>
> A. Because I was never asked that, sir.
>
> …

Q. What did you understand the purpose of these statements to be?

A. As we said, we took them there to be screened and this is a statement, I suppose, so they could hold them for a time to screen them.

Q. Is the true position that you did not identify any of these people as rioters in your statements because you knew that the first time you had clapped eyes on any of them was when you went into the house on Chamberlain Street?

A. No, sir."

1 Day 351/29-30
2 Day 351/41-42
3 Day 351/42-44

66.25 Two other soldiers, Private INQ 1073[1] and Corporal INQ 579[2], gave accounts of having entered 33 Chamberlain Street, but playing no role in the arrests. The account given by Corporal INQ 579 would place him in the house before Sergeant INQ 2000, Corporal 007 and Private INQ 12.[3] Corporal INQ 579, who described a more tranquil scene in the house and back yard than his three colleagues, was "*Absolutely*" clear that no-one was arrested in the house while he was there and said he was "*Gobsmacked*" that more than a dozen people were arrested there.[4] He told us that he had satisfied himself that the occupants "*were just bystanders, onlookers*".[5] The sequence implied by Corporal INQ 579's evidence, that he and another soldier entered and left the house before those members of his platoon who made the arrests, is similar to the account given by Margaret Nelis in her Northern Ireland Civil Rights Association (NICRA) and RUC statements.[6]

1 C1073.2
2 C579.3-4; Day 308/51-54; Day 308/64-66; Day 308/80-85
3 Day 308/52
4 C579.3-4; Day 308/65-66
5 Day 308/50-51
6 AN11.8-9; AN11.10

66.26 Sergeant INQ 2000, Corporal 007 and Private INQ 12 were the only soldiers who are recorded as responsible for the arrests of the people in 33 Chamberlain Street.

66.27 Those detained were made to stand against the outside wall of 33 Chamberlain Street, where they were searched. So far as Private INQ 1073 and Corporal INQ 579 are concerned, they appear to have played no part in arresting people, and in our view they were probably the first soldiers to go into 33 Chamberlain Street.

Allegations of physical and verbal abuse as the arrests were made

66.28 On 4th February 1972, George Nelis complained to Sergeant Boyle of the RUC that after being arrested in 33 Chamberlain Street, and while he was being held awaiting transportation to Fort George, a soldier had threatened to shoot him.[1] Chief Superintendent Frank Lagan approved a recommendation that the complaint be investigated further.[2] On 10th March 1972, Sergeant Dorsett of the RUC submitted two reports of his investigation into the complaint, in which he summarised interviews that he had conducted with George Nelis, Bridget Nelis, Anna Nelis, Margaret Nelis, Joseph McGurk, Thomas Meehan, James Ferguson, William Leo Carlin, Joseph Hutchman, Kevin Leonard, Charles McCarron, Matthew Campbell, James McDermott and George O'Neilll.[3] On 18th December 1972, Sergeant Cooke of the RUC reported the results of interviews with 12 soldiers, only three of whom were members of C Company, namely Sergeant INQ 2000, Corporal 007 and Private INQ 12.[4]

1 JB12.1-12.2
2 JB12.2
3 JD8.1-3; JD8.4
4 JC13.1-3

66.29 Although George Nelis's complaint was about his treatment while on the waste ground awaiting transport to Fort George, the RUC investigation was not restricted to events there. Some of the civilians interviewed alleged that verbal and/or physical abuse occurred in 33 Chamberlain Street, as well as while they were being escorted to the waste ground, while they were being transported to Fort George, and at Fort George itself.

66.30 With respect to verbal abuse by the soldiers in 33 Chamberlain Street, George Nelis told us that he heard the two soldiers who ordered people from the house making remarks about the two wounded people such as "*let them bleed to death*" and "*they deserve it*".[1] Anna Nelis told us in her written evidence to this Inquiry that one soldier "*seemed very hyped up*" and used obscene language, saying of Margaret Deery "*Let the whore bleed to death*" and, having learned of the wounded Michael Bridge in the back yard, "*Let them all die*".[2] Margaret Nelis stated to us that two soldiers were "*unpleasant*", but she could not recall what they said.[3] However, in statements to NICRA and Sergeant Dorsett made in February 1972 she said that one soldier asked the injured man (Michael Bridge) "*Are you*

not dead yet mate".[4] Bridget Nelis, who died in 1980, recorded in a statement taken by Sergeant Dorsett on 18th February 1972 that a "*small, squat Scot soldier ... used the most obscene and abusive language and seemed to be enjoying himself*".[5]

1 AN9.3
2 AN8.4
3 AN11.3
4 AN11.8; AN11.10
5 AN26.1

66.31 In his report of 10th March 1972, Sergeant Dorsett summarised his interview with the Nelis family by writing that: "*They allege that the soldiers used the most obscene and abusive language and made crude and offensive remarks about the shot and wounded persons in the house, eg. 'Let the whore bleed to death.'*"[1]

1 JD8.1

66.32 Not only Nelis family members made allegations of verbal abuse in the house. Matthew Campbell told Sergeant Dorsett on 7th March 1972 that he heard a soldier say "*'Let the bastards or whores bleed to death'*", and that a "*wee, stout Scot soldier […] used the most obscene language to everybody*".[1] Thomas Meehan also mentioned a soldier using the phrase "*Let the bastard bleed to death*" both in his statement to Sergeant Dorsett on 26th February 1972 and in his NICRA statement.[2] Joseph Hutchman told Sergeant Dorsett on 1st March 1972 that "*a Sergeant, with a Liverpool accent*" said "*Let the bastards bleed to death*", and that a "*private […], a short fat man with dirty teeth and a scotch accent*" referred to those in the house as "*F_____ Irish bastards*".[3] In his evidence to this Inquiry, Joseph Hutchman said that he could no longer recall the former comment, but he did remember the Private with a Scottish accent "*giving a lot a old lip to [a] woman*".[4]

1 AC140.1
2 AM393.2; AM393.1
3 AH91.7
4 Day 102/180-181

66.33 Charles McMonagle said in his Keville interview that "*the women in the house started to argue with the soldiers and they were verbally abused and rather obscene language*".[1] Before us, he agreed that any abuse was verbal, and that both civilians and soldiers had used abusive language.[2] James Ferguson[3] told Sergeant Dorsett on 26th February 1972 that, while he was not badly treated, he heard "*a soldier using obscene and abusive language to some women*"; it is unclear from the statement whether this occurred inside or outside the house.[4] In his statement to Sergeant Dorsett on 7th March 1972, James

McDermott said that a "*small Scot soldier went into the parlour and started using dirty language about all and every F____n pig of an Irishman was under arrest*".[5] However, he did not mention the abusive language in his NICRA account.[6]

1 AM367.24
2 Day 102/200
3 AF45.1
4 AF45.1
5 AM185.5
6 AM185.4

66.34 Some of those present in 33 Chamberlain Street also made allegations of rough treatment by the soldiers. In his statement to Sergeant Dorsett, Matthew Campbell said that "*A young soldier hit me twice on my [shoulder] with his rifle butt, (actually it was more of a hard push)*".[1] James McDermott told Sergeant Dorsett that a "*small Scot soldier*" hit him several times about his shoulder with a baton.[2] Kevin Leonard said in his statements to both NICRA and the RUC that he was kicked by a soldier as he was being searched outside Chamberlain Street.[3] In his account to Sergeant Dorsett, Thomas Meehan stated that he was shoved with a butt of a rifle as he tried to assist the ambulance men who had come for the wounded. He also stated that while he and others were standing against a wall, "*We received the odd poke with a baton and kicks on the inside of our legs no matter how far we had them apart*".[4] It is not clear whether the wall to which Thomas Meehan referred was in Chamberlain Street, or whether he was suggesting that this alleged incident took place while the prisoners were awaiting transportation to Fort George. It is also relevant to note that neither Thomas Meehan nor James McDermott mentioned the allegations of rough treatment in their NICRA statements.[5]

1 AC140.1
2 AM185.5
3 AL7.12; AL7.10
4 AM393.2
5 AM185.1; AM393.1

66.35 Private INQ 12, in his RMP statement of 19th May 1972, said that "*a great deal of obscene and abusive language was directed at members of the Security Forces by the arrested persons and on occassions I did tell these people to 'Shut their fucking mouths', but at no time did I make any obscene or abusive remarks about injured people*".[1] In his third statement, dated 17th November 1972, Private INQ 12 recorded: "*At no time did I threaten abuse or in any way ill-treat the prisoners nor did I witness any other person doing same.*"[2]

1 C12.10-11
2 C12.14

66.36 In his first written statement to this Inquiry, Private INQ 12 said that the soldiers and the civilians both used "*choice language*" and he accepted that he swore while taking the prisoners out of the house.[1] However, he denied that his language was "*directed at, or personal to, any particular individual*", and he specifically denied seeing any wounded

people in the house, or making the remarks that had been attributed to him by those civilians interviewed in the course of the RUC investigation.[2] He also stated that he "*did not physically or verbally abuse anyone, at the house, in the lorry or at Fort George*".[3] Before us, Private INQ 12 stated that he had not remembered anything about going into 33 Chamberlain Street until he saw his 1972 statements.[4] Counsel to the Inquiry put to him a large number of allegations of physical and verbal abuse contained in the evidence of those present at 33 Chamberlain Street. Private INQ 12 admitted that he had used a certain amount of bad language in the house but otherwise denied the allegations.[5]

1 C12.4
2 C12.5
3 C12.5
4 Day 351/25
5 Day 351/45-60

66.37 The evidence of Private INQ 12 to this Inquiry has to be considered in the light of his inaccurate claims that there were "*thousands*" of people rioting at Barrier 14 and that petrol bombs were thrown during the Barrier 14 riot, causing the feet of one soldier to be set alight.[1] It may be that Private INQ 12 was mistaking Bloody Sunday for another day. In his first written statement to this Inquiry, he told us that he accompanied the arrestees to Fort George and went back later in the evening to be photographed with the persons he identified as rioters.[2] As will be seen in the part of this report dealing with allegations of abuse at Fort George,[3] Private INQ 12 is mistaken about this, as the Chamberlain Street prisoners were taken to Fort George in the third and final trip there and were immediately processed. This was unlike the previous two groups, who had to await the return of the identifying Support Company soldiers. For these reasons, we view the evidence that Private INQ 12 gave to us with some caution.

1 C12.2; Day 315/8-9; Day 351/81-82
2 C12.4
3 Paragraphs 159.26–32 and 161.1

66.38 Corporal 007 recorded in his 1972 RMP statement that "*a great deal of obscene and abusive language was being directed at the Security Forces*" by those who had been arrested in 33 Chamberlain Street. Corporal 007 stated: "*I did not reply to these people nor did I hear anyone else.*"[1] Before us, he said that he did not either hear or make remarks such as "*'Let her bleed to death'*" about Margaret Deery.[2] In his written statement to this Inquiry, he had recorded that the only force that was used when removing the men from 33 Chamberlain Street was "*to put our hands on their shoulders to move them along*".[3]

1 B1383-1384
2 Day 310/65-66
3 B1384.004

66.39 As is noted above,[1] Sergeant INQ 2000 told us that he had no memory of the day, and his RMP statement makes no mention of any incidents of verbal or physical abuse in the house. However, he did record, in similar terms to Private INQ 12 and Corporal 007, that he got into an exchange of swearing with some of those who had been arrested, seemingly as they were being moved to the vehicles that took them to Fort George.[2] He also stated: "*During the time that these people were in my custody, I did not assault any of them nor did I see any other members of the Security Forces assault them.*"[3]

1 Paragraph 66.15
2 C2000.3
3 C2000.4

66.40 As we have described above,[1] Corporal INQ 579, who said that he had been in the house shortly before Sergeant INQ 2000, Corporal 007 and Private INQ 12, described a much calmer situation there than did the arresting soldiers. It is probable that the threat of arrest or the aggressive attitude of the soldiers contributed to the confrontation. In any event, looking at the evidence as a whole, we are satisfied that some of the arresting soldiers directed foul language at the civilians sheltering in 33 Chamberlain Street and we consider that it is probable that abusive remarks of the nature described above were either directed towards or about the seriously wounded Margaret Deery and Michael Bridge. Some of the soldiers' remarks may have been in response to language used by some civilians. In the context of what happened on Bloody Sunday, such an exchange of bad language is in our view of little consequence, but we can find no excuse at all for the abusive remarks directed towards or about the wounded Margaret Deery and Michael Bridge. We are unable to identify the soldier or soldiers who made these remarks. We also consider that some of the arrestees were probably, for no reason other than to hurry them along, struck or pushed by soldiers as they were leaving the house, though such assaults were of a minor kind.

1 Paragraph 66.25

66.41 The arrest photographs show that Private INQ 12, at 5 feet 6 inches, was the shortest of the three arresting soldiers. In his oral evidence to this Inquiry, Private INQ 12 confirmed that this was his height and that he was of stocky build and a Scotsman.[1] A soldier fitting this description was singled out by some of the occupants of the house as the most abusive and aggressive of the arresting soldiers. In our view this was Private INQ 12, who, despite his denials, we consider was, without justification, both verbally and physically abusive towards occupants of 33 Chamberlain Street, though we remain in doubt as to whether he was the soldier, or one of the soldiers, who singled out Margaret Deery or Michael Bridge for abuse.

1 Day 351/46

The justification for the arrests

66.42 The arrest documents indicate that Corporal 007, Private INQ 12 and Sergeant INQ 2000 were the arresting soldiers for all of those arrested at 33 Chamberlain Street.

66.43 As we have already noted,[1] although Corporal 007 had made statements at Fort George to the effect that he had seen those he arrested throwing stones at the security forces, he later admitted that this was not the case. We do not accept that at the time he made the former statements he "*must have believed it to be true, or I would not have said it*".[2] In our view Corporal 007 knew throughout that he had not seen any of those he arrested throwing stones, and knowingly made false statements at Fort George. In view of this, we find it impossible to accept his assertion that he had identified any of those he arrested as being part of a rioting crowd in William Street.

1 Paragraph 66.17 2 Day 310/74

66.44 As to Private INQ 12, as we have also already noted,[1] our reading of his account to the RUC of seeing the man he had identified as throwing stones running down Chamberlain Street and going into number 33 means that this account is inconsistent with the account that he gave to the RMP and his evidence to this Inquiry that he did not realise, before entering the house, that it contained people who had been rioting. He later admitted that he could not say positively that George Nelis was throwing stones, though he maintained that George Nelis was one of the crowd, all of whom were shouting abuse and encouraging the stone-throwers. In view of these matters, we take the view that Private INQ 12 knowingly made a false statement to the RUC that he had positively identified George Nelis as a stone-thrower. In these circumstances, as with Corporal 007, we find it difficult to accept Private INQ 12's assertion that he had identified any of those he arrested as being part of a rioting crowd in William Street or that he had identified five others, in addition to George Nelis, as persons he had seen throwing stones at the security forces in William Street.

1 Paragraphs 65.88–89 and 66.19–24

66.45 As to Sergeant INQ 2000, in his RMP statement[1] he recorded that Corporal 007 and Private INQ 12 informed him that the house was full of people: "*These people were the ones we had chased up CHAMBERLAIN ST after having seen them throwing stones at the Security Forces in WILLIAM ST/CHAMBERLAIN ST. I then went into the house with Cpl 007 and Pte INQ 12 and recognised these people as the ones who we had seen running down CHAMBERLAIN ST.*" The first part of this quotation would appear to be what, according to Sergeant INQ 2000, he was told by Corporal 007 and Private INQ 12,

since he had yet to go into the house and at that stage did not himself know who was inside. The second part of the quotation merely recorded that Sergeant INQ 2000 recognised the people as those whom he had seen running down Chamberlain Street. In our view there is little in his RMP statement to suggest that, out of the people taken from 33 Chamberlain Street, Sergeant INQ 2000 had actually himself identified the three he claimed he had seen throwing stones before he got to Fort George.

1 C2000.2

66.46 Furthermore, as we have described earlier in this report,[1] the moment C Company soldiers were seen approaching Barrier 14 the situation rapidly changed, with the rioters fleeing from the immediate area of the barrier. At the time the C Company soldiers actually started going through the barrier, the street immediately in front of them, from where the rioters had been throwing stones, was clear or virtually clear.[2] Sergeant INQ 2000 was the Platoon Sergeant of 8 Platoon, the last of the three platoons of C Company to go through the barrier. Thus, although 8 Platoon soldiers could have seen rioting after they had arrived in the vicinity of Barrier 14 from Waterloo Place and before C Company soldiers started to move to cross Barrier 14, they would have been behind the soldiers manning the barrier. In such circumstances we are left in doubt as to whether Sergeant INQ 2000 had been able to see sufficient of the rioting to be able, either at 33 Chamberlain Street, or later at Fort George, to allow him to make a positive identification of people who had been throwing stones. Since Sergeant INQ 2000 told us that he had "*absolutely no recollection*" of the events of the day,[3] we took the view that little purpose would be served by calling him to give oral evidence to this Inquiry. We are unable to determine whether or not Sergeant INQ 2000's identifications were made in good faith.

1 Paragraph 20.227
2 M11.3-4; M39.1
3 C2000.001

The allegation that Private INQ 12 threatened to shoot George Nelis

66.47 Once those arrested at the house had been searched, they were made to walk north along Chamberlain Street to a waste ground at the corner of William Street. There they were held while awaiting transportation to Fort George.[1] Some of those being held are shown in the following photograph, taken by Gilles Peress.

1 C2000.3; B1384.004; AN9.21; AN9.4; AH91.7; AH91.4; Day 102/181-182; AM120.4; AC40.3; AC40.8

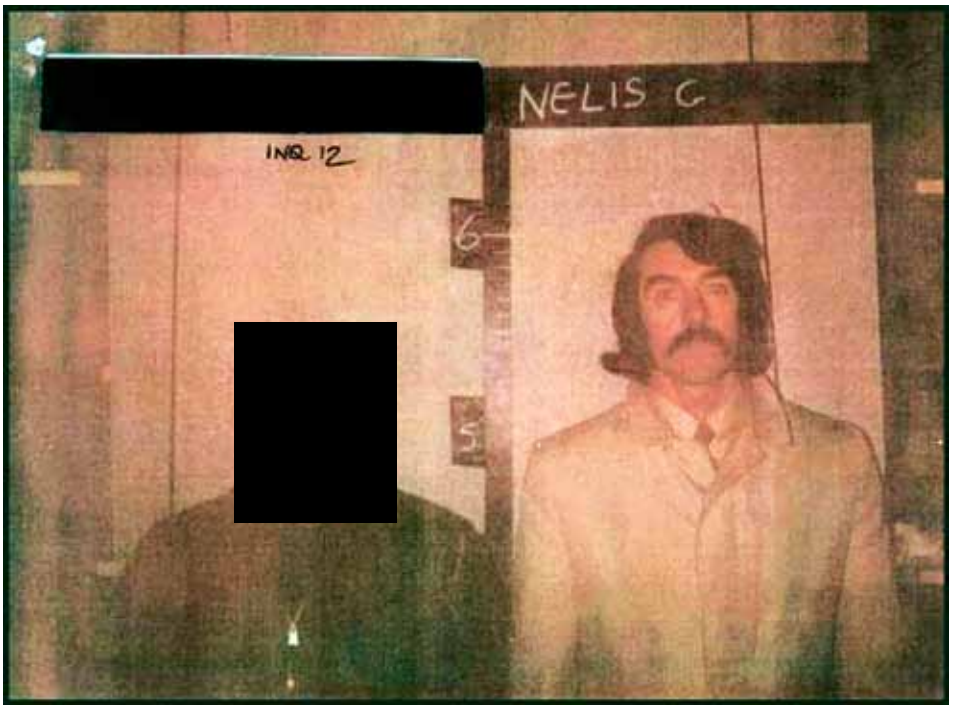
66.48 George Nelis has said throughout his evidence that it was while he was being held at the waste ground that a soldier threatened to shoot him. In a report dated 10th February 1972, Sergeant Boyle recorded that on 4th February 1972 George Nelis had told him that:[1]

> "When they reached the waste ground, they were forced to sit on the ground, facing a wall. One of the soldiers […] (he is not sure of rank) about 5' 3" tall, Scotch, wearing a maroon coloured 'flash' on the upper arm of his battle dress, threatened to shoot him that night. [The soldier] also boasted of having shot four people in Belfast, relating in which part of the anatomy he had placed his shots.
>
> Nelis alleges that he would know [the soldier] again, as both had their photographs taken together at Fort George, where he had been detained for the remainder of that day.
>
> Apart from this, Nelis stated that he was treated quite well by the security forces."

1 JB12.2

66.49 George Nelis's arrest photograph shows him with Private INQ 12, whose name was written on the board above his head.[1]

1 Day 351/40-41



66.50 On the day before he spoke to Sergeant Boyle, George Nelis had given a similar account to NICRA, in which he said that the soldier who made the threat had also told him that he had been "*critically injured in Belfast*".[1] George Nelis also gave consistent accounts to Sergeant Dorsett on 17th February 1972,[2] and to this Inquiry.[3] However, in his oral evidence, George Nelis said that he no longer had any recollection as to whether the soldier who threatened him at the top of Chamberlain Street was the same one with whom he was photographed at Fort George, although he thought that it probably was.[4]

1 AN9.9
2 AN9.21
3 AN9.4; Day 103/95-96
4 Day 103/101-103; Day 103/136-138

66.51 George Nelis's brother-in-law, George O'Neill, was also arrested at 33 Chamberlain Street and taken to the waste ground. In his statement to Sergeant Dorsett he said: "*a small scot soldier […] said to my brother-in-law, George Nelis, that he'd shot so many people in Belfast and that he'd shoot George, or words to that effect. I couldn't look too much or they'd have carried the head off me.*"[1] In his evidence to this Inquiry, George O'Neilll said that he no longer recalled this incident.[2]

1 AO77.1
2 Day 113/15

66.52 As we have set out above, Private INQ 12 told the RUC and the RMP that he was responsible for arresting George Nelis. In his third statement, made on 17th November 1972, Private INQ 12 addressed the allegations made against him.[1]

> "... at no time did I say to Mr Nelis that I had shot four (4) people in Belfast, or indicate that I was going to shoot him. I have been in N. Ireland for a total of 25 months and although I have been shot in the leg myself, I have never shot any person.
>
> At no time did I threaten abuse or in any way ill-treat the prisoners nor did I witness any other person doing same."

1 C12.13-14

66.53 In his evidence to this Inquiry, Private INQ 12 categorically denied saying that he had shot four people in Belfast, and stated that he had never shot anybody.[1] He specifically denied threatening George Nelis in the way that George Nelis had described.[2] However, he did accept that he had been wounded in Belfast, and he was unable to explain how George Nelis would have known this unless he had heard Private INQ 12 say it.[3]

1 C12.5
2 Day 351/47
3 Day 351/48

66.54 We are of the view, on considering the evidence, that Private INQ 12 probably did make the impugned remarks.

Other allegations of abuse at the waste ground in William Street

66.55 A number of other people who were arrested at 33 Chamberlain Street alleged that threatening language was used by soldiers as they held the prisoners at the waste ground in William Street. William Duddy told us that: "*The soldier in charge said: 'Shoot the fuckers'. I heard a rifle click and said my prayers, but nothing actually happened.*"[1] Joseph Hutchman told us, but not Sergeant Dorsett, that while waiting to be taken to Fort George soldiers were saying things like "*'We'll get you this time you bastards'*".[2] Thomas Meehan told Sergeant Dorsett that "*A wee stout soldier was very aggressive, he threatened several people with what he would do to them down in the dockyard [Fort George], he used very obscene and abusive language*".[3] Charles McCarron said in his RUC statement that "*some soldier was doing a lot of shouting but I didn't look up to see who it was*".[4]

1 AD152.2
2 AH91.4; AH91.7
3 AM393.2
4 AM80.3

66.56 We consider that it is likely that abusive remarks were made at this time, although we cannot say by whom.

66.57 Other prisoners allege that the soldiers used unnecessary physical force. William McCloskey stated in his evidence to this Inquiry that, while he was being escorted up Chamberlain Street, he was struck on the head with a rifle butt after refusing to place his hands on his head.[1] Maurice McColgan told us that the prisoners were lined up against a wall and had their legs kicked apart before being searched.[2] Kevin Leonard gave similar evidence to this Inquiry,[3] but his statement to Sergeant Dorsett suggests that this alleged incident occurred while he was still in Chamberlain Street.[4] As is discussed above,[5] Thomas Meehan also gave evidence to the RUC of being kicked while he was searched either in Chamberlain Street or possibly at the waste ground.[6]

1 AM120.4
2 AM124.4; Day 74/215
3 AL7.6
4 AL7.10
5 Paragraph 66.34
6 AM393.2

66.58 Otto Schlindwein told this Inquiry that while he was kneeling on the waste ground a soldier with a Scottish accent struck him in the side with a rifle butt without apparent provocation.[1] He also stated that other than this incident he saw no violence used at this stage against those people who had been arrested, nor did he hear "*unnecessary speaking or talking from the soldiers*".[2] In his evidence to this Inquiry, Private INQ 12 denied that he hit anyone in the side with a rifle butt in the waste ground.[3]

1 AS2.3; Day 104/166-167
2 AS2.3
3 Day 351/59

66.59 We are of the view that William McCloskey and Otto Schlindwein were probably assaulted as they described. Otherwise, we are left in doubt as to whether the other arrestees were subjected to unreasonable physical coercion while being taken to the end of Chamberlain Street, or while waiting there.

66.60 The allegations made by Chamberlain Street arrestees of abuse during their transport to Fort George and while they were there are considered later in this report.[1]

1 Chapter 161