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Report of the Bloody Sunday Inquiry – Volume IX



HC29-IX

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 IX

Evidential Matters

Army and Police
Communications

The Constitutional and
Legal Position of the Army
in Northern Ireland

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VOLUME IX

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Evidential Matters

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Introduction

173.1 This chapter deals with the manner in which the Royal Military Police (RMP) obtained evidence from soldiers in the aftermath of Bloody Sunday. Its primary focus is on the RMP statements that were taken, firstly from those soldiers who fired live rounds and secondly from soldiers who supplied supporting statements dealing with the shooting incidents. We consider elsewhere in this report¹ the circumstances in which the RMP took statements at Fort George from members of 1st Battalion, The Parachute Regiment (1 PARA) who claimed to have arrested a civilian for rioting; and RMP statements taken in connection with the complaint made by the Nelis family about the behaviour of members of C Company of 1 PARA in 33 Chamberlain Street. A typed map was annexed to the typed RMP statements of all those soldiers who fired shots on Bloody Sunday. It indicated the soldier's position and the position of his target(s). We consider later in this chapter² the circumstances in which these "RMP maps" came to be created.

¹ [Chapters 155-164](#)

² [Paragraph 173.144](#)

The composition of the Royal Military Police in Northern Ireland in 1972

173.2 1st Regiment, RMP (1 RMP) in Northern Ireland came into being on 5th November 1971.¹ It was made up of a number of Provost Companies under the command of Lieutenant Colonel INQ 1383. The latter, in his capacity as Assistant Provost Marshal (APM), had been, from his arrival in Northern Ireland in April 1970, the senior military police officer in that theatre.²

¹ [CW1.61](#)

² [C1383.1; Day 304/144](#)

173.3 In 1972, 1 RMP had its headquarters at Headquarters Northern Ireland (HQNI) in Lisburn. Its constituent companies were attached to the various brigades then operating in Northern Ireland. As with any RMP regiment, 1 RMP had two main roles. With one exception, all the companies of 1 RMP would have fulfilled the first role, undertaking general police duties such as maintaining order on Army bases and processing arrested civilians. An example is 176 Provost Company. This was the company attached to 8th Infantry Brigade in Londonderry. On 30th January 1972, 176 Provost Company was tasked to establish prisoner collection points at Fort George and Craigavon Bridge.¹

¹ [G95.571](#)

all with a proper SIB person and they would sit and watch him and they would then be introduced to doing it. Then they would be put with an experienced statement-taker and then they would fly alone.”⁴

¹ CW1.1

³ CW1.67; Day 383/154-155; C1835.1; C1835.2

² CW1.67; Day 252/5; C1831.2

⁴ Day 383/155

173.7 We received evidence from three SIB statement takers (Corporal Brobson (sometimes known by the cipher Corporal INQ 1868), Corporal INQ 2052 and Corporal INQ 2064) who were all involved in the statement-taking process that followed Bloody Sunday. All three were members of the RMP who were attached to the SIB in the course of lengthy tours of duty in Northern Ireland.¹ We do not know whether they had attended the course conducted by Warrant Officer Class II INQ 1835.

¹ C1868.1; C2052.1; C2064.1

173.8 Before continuing, we should explain that, in this chapter, where we refer to “SIB officers” we intend this as a reference to members of the SIB holding the rank of corporal and above. So the term applies both to SIB investigators and the lower-ranked SIB statement takers.

Methodology of statement-taking

173.9 Statements taken by members of the RMP (whether SIB officers or regular RMP officers) were written on a pre-printed statement form which, to comply with the requirements of section 9 of the Criminal Justice Act 1967 and the corresponding Northern Ireland legislation, carried the following declaration:

“This statement consisting of ... pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.”

173.10 Each page of the RMP statement, taken in longhand, would be signed by both the soldier being interviewed and the interviewer. The final page of the statement would carry the signature of the soldier and the interviewer (as witness), the location at which the statement was taken and the date on which the statement was taken. The interviewer was also required to record on that final page the time and date at which he had taken the statement and witnessed the soldier’s signature. According to Corporal Brobson, it was normal practice to record the time when the statement was “signed off”.¹ It follows that

the times recorded on the RMP statements taken in connection with Bloody Sunday indicate the time at which the statement-taking process was concluded. Subsequently, a typed version of the statement would be produced.²

¹ Day 275/128

² C1868.3

173.11 According to Colonel INQ 1383, the RMP statements would have been taken in accordance with “*Standing Operational Procedures*” (SOPs).¹ In his oral evidence to this Inquiry² he explained that SOPs were “*written in a theatre or in a command to cover – to govern, as I say, the operational, administrative and other activities of the soldiers in the command*”. They were to be distinguished from the RMP training manuals which covered procedures “*that must be followed anywhere in accordance with the law*”. Colonel INQ 1383 went on to explain that, while the SOPs would cover the circumstances in which a statement would be taken, statement-taking was “*fundamental*” to the work of a military policeman and would have been covered by the training manual, “*in which every military policeman, and in particular the investigators, the Special Investigation Branch, would be thoroughly trained*”.

¹ C1383.6

² Day 304/96-98

173.12 In his third written statement to this Inquiry, Warrant Officer Class I Wood, commenting on this aspect of Colonel INQ 1383’s oral evidence, accepted that the RMP training manuals contained instructions as to how statements should be taken and investigations processed. However, the manuals did not deal with the procedure for dealing with IS incidents, which were not dealt with as routine inquiries.¹ That SOPs might have existed in some form is indicated by paragraph 5 of a report prepared by Lieutenant Colonel Overbury on the Widgery Inquiry. The report is headed “*Report of Army Tribunal Team*” and dated 23rd March 1972.² However, neither Warrant Officer Class I Wood nor Warrant Officer Class II INQ 1831 had heard of SOPs. The former thought Colonel Overbury’s report was referring to a briefing document that he, Warrant Officer Class I Wood, had drafted in 1971.³ Colonel Overbury was not serving in Northern Ireland in January 1972.

¹ CW1.64

³ Day 383/124; Day 258/132

² CO1.64

173.13 The document prepared by Warrant Officer Class I Wood is available. Dated 14th July 1971, it is titled “*Brief for investigators on enquiries into IS matters in Northern Ireland.*”¹ Appended to it is a document headed “*Aide Memoire*”, which sets out the approach to be adopted by an SIB investigator on receiving a report of an IS incident.² The document was signed by Warrant Officer Class I Wood on behalf of the APM, Colonel INQ 1383.

¹ CW1.46

² CW1.48

173.14 According to Warrant Officer Class I Wood, the brief developed from a process by which he had been charged to find “*the fullest possible information on an IS matter*”.¹ A fuller explanation of the genesis of the brief (described as a “protocol”) is set out in the third written statement made by Warrant Officer Class I Wood to this Inquiry. There, he explained that following a shooting incident in Belfast in August 1970, where a soldier had killed a petrol bomber, he was tasked to find a way in which the “*Army received the fullest possible information on all Internal Security (IS) incidents as soon as possible*”. Having consulted, among others, members of the Royal Ulster Constabulary (RUC), Warrant Officer Class I Wood made a number of recommendations, which included that the SIB be tasked “*at the very earliest possible opportunity*” and that “*military witnesses ... be under compulsion to answer questions put to them*”.²

¹ Day 383/123

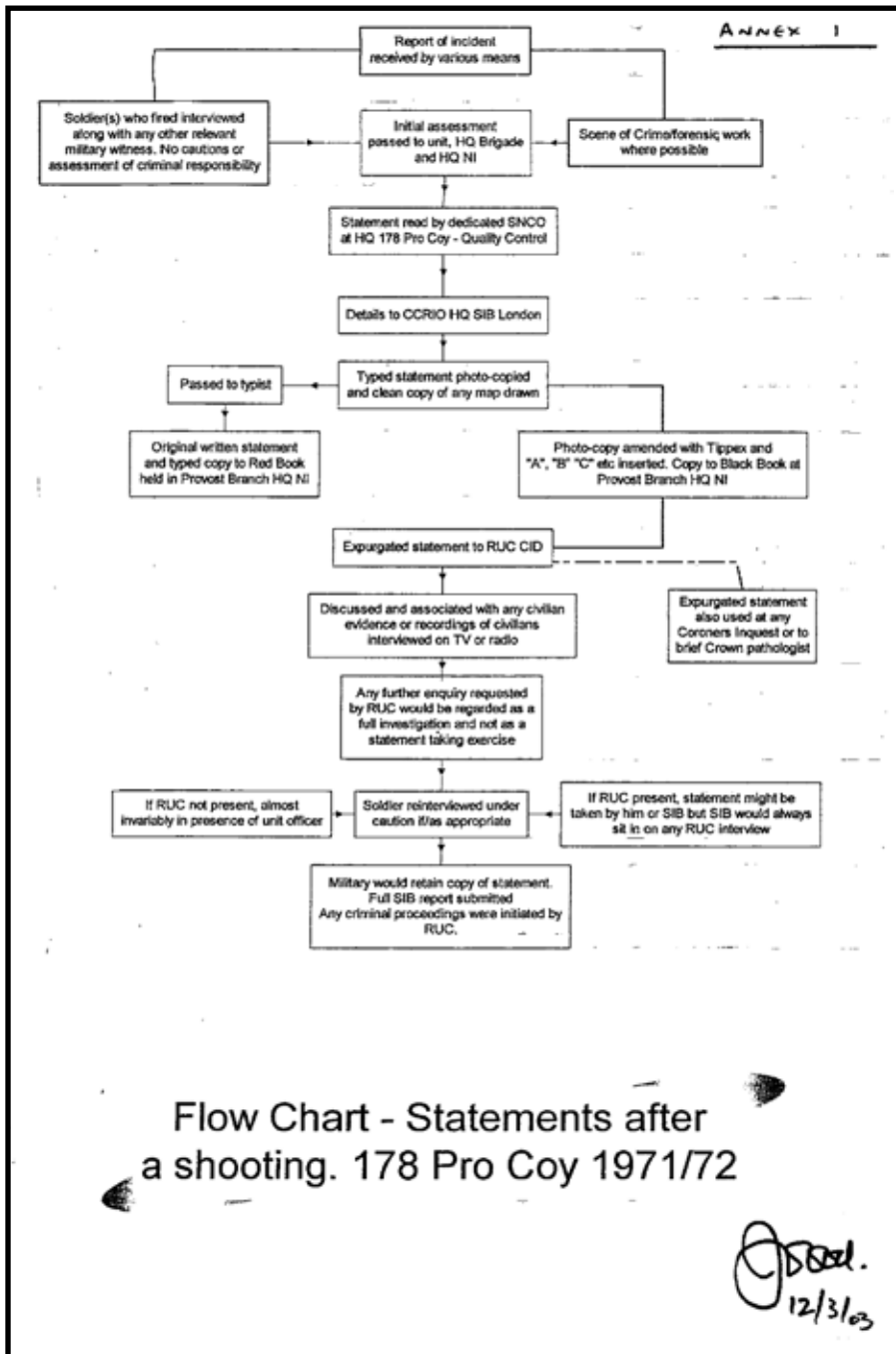
² CW1.55-57

173.15 According to Warrant Officer Class I Wood, the intention was that the brief was to be distributed to all SIB investigators and SIB statement takers. It was his expectation that they would follow this protocol.¹ It set out all the information they were required to obtain.² The operation of the protocol, including co-operation with the RUC, is set out in the flow chart below. This was prepared by Warrant Officer Class I Wood and annexed to his third written statement to this Inquiry, and is dated 12th March 2003.³

¹ Day 383/123

³ CW1.66

² Day 383/127-128



173.16 The relevant aspects of the protocol as to the taking of these “contact statements” can be summarised as follows:

- They were to be obtained as soon as possible after the incident.¹

¹ CW1.47; CW1.56

- They were needed in order to inform higher military command of what had happened; for that command to be able to answer immediately any allegations that might be raised by civilians; and to make evidence available for any future claim or for a coroner's inquest.¹

¹ CW1.48; CW1.46.

- The SIB investigator/statement taker was not conducting "a normal SIB 'investigation' as such". He was there as a "trained statement taker and evidence-gatherer". Assessment of criminal responsibility was not his task.¹

¹ CW1.48

- According to Warrant Officer Class I Wood, the statements were to be mandatory and were not to be taken under caution.¹ A statement would be taken under caution only under certain circumstances, for example "if the soldier volunteers the information that he acted illegally and this is confirmed by his military superiors".²

¹ CW1.56; Day 383/127; Day 383/158

² CW1.48-49

- The evidence obtained was to be of the highest quality.¹

¹ CW1.47

- In approach, the statements were intended to set the scene, build up to the shooting, describe the shooting and any follow-up action.¹

¹ CW1.49-50

- They were to identify precise locations.¹

¹ CW1.50

- They were taken by a question and answer process.¹

¹ Day 383/127-128

173.17

Warrant Officer Class I Wood's evidence was that this protocol was to be followed in investigations of all shooting incidents in Northern Ireland.¹ This contrasts with the more qualified stance towards the protocol initially adopted by his superior, Colonel INQ 1383, particularly in relation to criminal liability.² However, Colonel INQ 1383 did subsequently confirm the approach set out in the protocol (and summarised in the previous paragraph) and agreed that he had sanctioned and authorised its preparation.³

¹ CW1.57

³ Day 304/137-142

² Day 304/107-112

173.18 Corporal INQ 2052 took a number of RMP statements, beginning on 2nd February 1972. When he came to give oral evidence to this Inquiry, he was shown both the brief and the accompanying aide mémoire prepared by Warrant Officer Class I Wood. Although Corporal INQ 2052 had no recollection of seeing the actual documents, his evidence was that their contents reflected the procedure he would have adopted when taking statements in relation to IS incidents.¹ In his written statement to this Inquiry, Corporal INQ 2052 described the procedure as “*not ... very formal*”, its purpose being to “*merely record the facts of the incident*”. He would have conducted the interviews alone.² He would have used a map during the course of the interview. The statement would have been taken in longhand on a standard form. He would have gone through the account with the soldier before any details were written down.³ The statements were taken from soldiers as witnesses rather than as suspects; they were not taken under caution.⁴

¹ [Day 252/14-15](#)

³ [Day 252/19](#); [Day 252/24](#)

² [C2052.1](#); [C2052.2](#)

⁴ [Day 252/25-26](#)

173.19 Corporal Brobson was the witness who supplied the brief and the aide mémoire to the Inquiry, though he could not recall when they had come into his possession. In relation to these he said that he thought they were a “*reasonable, accurate estimate*” of the procedure adopted by the SIB in Northern Ireland in the months leading up to January 1972.¹ In his oral evidence to this Inquiry, Warrant Officer Class II INQ 1831 also confirmed that the protocol (drafted by Warrant Officer Class I Wood) reflected his recollection of the procedures adopted by the SIB when investigating an IS incident in the months leading up to January 1972 and in relation to the Army firing which occurred on Bloody Sunday.²

¹ [Day 275/106](#)

² [Day 258/133](#)

173.20 On the basis of the available evidence, we consider that the protocol prepared by Warrant Officer Class I Wood sets out the procedure that SIB officers were expected to follow when investigating an IS incident. This was the procedure in place when SIB officers took statements in connection with the events of Bloody Sunday.

173.21 It is convenient to deal at this point with one final aspect of the protocol. As has already been noted, all statements were taken in manuscript. The evidence of Warrant Officer Class I Wood is that a soldier’s name would have been recorded on the manuscript statement.¹ When the statements came to be typed up, these details would still appear on the typed statement. As the protocol made clear, it was important to prevent a soldier’s name or identifying details from becoming known outside the SIB. The “unexpurgated” (or, as we would call them, unredacted) statements were held in a “Red Book” with the

APM in Lisburn. Names were then replaced with letters and the resulting statements kept in a “Black Book”. It was these “expurgated” statements that would have been supplied to the RUC or a coroner’s inquest where necessary.² Major INQ 3 was an SIB-trained officer. In 1972, he was a staff officer who held the post of Deputy APM (Special Duties).³ His evidence was that he was tasked by Colonel INQ 1383 to redact the RMP statements taken in the aftermath of Bloody Sunday.⁴

¹ CW1.2

³ C3.1; Day 256/154-158

² CW1.2; CW1.66

⁴ C3.1; Day 256/158

The relationship between the Royal Ulster Constabulary and the Royal Military Police

173.22 Elsewhere in this report¹ we have referred to a paper prepared by Major INQ 3 for a lecture he gave to the Provost Marshal’s Study Period in Chichester in November 1973. A copy of the paper was attached to his written statement to this Inquiry. The lecture was titled “RMP and the legal consequences of the Army’s involvement in Northern Ireland”.² Paragraph 12 of the paper reads as follows:³

“Back in 1970 a decision was reached between the GOC [General Officer Commanding] and the Chief Constable whereby RMP would tend to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic towards the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances.”

¹ Paragraph 194.10

³ C3.10

² C3.1; C3.3

173.23 The effect of this decision was that at the time of Bloody Sunday, soldiers involved in an IS incident were interviewed by SIB officers and not by the RUC. The protocol devised by Warrant Officer Class I Wood highlighted this strict separation of responsibility, advising SIB officers not to trace or interview civilian witnesses but rather to pass any information on to the RUC.¹ According to Corporal INQ 2052, if in the course of investigating an incident, for example while visiting the scene, the SIB officer was approached by a civilian offering assistance, then that witness’s contact details would have been passed on to the RUC.² The evidence of Colonel INQ 1383 and Warrant Officer Class I Wood supports the

approach in the protocol that any statements taken by the SIB would be made available to the RUC if they requested them. The protocol emphasised the need to protect the identity of soldiers; hence the decision that such statements would only be released in redacted form.³

¹ CW1.54

² Day 252/23

³ Day 304/150-151; CW1.1; CW1.2; CW1.53; CW1.66; Day 383/125

Royal Military Police statements taken in the aftermath of Bloody Sunday

173.24 The chronology of the statement-taking process that followed the events of Bloody Sunday can be divided into three phases.

Phase I: The evening of 30th January 1972 to 1st February 1972 – interviewing soldiers who had fired shots

173.25 Colonel INQ 1383 was in Londonderry on Bloody Sunday. His recollection is that he instigated the statement-taking process,¹ giving instructions to Captain INQ 1870 and Warrant Officer Class I Wood (who were both also in the city), with an emphasis on interviewing the soldiers who had fired.² He did not personally take any statements.³ On returning to Lisburn he confirmed the despatch of additional SIB officers to Londonderry.⁴

¹ C1383.5

² Day 304/99-100

³ C1383.6

⁴ C1383.7

173.26 Warrant Officer Class I Wood had no recollection of meeting Colonel INQ 1383 on Bloody Sunday.¹ While at the Embassy Ballroom² in Strand Road he learned that people had been shot.³ He went to the RMP HQ at Ebrington Barracks from where he contacted headquarters at Lisburn to ask for a team of SIB officers to be despatched to Londonderry.⁴

¹ CW1.64; Day 383/100

² In 1972 the Army occupied the top floor of this building.

³ CW1.5; Day 383/98-99

⁴ CW1.5; CW1.68; Day 383/99

173.27 The evidence of Warrant Officer Class I Wood was that he and Captain INQ 1870 went to the barracks to which 1 PARA had withdrawn. He saw either the battalion's Commanding Officer or the Adjutant. Warrant Officer Class I Wood told us that his intention was to *"take statements from the soldiers before they talked amongst themselves, exchanged stories and their memories faded"*. He *"asked to see anyone who had opened fire, anyone who was fired upon and anyone who had seen people fired upon"*.¹ In his oral evidence to this Inquiry, Captain Mike Jackson, then the 1 PARA Adjutant (and now General Sir Mike Jackson), suggested that Warrant Officer Class I Wood would have worked *"through the chain of command, through the company and platoon commanders"*. Captain Jackson's job would have been to initiate the process by notifying the companies of 1 PARA that the military police had arrived to interview soldiers who had fired.²

¹ CW1.8; Day 382/129

² Day 384/32

173.28 According to Warrant Officer Class I Wood, when the SIB reinforcements arrived from Lisburn, the team set itself up in a large hall at the barracks. Warrant Officer Class I Wood then briefed them (more than likely as a group) on the basis of information from Brigade HQ, information that he thought would have been passed on orally but would have included details such as timings. The radio logs (brigade or regimental) would not have been available to the investigating team at that time. The information supplied to the SIB would not have included grid references. Warrant Officer Class I Wood obtained a map of the Bogside and had copies made for the interviewers. As soldiers arrived to be interviewed, Warrant Officer Class I Wood would also have briefed them explaining that *"it was just our normal inquiry"*. The SIB officers would have worked on a cab-rank basis, interviewing soldiers as they arrived. The statements were taken without a caution being administered and by a question and answer process. An interviewed soldier would not have received a copy of the resulting statement. He might have seen it only if he was the subject of a follow-up interview.¹

¹ CW1.8-9; Day 383/124-131

173.29 It is likely that the SIB officers detailed from Lisburn drove to Londonderry. That was the recollection of Corporal Brobson, the only member of the group despatched from Lisburn to have made a statement to this Inquiry.¹ Corporal Brobson's recollection was that, on arrival, he was briefed by either Captain INQ 1870 or Warrant Officer Class II INQ 1831. The reference to the latter must be an error in recollection since Warrant Officer Class II INQ 1831 was not in Londonderry on Bloody Sunday, but returned to the city from England on 31st January 1972. Corporal Brobson had no recollection of encountering Warrant Officer Class I Wood.²

¹ C1868.2

² C1868.2; Day 275/108; C1831.1

173.30 Corporal Brobson's main written statement to this Inquiry has, as an attachment, an earlier statement he provided to the Inquiry dated 16th May 2000. In that attached statement, Corporal Brobson stated that "*The interviews I had with the soldiers mostly took place at the R.M.P. Detachment building in Londonderry*".¹ More details appeared in his main written statement to this Inquiry, in which Corporal Brobson recalled that the location at which the RMP statements were taken lacked any special interview facilities. Interviews were conducted where room could be found. He had a recollection of taking one statement in the lounge of the Corporals' Club, where Captain INQ 1870 was also plotting on a map of Londonderry the positions of the soldiers who had fired.²

¹ C1868.2; C1868.6

² C1868.3; C1868.4

173.31 The sequence of interviews conducted between 30th January and 1st February 1972 can most conveniently be represented in tabular form. Table 173.1 below identifies those statements taken on 30th and 31st January. The names or ciphers of the SIB officers who took the statements are set out in the second row immediately below the date. Below each name or cipher are two columns; the first identifies the soldiers interviewed by that SIB officer and the second the time of the interview as recorded on the statement itself, ie the time at which the interview was concluded. Table 173.2 sets out those interviews conducted on 1st February 1972. It follows the same format as Table 173.1. In both tables, members of 1 PARA are highlighted in blue and members of other regiments in yellow.

Table 173.1

30th January 1972											
Captain INQ 1870		Warrant Officer Class I Wood		Sergeant Roberts		Corporal Brobson		Corporal Rowe		Corporal Smith	
Bombardier X	2020										
		Private AC	2025								
		Private AD	2055								
		Lance Bombardier Z	2130			Gunner Y	2130	Sergeant O	2130		
		Sergeant AA	2210								
				Corporal P	2230					Private S	2230
Lance Corporal 104	2340										
31st January 1972											
								Lance Corporal V	0025		
		Private Q	0030								
				Private U	0040					Lieutenant N	0045
		Corporal A	0100					Lieutenant N	0100		
		Private B	0110								
		Private 017	0130					Private C	0130		
				Corporal E	0140						
		Private T	0200					Lance Corporal D	0200		
Private L	0205										
						Private H	0210				
										Private G	0215
										Private H	0230
								Lance Corporal F	0240		
								Private R	0630		
						Private M	1235				
						Lieutenant 119	1320				
						Corporal E	1400				
						Lance Corporal F	1410				
						Private G	1420				

Table 173.2

1st February 1972									
Corporal UNK 1134		Warrant Officer Class II INQ 1831		Corporal INQ 1828		Corporal Brobson		Corporal Rowe	
				Lieutenant 227	1215				
Gunner 101	1340								
								Sergeant K	Not recorded
								Lieutenant N	1400
								Sergeant O	1430
		Private P	1450						
						Lance Corporal J	1515		
								Private AC	1710
								Private AD	1730
								Private AB	1745
								Sergeant AA	1800

173.32 The following points arise from the evidence summarised in the two tables above.

The location of the interviews

173.33 The evidence of Warrant Officer Class I Wood considered above suggests that on the night of 30th January 1972 the SIB statement-taking team went to the barracks to which 1 PARA had withdrawn.¹ That would accord with the approach recommended in the protocol he drafted.² With one exception, the location at which statements listed in the two tables above were taken is recorded as Londonderry. The exception is a statement taken by Captain INQ 1870 from Bombardier X of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt) (see Table 173.1), which records the location as Ebrington Barracks.³ This supports the recollection of Corporal Brobson referred to above. Indeed, he recalled that the “*Londonderry detachment ... was full*” with uniformed RMP personnel present.⁴ Ebrington Barracks was the base for 176 Provost Company.⁵

¹ CW1.8; Day 382/129

⁴ C1868.3

² CW1.48

⁵ C1828.1

³ B824

173.34 We consider that Ebrington Barracks is likely to have been the site where the RMP statement-taking process began, as this was where the local SIB investigator (Warrant Officer Class II INQ 1831) was based and so where the pro forma statement forms would have been readily available.¹ Despatching statement takers, newly arrived from Lisburn,

to different regimental locations would have caused added complication. It follows that any SIB requests to various units to make those soldiers who had fired weapons available for interview would be likely to have been made by telephone or radio.

¹ [C1831.1](#)

Arrival of soldiers to be interviewed

173.35 The information set out in Table 173.1 above counters the suggestion apparent from the evidence of Warrant Officer Class I Wood and Corporal Brobson that members of 1 PARA arrived together to be interviewed.¹ Rather, it seems to us that soldiers arrived at different times during the course of the evening of 30th January and the early hours of 31st January 1972. In relation to the members of 1 PARA, it is relevant to note that they would have reached Ebrington Barracks from different locations. According to the radio logs, at 1835 hours 8th Infantry Brigade ordered 1 PARA to release one company to return to Belfast while its remaining companies were to remain in Londonderry as the Brigade Reserve. The companies retained were to remain on the streets of Londonderry for the present. If the situation remained quiet, they were then to return to Drumahoe Barracks.² C Company was chosen to return to Belfast but the remaining companies of 1 PARA did not move out to Drumahoe until 2310 hours, reaching it some 30 minutes later.³ Some members of 1 PARA, including Sergeant O and Corporal P, were involved in transporting the bodies of Michael McDaid, William Nash and John Young to Altnagelvin Hospital, after which they returned to Drumahoe Barracks and then went to Fort George.⁴ Between 1704 and 1902 hours, three attempts were made by those at Fort George to secure the attendance of 1 PARA arresting personnel.⁵ So members of 1 PARA could have been on the way to Fort George, on the streets of Londonderry or at Drumahoe Barracks when they were notified to go to Ebrington Barracks to be interviewed.

¹ [CW1.9](#); [C1868.3](#)

² [W54](#) serial 248

³ [W55](#) serial 257; [W92](#) serials 51 and 52;
[W60](#) serial 292

⁴ [B469](#); [B593](#); [B575.122](#)

⁵ [W50](#) serial 211; [W53](#) serial 246; [W54](#) serial 254

The Special Investigation Branch officers involved in Phase I of the Royal Military Police statement-taking process

173.36 Of the six SIB officers who conducted interviews on 30th and 31st January 1972, three (Captain INQ 1870, Warrant Officer Class I Wood and Sergeant Roberts, the last sometimes known by the cipher Sergeant INQ 1878) were fully qualified SIB

investigators. Only Warrant Officer Class I Wood gave evidence to this Inquiry. The remaining three SIB officers had the rank of Corporal and so would have been SIB statement takers. Of these, only Corporal Brobson gave evidence to this Inquiry.

173.37 Of the six interviewers who took statements on 30th and 31st January, only Corporal Rowe (sometimes known by the cipher Corporal INQ 1855) was based in Londonderry. Warrant Officer Class II INQ 1831, the sole SIB investigator to be based in Londonderry in January 1972, identified Corporal Rowe as his personal assistant who had been with him since August 1971.¹ As already noted, Warrant Officer Class II INQ 1831 was not in Londonderry on Bloody Sunday.²

¹ Day 258/142

² C1831.1

173.38 Captain INQ 1870 and Warrant Officer Class I Wood were already in Londonderry on 30th January.¹ However, it does not follow that the only SIB officers to be despatched from Lisburn were Sergeant Roberts, Corporal Brobson and Corporal Smith (sometimes known by the cipher Corporal INQ 2120). The evidence of Warrant Officer Class I Wood is that he delegated one man to the mortuary at Altnagelvin Hospital with instructions to obtain Polaroid photographs of those killed.² This SIB officer may have been an additional member of the group despatched from Lisburn. The statements taken by Corporal Brobson from Corporal E, Lance Corporal F and Private G deal with them being shown a collection of photographs.³ As Table 173.1 above shows, these three statements were taken between 1400 hours and 1420 hours on 31st January 1972.

¹ CW1.2

³ B91; B126; B176

² CW1.9; Day 383/128

173.39 By 1st February 1972, Captain INQ 1870 and Warrant Officer Class I Wood were no longer conducting interviews. Warrant Officer Class I Wood returned to Lisburn and left for London on the evening of 31st January 1972, returning a week later.¹ Warrant Officer Class II INQ 1831, the SIB investigator based in Londonderry, returned to the city on the evening of 31st January 1972.² Given that a Senior NCO was now present in Londonderry, it is possible that Captain INQ 1870 also returned to Lisburn: the majority of 178 Provost Company (the SIB company), which he commanded, was based there; and the Londonderry statement-taking process could be co-ordinated from Lisburn. It was suggested by Warrant Officer Class I Wood and Warrant Officer Class II INQ 1831 that Warrant Officer Class II INQ 1835, the SIB instructor who was based in Chichester and who was previously asked to train the SIB statement takers, may have had a role in co-ordinating the RMP statement-taking process.³ However, in his written statement to

this Inquiry, Warrant Officer Class II INQ 1835 made no mention of having such a role, although he mentioned working closely with the Captain (INQ 1870) commanding the SIB company.⁴

¹ CW1.10

³ Day 383/142-143; C1831.2

² C1831.1

⁴ C1835.3

173.40 Of the original six interviewers, only Corporal Brobson and Corporal Rowe were conducting interviews on 1st February 1972. Warrant Officer Class II INQ 1831 took one statement on that day. Corporal INQ 1828 and Corporal UNK 1134 each took a statement from a soldier who had not fired live rounds. Corporal INQ 1828 identified himself as a member of 176 Provost Company.¹ He took one statement. Corporal INQ 1828 made a written statement and gave evidence to this Inquiry. His evidence does not indicate whether he was attached to the SIB. Corporal UNK 1134 took a statement from Gunner 101. This statement taker has not been identified but his signature matches that of an RMP officer which appears on some of the arrest statements made by members of 1 PARA when civilian arrestees were processed at Fort George. This suggests that Corporal UNK 1134 was, like Corporal INQ 1828, a uniformed member of 176 Provost Company.

¹ C1828.1

The interviews

173.41 Interviews began shortly after 2000 hours on the evening of 30th January 1972. Between then and 1420 hours on the afternoon of 31st January 1972, a team of six SIB officers interviewed 28 soldiers. Save for three soldiers (Lance Corporal 104, Private 017 and Lieutenant 119), all those interviewed had fired shots on Bloody Sunday. The RMP statement of Lance Corporal 104 deals with the arrest of civilians at the Army barrier in Barrack Street and his alleged conversation with Joe Friel. These events are considered elsewhere in this report.¹

¹ Paragraphs 104.123–137

173.42 As Table 173.1 shows, Lieutenant N was interviewed twice by two different RMP statement takers. The statement timed at 0045 hours on 31st January 1972, and given to Corporal Smith, dealt with the shots Lieutenant N had fired.¹ The statement timed at 0100 hours on 31st January 1972, and given to Corporal Rowe, dealt with the collection of the bodies of Michael McDaid, William Nash and John Young from the rubble barricade in Rossville Street.²

¹ B373

² B384

173.43 There is an anomaly in that Private H appears to have given two statements within a short period of time. The first, timed at 0210 hours on 31st January 1972, was given to Corporal Brobson.¹ The second, ostensibly timed at 0230 hours and taken by Corporal Smith,² does not refer to the first and, like it, deals with the shots Private H said he had fired on the day. We have considered this anomaly in the course of considering the events of Sector 4 and concluded, for the reasons we give, that the second statement was not made on 31st January, but at a later date.³

¹ B218

³ Paragraphs 97.27–34

² B228

173.44 The first two interviews conducted by Warrant Officer Class I Wood on 30th January 1972 were of Private AC and Private AD of 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN) (see Table 173.1). Corporal Rowe subsequently interviewed both on 1st February 1972 (although the typed versions of these RMP statements are dated, wrongly in our view, 31st January 1972). In both cases the second statement does not refer to the first. In oral evidence, Warrant Officer Class I Wood was asked to look at the two statements made by Private AD. He accepted that it was possible that somehow the fact that this soldier had already given a statement was missed and so the soldier (and by extension Private AC) was interviewed again.¹ By the time Private AC and Private AD were interviewed for a second time, Warrant Officer Class I Wood had already left Northern Ireland.

¹ Day 383/137-138

173.45 By 1420 hours on 31st January 1972, the only members of 1 PARA who had admitted firing their weapons but had not yet given an account to the SIB were Lance Corporal J and Sergeant K. They were among those interviewed on 1st February 1972.

173.46 Lieutenant 227 was interviewed on 1st February 1972, although the statement also carries the date of 31st January 1972.¹ Corporal INQ 1828, who recorded the statement, could not recall taking a statement in connection with the events of Bloody Sunday although he confirmed that he had taken statements in the course of his career.² Although Corporal INQ 1828 was not asked specifically about the statement he recorded, his involvement suggests to us that there was a limited number of statement takers available, indicating, as it does, the willingness to use a regular (ie non-SIB) military policeman to take a statement; albeit from a soldier who had not fired shots.

¹ B2186.3

² C1828.4

Phase II: 2nd February 1972 to 15th February 1972 – the taking of confirmatory and supplementary statements

173.47 The establishment of the Widgery Inquiry was announced in Parliament on 1st February 1972.¹ The Army set up a team, based at HQNI in Lisburn, to “*co-ordinate the work involved in presenting evidence to the Tribunal*”. The team included Colonel Overbury, who arrived in Northern Ireland on 2nd February 1972. He was a member of the half of the Army Tribunal Team tasked with the “Preparation of Army Evidence”.² In Colonel Overbury’s second written statement to this Inquiry, he explained that the part of the team “*responsible for gathering evidence and information from the Army*” was led by Lieutenant Colonel Hamilton (sometimes known by the cipher INQ 1864). The provision of evidence was the responsibility of the APM, Colonel INQ 1383, while the task of investigation fell to the SIB. Colonel Overbury’s recollection was that, “*Once it was announced that there would be a Tribunal of Inquiry and the Army Tribunal Team was set up, the SIB was requested to carry out a full investigation, in the course of which, they decided to interview many of the soldiers again.*” This involved re-interviewing several times some of the soldiers who had fired live rounds.³

¹ V10

³ CO1.41-2

² CO1.82; CO1.83

173.48 However, it is possible that Colonel Overbury’s recollection may not be entirely accurate. To achieve the aim set out in the protocol prepared by Warrant Officer Class I Wood to obtain “*evidence ... of the highest quality*”¹ it would seem inevitable that the SIB would have had to interview soldiers who had not fired shots themselves but were able to provide evidence of the circumstances in which their colleagues fired. That is reflected in the flow chart, reproduced above, showing the operation of the protocol.² Warrant Officer Class I Wood told us that his intention was that soldiers who had not themselves fired but could provide supporting evidence should also be interviewed.³

¹ CW1.47

³ CW1.8; Day 383/126; Day 383/140

² CW1.66

173.49 Table 173.2 above shows that by 1st February 1972, the SIB had already begun to take statements from soldiers who had not fired live rounds (Lieutenant 227 and Gunner 101), and supplementary statements from those who had (the statements from Sergeant AA and Lieutenant N are examples).¹ As discussed in more detail below, on 2nd February 1972, members of the SIB conducted interviews with 29 soldiers, none of whom had fired live rounds, both in Londonderry and Belfast. It seems to us that it is unlikely that this number of interviews could have been arranged following the announcement of an inquiry

on the evening of 1st February 1972 and the creation of the Army Tribunal Team. Indeed, that team first met only on 2nd February 1972. A minute of that first meeting records that “a number of agencies had been collecting information independently of each other”. These seem to have included the APM who “had been collecting statements from soldiers”.² The overall impression that the SIB intended, and had already begun, to interview soldiers other than those who had fired their weapons is reinforced by the content of a minute signed by Major General INQ 2144 recording a conversation with General Sir Michael Carver, the Chief of the General Staff, which took place on 31st January 1972. As the document makes clear, were an inquiry into the events of Bloody Sunday established then it could, “as a result of statements already taken”, involve between 120 and 150 soldier witnesses.³

¹ B892; B391

³ CO1.177; CO1.178

² CO1.212; CO1.213; CO1.41

- 173.50** Between 2nd and 15th February 1972, a team of 13 SIB officers took 141 statements from soldiers. Warrant Officer Class II INQ 1831 and Corporal Rowe, the two SIB officers based in Londonderry at the time of Bloody Sunday, played no part in the taking of these statements. Save for Corporal Brobson, the SIB officers involved in this phase of the SIB investigation had yet to take any statements in connection with the events of Bloody Sunday. Of the new SIB officers involved, this Inquiry received written statements from Corporal INQ 2035, Corporal INQ 2052, Corporal INQ 2064 and Warrant Officer Class II INQ 1835. Corporal INQ 2052 was the only one of these SIB officers to give oral evidence to this Inquiry.
- 173.51** As already noted, Warrant Officer Class II INQ 1835 was, in 1972, an SIB instructor based in Chichester. He recalled being one of a team of four SIB investigators (the others being a Staff Sergeant and two Sergeants) flown from London to Lisburn to assist in the statement-taking process. They were based in Lisburn and travelled from there daily to conduct interviews.¹ The interviewers were also supplemented by SIB officers brought in from Lisburn, including Corporal INQ 2035² and Corporal INQ 2064.³
- ¹ C1835.1; C1835.3
- ² C2035.1
- ³ C2064.1
- 173.52** The evidence of Corporal INQ 2052 to this Inquiry was that he was attached to the SIB in Londonderry in January 1972, as part of a two-year tour which had begun in Lisburn.¹ It is undoubtedly the case, as analysed below, that Corporal INQ 2052 took statements in the aftermath of Bloody Sunday. However, Warrant Officer Class II INQ 1831 (the sole SIB investigator based in Londonderry at the time) was certain that Corporal INQ 2052 was

not stationed in Londonderry between August 1971 and March 1972.² The first of the statements taken by Corporal INQ 2052 was dated 2nd February 1972. He did not take a statement from a soldier who had fired. Had he been based in Londonderry, Corporal INQ 2052 would have had the advantage over those SIB officers who were tasked from Lisburn of knowing the local area and so ought to have been used to interview soldiers who had fired. These matters lead us to conclude that Corporal INQ 2052's recollection is mistaken and he was not deployed to Londonderry at the time of Bloody Sunday but was still stationed in Lisburn.

¹ C2052.1

² Day 258/147

173.53 By the time this part of the RMP statement-taking process began, 1 PARA had returned to its permanent base at Holywood Barracks outside Belfast. Those battalions of other regiments resident in Londonderry had also returned to regular duty. Tables 173.3 to 173.12 below identify the statements taken by this team of SIB officers. Each table represents a day. The tables have a different format from Tables 173.1 and 173.2 above. Each column represents an individual SIB officer and identifies the statements taken by that SIB officer on a particular day. The rank, cipher and unit of the soldier interviewed are given together with (in brackets) the time at which the statement was made. Interviews conducted in Belfast are highlighted in blue; those conducted in Londonderry (including at the various unit locations in County Londonderry) are highlighted in yellow. Table 173.12 lists two statements for which no date is available. Both were made by soldiers (Private 024 and Corporal 131) who did not fire shots on the day. The undated statement of Private 024¹ was taken by Corporal Smith. It is a shorter version of a fuller statement taken from Private 024 on 4th February 1972 by Corporal INQ 1871. It is possible therefore that Corporal Smith took the statement from Private 024 on 2nd February 1972 when Corporal Smith was in Belfast to take a statement from Sergeant 035, who, like Private 024, was a member of Composite Platoon (Guinness Force) of 1 PARA. The statement of Corporal 131 of 2nd Battalion, The Royal Green Jackets (2 RGJ) was taken by Corporal INQ 2209. It is not clear when this statement was taken, but it was probably some time between 2nd and 4th February, when Corporal INQ 2209 conducted interviews with other members of 2 RGJ.

¹ B1529

- 173.54** Of the SIB officers involved in this second phase of the statement-taking process, Corporal INQ 1330 was the only person to take a single statement. This was a statement taken from Colour Sergeant 002 of 1 PARA in Belfast. It is possible that, unlike his other colleagues who moved between Belfast and Londonderry, Corporal INQ 1330 was based in Lisburn and tasked, on a single occasion, to take one statement.
- 173.55** The approach of allocating interviews to officers on a cab-rank basis appears to have continued for this stage of the process, with officers conducting interviews both in Belfast and Londonderry. In accordance with the approach envisaged in the protocol prepared by Warrant Officer Class I Wood, soldiers were interviewed at their unit locations. Which soldiers were interviewed and when would have been dependent upon the availability of the soldiers concerned. To take the example of the four interviews conducted by Corporal INQ 2209 on 2nd February 1972 (Table 173.3): he interviewed a member of 2 RGJ (Lance Corporal 130) at Shackleton Barracks in Ballykelly,¹ then two members of 22 Lt AD Regt (Sergeant 020 and Sergeant 038) at Magilligan Strand,² and then returned to Londonderry to interview a member of 1 R ANGLIAN (Private 011) at Ebrington Barracks.³
- ¹ B1807
- ² B1496; B1638
- ³ B1397
- 173.56** Of the interviews conducted, only eight were with soldiers who had fired live rounds on the day (Lance Corporal F being interviewed on two occasions).
- 173.57** The 141 statements were taken over nine working days, as summarised in Table 173.13 below.

Table 173.3

2nd February 1972										
Corporal INQ 1330	Corporal INQ 1847	Sergeant INQ 1848	Corporal INQ 1871	Corporal INQ 2035	Corporal INQ 2052	Corporal INQ 2064	Corporal Smith	Corporal INQ 2209	Corporal INQ 2596	Staff Sergeant Middleton- Jones
Colour Sergeant 002 of 1 PARA (1730)	Lieutenant 122 of 22 Lt AD Regt (2025)	Major 159 of 22 Lt AD Regt (2000)	Corporal 039 of 1 PARA (1630)	Captain 138 of 1 R ANGLIAN (1120)	Gunner 012 of 22 Lt AD Regt (Not recorded)	Private 156 of 22 Lt AD Regt (2020)	Sergeant 035 of 1 PARA (1700)	Lance Corporal 130 of 2 RGJ (1130)	Corporal 022 of 1 R ANGLIAN (1845)	Corporal 150 of 1 R ANGLIAN (1900)
	Gunner 030 of 22 Lt AD Regt (2345)	Sergeant 040 of 22 Lt AD Regt (2010)		Captain 127 of RAOC ¹ (1230)	Sergeant 025 of 22 Lt AD Regt (2025)	Gunner 124 of 22 Lt AD Regt (2130)		Sergeant 038 of 22 Lt AD Regt (1500)	Lieutenant 227 of 22 Lt AD Regt (2210)	
	Sergeant 001 of 22 Lt AD Regt (2130)	Bombardier 165 of 22 Lt AD Regt (2320)		Warrant Officer Class I 164 of 1 CG ² (1545)		Lance Bombardier 149 of 22 Lt AD Regt (2300)		Sergeant 020 of 22 Lt AD Regt (1530)	Staff Sergeant 139 of 22 Lt AD Regt (2305)	
				Staff Sergeant 129 of 1 CG (1605)				Private 011 of 1 R ANGLIAN (1700)		
				Private 042 of 1 R ANGLIAN (2010)						
				Private 135 of 1 R ANGLIAN (2125)						
				Private 029 of 1 R ANGLIAN (2358)						

1 Royal Army Ordnance Corps

2 1st Battalion, The Coldstream Guards

Table 173.4

3rd February 1972							
Corporal INQ 1847	Sergeant INQ 1848	Corporal INQ 2052	Corporal INQ 2064	Corporal INQ 2209	Corporal INQ 2596	Corporal Brobson	Staff Sergeant Middleton- Jones
Bombardier 015 of 22 Lt AD Regt (1150)	Lieutenant 009 of 22 Lt AD Regt (1130)	Sergeant 117 of 22 Lt AD Regt (1040)	Lance Bombardier 143 of 22 Lt AD Regt (1030)	Gunner 008 of 22 Lt AD Regt (1015)	Lieutenant 145 of 1 R ANGLIAN (0845)	Staff Sergeant 102 of 22 Lt AD Regt (2105)	Corporal 150 of 1 R ANGLIAN (0800)
Gunner 023 of 22 Lt AD Regt (1435)	Captain 021 of 22 Lt AD Regt (1335)	Gunner 163 of 22 Lt AD Regt (1230)	Gunner 157 of 22 Lt AD Regt (1330)	Sergeant 020 of 22 Lt AD Regt (1045)	Private 004 of 1 R ANGLIAN (0910)		Sergeant AA of 1 R ANGLIAN (0840)
Sergeant 114 of 2 RGJ (1745)	Sergeant 108 of 22 Lt AD Regt (1420)	Sergeant 115 of 2 RGJ (1730)	Lieutenant 146 of 22 Lt AD Regt (1445)	Sergeant 137 of 2 RGJ (1700)	Lieutenant 136 of 2 RGJ (1710)		
	Sergeant 158 of 2 RGJ (1730)	Private 123 of 22 Lt AD Regt (1440)	Lieutenant 116 of 2 RGJ (1730)	Gunner 034 of 22 Lt AD Regt (2025)	Warrant Officer Class I 041 of 22 Lt AD Regt (2030)		
	Captain 028 of 22 Lt AD Regt (2245)	Gunner 134 of 22 Lt AD Regt (2210)					

Table 173.5

4 February 1972											
Warrant Officer Class II INQ 1835	Corporal INQ 1847	Sergeant INQ 1848	Corporal INQ 1871	Corporal INQ 2035	Corporal INQ 2052	Corporal Smith	Corporal INQ 2209	Corporal INQ 2210	Corporal INQ 2596	Corporal Brobston	Staff Sergeant Middleton-Jones
Lance Corporal 010 of 1 PARA (1530)	Lance Corporal 133 of 2 RGJ (1155)	Lance Corporal 113 of 2 RGJ (1605)	Lance Corporal 003 of 1 PARA (1300)	Lance Corporal 033 of 1 PARA (1950)	Lance Corporal 105 of 2 RGJ (1150)	Private M of 1 PARA (1210)	Rifleman 141 of 2 RGJ (1600)	Lieutenant 110 of 1 PARA (1405)	Rifleman 160 of 2 RGJ (1115)	Rifleman 111 of 2 RGJ (1100)	Corporal 007 of 1 PARA (1700)
	Rifleman 148 of 2 RGJ (1540)		Private 024 of 1 PARA (1500)	Private U of 1 PARA (Not recorded)	Rifleman 154 of 2 RGJ (1635)	Sergeant 014 of 1 PARA (1600)		Lance Corporal J of 1 PARA (1510)	Rifleman 132 of 2 RGJ (1150)	Rifleman 161 of 2 RGJ (1140)	Second Lieutenant 026 of 1 PARA (1640)
	Rifleman 120 of 2 RGJ (1655)		Sergeant 106 of 1 PARA (1640)		Rifleman 152 of 2 RGJ (1740)	Lance Corporal 018 of 1 PARA (1915)		Private 112 of 1 PARA (2040)	Captain 128 of 2 RGJ (1510)	Corporal 142 of 2 RGJ (1320)	Lieutenant 119 of 1 PARA (1900)
			Private 017 of 1 PARA (2030)		Lance Corporal 140 of 30 Fd Sqn RE ¹ (1925)	Lance Corporal F of 1 PARA (2030)		Private 013 of 1 PARA (2110)		Rifleman 153 of 2 RGJ (1455)	Lance Corporal 036 of 1 PARA (1930)
			Corporal 162 of 1 PARA (2100)			Private S of 1 PARA (2130)		Private 019 of 1 PARA (2150)		Rifleman 151 of 2 RGJ (1530)	Private 147 of 1 PARA (2000)
			Private R of 1 PARA (2130)			Private 006 of 1 PARA (2220)		Private 037 of 1 PARA (2230)		Lance Corporal 107 of 2 RGJ (1600)	
			Private 005 of 1 PARA (2215)							Corporal 103 of 30 Fd Sqn RE (2045)	

¹ 30 Field Squadron, Royal Engineers

Table 173.6

5th February 1972				
Warrant Officer Class II INQ 1835	Corporal INQ 1847	Corporal INQ 2052	Corporal Smith	Corporal INQ 2209
Private H of 1 PARA (2015)	Lieutenant 109 of 22 Lt AD Regt (1225)	Lance Bombardier 118 of 22 Lt AD Regt (1240)	Private 032 of 1 PARA (1500)	Corporal 126 of RMP (1115)
Private 027 of 1 PARA (2220)				Lance Corporal 121 of RMP (1200)

Table 173.7

11th February 1972				
Staff Sergeant Middleton-Jones				
Warrant Officer Class II 223 of RMP (1650)				

Table 173.8

12th February 1972		
Warrant Officer Class II INQ 1835	Corporal INQ 1848	Staff Sergeant Middleton-Jones
Bombardier X of 22 Lt AD Regt (1140)	Warrant Officer Class II 209 of 22 Lt AD Regt (1640)	Warrant Officer Class II 208 of 22 Lt AD Regt (1125)
Gunner Y of 22 Lt AD Regt (1150)		Lance Corporal 212 of 30 Fd Sqn RE (1235)
Warrant Officer Class II 210 of 22 Lt AD Regt (1625)		Sergeant 222 of RMP (1540)
Sergeant 207 of 22 Lt AD Regt (1655)		Sergeant 211 of 22 Lt AD Regt (1600)
Warrant Officer Class II 216 of 1 R ANGLIAN (1845)		

Table 173.9

13th February 1972		
Corporal INQ 1848	Staff Sergeant Middleton-Jones	
Colour Sergeant 213 of 1 R ANGLIAN (1205)	Staff Sergeant 217 of 1 R ANGLIAN (1000)	
Warrant Officer Class II 214 of 1 R ANGLIAN (1235)	Warrant Officer Class II 218 of 2 RGJ (1230)	
Warrant Officer Class II 215 of 1 R ANGLIAN (1445)		

Table 173.10

14th February 1972			
Warrant Officer Class II INQ 1835	Corporal INQ 1848	Corporal INQ 2035	Staff Sergeant Middleton-Jones
Lieutenant N of 1 PARA (1105)	Private 221 of 1 PARA (1115)	Captain 219 of 1 PARA (1005)	Corporal 201 of 1 PARA (1030)
	Warrant Officer Class II 205 of 1 PARA (1200)		Private 203 of 1 PARA (1100)
	Warrant Officer Class II 204 of 1 PARA (1215)		Warrant Officer Class II Lewis (also known as 202) of 1 PARA (1120)
	Private G of 1 PARA (1315)		Lance Corporal 206 of 1 PARA (1155)

Table 173.11

15th February 1972		
Warrant Officer Class II INQ 1835	Corporal INQ 1848	Staff Sergeant Middleton-Jones
Lance Corporal 229 of 1 PARA (1630)	Sergeant O of 1 PARA (1510)	Lance Corporal F of 1 PARA (1600)

Table 173.12

Undated	
Corporal Smith	Corporal INQ 2209
Private 024 of 1 PARA	Corporal 131 of 2 RGJ

Table 173.13

Date	Number of interviewers	Number of statements taken
2nd February 1972	11	29
3rd February 1972	8	28
4th February 1972	12	46
5th February 1972	5	7
11th February 1972	1	1
12th February 1972	3	10
13th February 1972	2	5
14th February 1972	4	10
15th February 1972	3	3
Undated	2	2

Phase III: 16th to 19th February 1972 – the involvement of Lieutenant Colonel Overbury

173.58 The evidence shows that an SIB investigation involving the taking of statements from soldiers who had not fired rounds had already been initiated by the time the Widgery Inquiry was announced and the Army Tribunal Team had been created. Nonetheless, these events did have an effect on the SIB investigation. Indeed, it seems likely that these events contributed to the fact that 141 additional statements were taken in a relatively short space of time.

173.59 We have already referred above¹ to the “Report of Army Tribunal Team” written by Colonel Overbury and dated 23rd March 1972. There he drew attention to the assistance provided by the SIB to the Army Tribunal Team.² The statements obtained by the SIB were made available to the Army Tribunal Team and subsequently passed on to the Widgery Tribunal.³ One of the tasks given to Colonel Overbury at the Army Tribunal Team’s first meeting on 2nd February 1972 was to “*cross-check statements*” – a task for which he was to have “*every co-operation at all levels*”.⁴ Colonel Overbury was unable to recall whether there was any further explanation of what that role would involve.⁵ In his second written statement to this Inquiry, Colonel Overbury explained that he was kept informed of the progress of the SIB investigation.⁶ In his oral evidence to this Inquiry, he told us that the question whether further statements needed to be taken was a matter for

the SIB. His recollection was that he was, in a very few cases, asked to take a statement from a soldier himself.⁷ The statements taken by Colonel Overbury are listed in Table 173.14.

¹ Paragraph 173.12

² CO1.66

³ CO1.43; Day 243/14-16

⁴ CO1.213

⁵ Day 243/7

⁶ CO1.42

⁷ Day 243/83-84; Day 243/115-116

Table 173.14

Date	Soldier
16th February 1972	Bombardier 015 of 22 Lt AD Regt
	Gunner 030 of 22 Lt AD Regt
	Sergeant 040 of 22 Lt AD Regt
	Gunner 134 of 22 Lt AD Regt
17th February 1972	Corporal A of 1 PARA
19th February 1972	Lance Corporal F of 1 PARA

173.60 Although the manuscript versions of these statements were taken on plain paper, available examples carry the same case reference number (01029/2) used by the SIB in its investigation. That number also appears on the typed versions of these statements, which were all produced on the standard RMP statement form. The exception is the statement taken from Lance Corporal F on 19th February 1972.¹ That statement is not typed on an RMP statement form but is, in appearance, similar to a statement taken for the Widgery Inquiry. However, the statement does not carry the “SA” prefix with which the Widgery Inquiry identified statements taken from soldiers.² Colonel Overbury’s recollection was that the decision to take a further statement from Lance Corporal F might have come out of the “*cross-checking exercise*”. He thought it might have been either at the suggestion of the SIB or his own decision.³

¹ B135

³ Day 243/56-58; Day 243/155-156; Day 243/228-233

² Each statement taken by the Widgery Inquiry was given a unique identifier comprising two letters and a number. The letters identified which category the statement fell into. A statement from a journalist was given the prefix “SR”, that from a civilian “SC”, that from a police officer “SP”, and that from a soldier “SA”. No-one could give a definite explanation of what these letters stood for. It is likely to be as simple as “Statements Reporters”, “Statements Civilians”, “Statements Police” and “Statements Army”.

173.61 Before moving on to consider the submissions made by the interested parties on the RMP statement-taking process, it is convenient to say something about the statements provided by more senior officers. The SIB investigation did not involve taking statements

from senior officers of 8th Infantry Brigade, Lieutenant Colonel Derek Wilford or the Company Commanders of 1 PARA. However, Brigadier Patrick MacLellan, Lieutenant Colonel Michael Steele, Colonel Wilford, Major INQ 10 (commanding A Company), Major 221A (commanding C Company), Major Edward Loden (commanding Support Company) and Captain INQ 7 (Intelligence Officer of 1 PARA) all made statements in the immediate aftermath of Bloody Sunday, which were sent to HQNI under cover of a letter from Colonel Steele dated 31st January 1972.¹ How these statements came to be made is considered elsewhere in this report. There is a statement from Captain 200, who commanded Composite Platoon of 1 PARA (Guinness Force), which on its face appears to have been given as part of the RMP statement-taking process.² The statement is dated 5th February 1972 but is not witnessed by an SIB officer.³ The evidence of Captain 200, which we accept, is that he did not make a formal statement to the RMP. Rather, shortly after Bloody Sunday, he prepared a handwritten report of “*everything material that I had witnessed on the day*”, which he handed to the Adjutant of 1 PARA. His manuscript account was then typed up on an RMP statement form.⁴

¹ ED49.1-ED49.13

³ B1983

² B1978

⁴ B2022.099; Day 367/146

The submissions on the Royal Military Police statement-taking process

173.62 As a conclusion to their submissions on the RMP statement-taking process, the representatives of the majority of represented soldiers stated that the RMP statements were “*gathered for the purpose of getting basic information up the chain of command or to the Army Widgery Legal Team as quickly as possible. They were never intended to stand up to the detailed scrutiny of a public inquiry.*”¹ They went on to submit that in the circumstances in which RMP statements were taken after Bloody Sunday, it would “*neither be safe nor fair to hold a soldier accountable for all inaccuracies in, omissions from, or inconsistencies arising from his RMP statement or statements*”.²

¹ FS7.61

² FS7.62

173.63 To our minds, whether an inaccuracy, omission or inconsistency should undermine the accounts of a particular soldier is dependent upon the nature of the particular inaccuracy, omission or inconsistency under consideration. To neglect to mention firing two shots at a man would *prima facie* be regarded as an omission of a different scale from an error of geography.

173.64 In support of their conclusion, the representatives of the majority of represented soldiers made a number of points, in particular:

- the SIB investigation was limited in scope;
- the SIB was provided with little information in advance of commencing its investigation;
- the SIB officers were given a limited briefing before commencing interviews;
- the information sought in the interviews was “*very basic indeed*”;
- there was a limited pool of SIB investigators available to conduct interviews;
- junior RMP personnel were used to conduct interviews;
- a large number of statements were taken each day;
- the condition of the soldiers when they were interviewed; and
- soldiers were not cautioned and had to give statements.

173.65 We consider these points in turn, albeit not in the order in which they were raised in the written submissions.

The purpose of the Special Investigation Branch investigation

173.66 At a number of points in their submissions, the representatives of the majority of represented soldiers emphasised the limited scope of the SIB investigation. They submitted that the statements taken by the SIB were “*never meant to be anything more than brief contact reports*”.¹ Relying on the evidence of Warrant Officer Class I Wood and Colonel Overbury, they further submitted that the aim of the investigation was to supply information as quickly as possible first to HQNI, and subsequently to the Army Tribunal Team set up for the purposes of the Widgery Inquiry.²

¹ FS7.32

² FS7.34-FS7.36

173.67 We have already drawn attention¹ to the specific advice in the protocol to the SIB investigator/statement taker that this was not “*a normal SIB ‘investigation’ ... You are there as a trained statement taker and evidence-gatherer.*”² The representatives of the majority of represented soldiers quote part of Warrant Officer Class I Wood’s first written statement to this Inquiry in which he said that “*the SIB actions could not be said to*

constitute a full and exhaustive investigation"; which he confirmed in his oral evidence to this Inquiry.³ However, it is important to remember the reason that Warrant Officer Class I Wood gave for this conclusion. This was the circumstances confronting the SIB in Northern Ireland at the time, which he listed in the same paragraph of his first statement as *"hostility by civilians involved, inability of RUC to collect civil evidence, suspicion that facts were being manipulated by terrorist propaganda groups, risk to life of investigators in civil community"*. In his written statement to this Inquiry, Warrant Officer Class II INQ 1831 also pointed out the limitations faced by the SIB, explaining that *"there were many occasions when a search of the crime scene was impossible, i.e. if it would put further life at risk or involve entering so called 'no-go' areas"*. Later he added: *"There were difficulties in respect of inconsistencies because one got only the soldier's story. There was no contact with the opposition and no crime scene investigation."*⁴

¹ Paragraph 173.16

³ CW1.1; Day 383/146

² CW1.48

⁴ C1831.1; C1831.2

173.68 In his oral evidence Major INQ 3 indicated that the role of an SIB investigator in Northern Ireland *"was different to his normal trained role of conducting criminal investigations within the Army. He was covering a far wider field."*¹ The unique situation in Northern Ireland was also referred to by Colonel INQ 1383 when he was asked by Counsel to the Inquiry to comment on the point made in the protocol that investigating an IS incident was not a normal SIB investigation.²

"I think the special circumstances that prevailed in Northern Ireland were not the same as those that an SIB investigator would be confronted with in, say, Germany, where he was dealing with a theft or something like that and I believe – although I do not know – that in this case Mr Wood was simply trying to differentiate between the two."

¹ Day 256/163

² CW1.48; Day 304/108

173.69 We accept the submission made by the representatives of the majority of represented soldiers that the RMP statements taken by the SIB were not intended for the purposes of a public inquiry. Indeed, in a note dated 16th March 1972, Basil Hall, the solicitor to the Widgery Inquiry, referring to the RMP statements (which he called "SIB statements"), recorded the following:¹

"I would not myself regard a statement given to SIB as a proper basis for an examination in chief and, accordingly, fresh statements were taken from all whom it seemed probable would be called ..."

¹ KH2.13

173.70 That is not, however, to accept, as submitted by the representatives of the majority of represented soldiers, that the only purpose of the RMP statement-taking process was to gather information for higher command. Perhaps inadvertently, they have not drawn our attention to the second purpose behind the SIB's investigation of an IS incident. This was set out in the protocol prepared by Warrant Officer Class I Wood:¹

"The purpose of the SIB enquiry is twofold; to inform the higher military command of what happened and to make evidence available if required to settle any future claim or for a Coroner's Inquest."

¹ CW1.46

173.71 Moreover, and as we have already mentioned, the evidence of Warrant Officer Class I Wood made clear that statements taken from soldiers during the course of an SIB investigation into an IS incident were to be made available to the RUC, albeit in redacted form.¹ It is also helpful to refer again to the paper given by Major INQ 3 in November 1973.² There he discussed an investigation launched by Colonel INQ 1383 following Operation Demetrius (the introduction of internment), which began on 9th August 1971. This investigation involved "*the taking of some eighteen hundred statements from soldiers of the 23 participating units in preparation for the Compton Inquiry ...*". The paper noted that civilians had also made claims for damages in relation to Operation Demetrius, and writs were still being issued more than two years after that Army operation was launched.³

¹ CW1.1; CW1.66; Day 383/125

³ C3.6-C3.7

² C3.3

173.72 We discuss below the nature of the interviews conducted by the SIB, but it is important at this point to mention another aspect of the evidence of Warrant Officer Class I Wood, which was that the purpose of the statements taken by the SIB was to amplify the detail contained in the initial contact report.¹ This was a point made by the representatives of the majority of the families and the wounded, in their reply submissions, in which they took issue with the representatives of the majority of represented soldiers' contention that the statements taken by the SIB were meant to be no more than brief contact reports.² It is pertinent here to recall that the evidence of Colonel INQ 1383 was that the job of an SIB officer was to ascertain the truth of what had happened.³

¹ CW1.1; Day 383/125

³ Day 304/107

² FR1.247

173.73 In our view, the requirement for the SIB to take a statement from a soldier would have been rendered irrelevant if the sole purpose of that exercise was to provide information to higher command. An accurate and updated contact report would have been sufficient. However, the paper prepared by Major INQ 3, considered above, suggests that even before the protocol devised by Warrant Officer Class I Wood was disseminated, RMP officers, under Colonel INQ 1383, were already aware of the need to take statements for external purposes including addressing civil claims. By the time of Bloody Sunday, the protocol had been in place for some months. The protocol envisaged that statements would be made available for external inquiries, including RUC investigations and coroner's inquests. Indeed, the practice at the time was that soldiers who had fired shots would not appear in an inquest.¹ That convention, it seems to us, could only be maintained if the evidence contained in the statement was as complete and accurate as possible. Those criteria would still be relevant even if the only purpose of an SIB investigation had been to inform higher command of what had happened.

¹ [CW1.46](#)

173.74 In their evidence, both Colonel INQ 1383 and Warrant Officer Class I Wood indicated that the SIB investigation launched in connection with Bloody Sunday was a standard inquiry, with the former pointing out that the only difference which struck him was the large number of casualties.¹ While it is right to say that the RMP statement-taking process was initiated, and continued, in order to provide information to senior officers and the Army Tribunal Team at the Widgery Inquiry, we are of the view that the procedure adopted was one which envisaged that the statements might be needed in other situations, including the resolution of a civil claim. There is no evidence from any of the RMP/SIB witnesses that a decision was taken that these statements were not to be made available to the RUC or a coroner's inquest.

¹ [Day 304/104-105](#); [Day 383/127](#)

The question of limited information

173.75 The representatives of the majority of represented soldiers submitted that those conducting the interviews were given little background information in advance.¹ They submitted that this was no surprise since the express purpose of the SIB's deployment was to "*gather information for Command*".²

¹ [FS7.36](#)

² [FS7.37](#)

173.76 Warrant Officer Class I Wood told us in his third written statement to this Inquiry that he did not know how the SIB was normally tasked to investigate IS incidents in Londonderry. In relation to “*Belfast and country IS investigations*”, he was able to say that the SIB would be tasked in differing ways. A report of an IS incident could reach the SIB from a brigade headquarters or directly from the unit concerned or via the RMP Operations Room in Lisburn. The usual method by which the SIB seemed to have been tasked was by radio or telephone. A primary requirement for any SIB investigation into an IS incident was to begin work as soon as possible. Warrant Officer Class I Wood indicated that the SIB could not have done its work had it waited for “*a consolidated report of the night’s events*”. It would in due course receive a copy of an operations log, which would be checked to ensure that the SIB had covered all incidents.¹ As to the situation in Londonderry, Warrant Officer Class II INQ 1831, the sole investigator based in that city, did not recall receiving a specific briefing in relation to Bloody Sunday. However, his recollection was that a typical briefing would have been given over the telephone.²

¹ CW1.60

² C1831.2; Day 258/128-129

173.77 The evidence as to what initial information was provided to the SIB on Bloody Sunday, and by what means, came from Warrant Officer Class I Wood. His recollection was of receiving a verbal briefing from 8th Infantry Brigade, which would have included the timings of events but not grid references.¹ Given, as discussed above, that the interviews conducted in the first phase of the RMP statement-taking process (30th January to 1st February 1972; Tables 173.1 and 173.2 above²) were conducted at Ebrington Barracks where 8th Infantry Brigade HQ was located, it may be that more information reached the SIB team after it had begun its work. What information could be provided to the SIB team may have depended on what was available to the Operations Room at 8th Infantry Brigade. In some instances this may have been of good quality. For example, a report timed at 1820 hours on the 8th Infantry Brigade log from 1 R ANGLIAN listed that regiment’s four engagements and gave details of locations, grid references and approximate timings.³ Such details may very well have reached the SIB team.

¹ CW1.8; Day 383/128-130

³ W53 serial 241

² Paragraph 173.31

173.78 The typical approach of the SIB in investigating an IS incident seems to have been to work with limited information in order that matters could be taken forward as quickly as possible. In our view this was the situation at the outset, but to our minds had no material effect on the ability of individual soldiers to give a proper account of their conduct to the SIB.

The briefing given to Special Investigation Branch officers

173.79 Linked to their submission on the limited information available to the SIB, the representatives of the majority of represented soldiers also submitted that the SIB officers would themselves have been given little information in advance of conducting an interview.¹ This is a factor they submitted was particularly relevant when considering the quality of the statements taken on 30th and 31st January 1972.²

¹ FS7.8

² FS7.62

173.80 The evidence of those SIB officers who gave evidence to this Inquiry does suggest that, in general, they were provided with few details before conducting an interview. This did not seem to be viewed as a hindrance by Warrant Officer Class I Wood who, in his third written statement to this Inquiry, told us:¹

“Service investigators received no instructions before an IS enquiry. After production of the Brief and the aide memoire, none were necessary. They were not told much beyond, say, that a patrol of X company of Y regiment in Z Street had opened fire on some civilians and claimed to have hit them.”

¹ CW1.61

173.81 In his oral evidence to this Inquiry, when questioned by counsel for the majority of represented soldiers, Warrant Officer Class I Wood accepted that he could only pass on limited information to his SIB officers:¹

“A. ... all the higher command would have in the way of a briefing that they could give us was that there had been a shot fired at this location, under these claimed circumstances.

Q. It would follow that you yourself, when briefing your investigators, could only pass on limited information yourself?

A. Oh, yes, it would be something along the lines of a soldier saw a man he claimed to be a gunman. He saw the gunman do this. He did this and that is what happened about it.”

¹ Day 383/152-153

173.82 Corporal Brobson was an SIB statement taker involved in both Phase I and Phase II of the RMP statement-taking process. He recalled being briefed on his arrival from Lisburn. However, he thought that he would not have been made aware, before beginning an

interview with a particular soldier, of the circumstances of the shooting incident in which that soldier had been involved.¹ The practice of giving limited information to an SIB officer continued beyond 31st January 1972. Neither Corporal INQ 2052 nor Corporal INQ 1064 were involved in the first phase of the RMP statement-taking process. Corporal INQ 2052 told us that he would not have known what the involvement of a particular soldier was, in the incident under investigation, until the interview began.² In his written statement to this Inquiry, Corporal INQ 2064, who did not give oral evidence, told us:³

“In general, whenever my colleagues and I were called to take statements from soldiers involved in any incident, we were not briefed as to what the incident involved or what issues we were expected to cover with the witness. If we received any briefing at all, it was given in outline only by the Sergeant Major before we were dispatched to wherever the soldiers to be interviewed were located.”

¹ [Day 275/107-109](#)

³ [C2064.1](#)

² [Day 252/15](#)

173.83 We see nothing wrong in the general approach of giving limited information to an SIB officer. It appears to have been the approach adopted in relation to the investigation into Bloody Sunday. That little information was passed on might have been a consequence of the need for statements to be obtained quickly and the fact that few details might have been available from those tasking the SIB. The tables in this chapter demonstrate that the interviews conducted in the aftermath of Bloody Sunday were allocated on a cab-rank basis. In particular, it also appears that soldiers, certainly on 30th and 31st January 1972, arrived in a random manner and were interviewed accordingly. These factors, in our view, rendered it virtually impossible to give an extensive briefing to an SIB interviewer before he began a particular interview.

173.84 We are not persuaded that the absence of detailed information had a negative effect on a soldier giving his account. The SIB interviewer would not have been able to correct an innocent error in timing or location made by a soldier, but to our minds (and more importantly) there was little risk that the interviewer would have formed a preconceived view of what had happened. Thus the lack of detailed information would help to ensure that the account of what had happened would come from the soldier himself.

The nature of the interviews

173.85 The representatives of the majority of represented soldiers submitted that the SIB officers had a very limited aim in taking statements, particularly the “*important interviews that led to the early RMP statements*”, which they also submitted were “*conducted by men who had a very limited understanding of what had taken place or where it had taken place*” and who were under a “*considerable pressure of time*”.¹

¹ FS7.43

173.86 These representatives also submitted that the oral evidence of Colonel INQ 1383 reflected the basic nature of the information sought in these SIB interviews. In the context of being asked about the instructions he issued in relation to the RMP statement-taking process, Colonel INQ 1383 gave the following answer upon which these representatives relied:¹

“Well, I think the crux of this was that I wanted them to concentrate their efforts on who had fired; how many rounds they had fired; who they had fired at; what the line of fire was; I wanted all the statements to be taken from every man who had fired and how many rounds and I wanted all this to be consolidated in a general plan so that we got to the truth of what actually had happened as quickly as possible.”

¹ Day 304/99

173.87 In relation to the early RMP statements, the representatives of the majority of represented soldiers referred to the first written statement to this Inquiry of Warrant Officer Class I Wood. There, Warrant Officer Class I Wood explained that the soldiers interviewed in the first stage of the RMP statement-taking process were interviewed alone in a question and answer session. He went on to tell us:¹

“As a general rule, if the information that a witness gave us was contradictory, we would question him on it; we would not simply accept and write down what he told us. We would confront the soldier during the interview if he said something that didn’t add up. Similarly, if a soldier mentioned another soldier during the interview, that soldier’s name would be added to the list and he would be called forward for interview. As a general practice, we would also put the statements of other soldiers to the interviewees. If something didn’t tie up, we would note it down for somebody to check it later. However, in relation to the events of that day we had to work under great pressure of time and confined ourselves to compiling the normal contact reports.

There was no time to spend talking and then writing afterwards, we just had to get down to business. The interviewer would write the statement out in longhand during the course of the interview and the interviewee would then sign it at the end of the interview. We would not write down what was said word for word as most of the interview was merely grunts; we would turn what we were told into what looked like a proof of evidence on the spot.”

¹ [CW1.9](#)

173.88 Warrant Officer Class I Wood was asked in his oral evidence to this Inquiry to explain the reference to “grunts”:¹

“Q. That may be a slightly extreme description of the situation, but you were dealing with soldiers who may not have been particularly articulate, particularly after the type of situation they had been in?

A. (Witness nodding). That is exactly – what you take is exactly right.”

¹ [Day 383/149](#)

173.89 These representatives did not in their submissions refer to an answer Warrant Officer Class I Wood gave in his oral evidence to this Inquiry, when he was asked to explain what he meant by “*compiling the normal contact reports*”. He explained: “*The normal contact report is – where was he, what was he told to be doing, what did he see, and what did he do as a result of it.*”¹ Aside from Warrant Officer Class I Wood, the only witness who took part in the first phase of the RMP statement-taking process and who gave evidence to us was Corporal Brobson. In his oral evidence to this Inquiry he was shown the extract from Warrant Officer Class I Wood’s first written statement to this Inquiry that we have set out above and agreed with its contents.²

¹ [Day 383/148](#)

² [Day 275/117-118](#)

173.90 Tables 173.3 to 173.12 (set out above¹) suggest that those SIB officers tasked to take statements in the second stage of the RMP statement-taking process may have had more time to interview soldiers than their colleagues who had been involved between 30th January and 1st February 1972. The evidence provided by the SIB officers who were involved in that second stage gives a consistent description of the approach these officers adopted.

¹ [Paragraph 173.57](#)

173.91 Warrant Officer Class II INQ 1831 told us that interviewers would not be given a list of questions to ask a soldier. He explained: "*The whole point of the investigation was to find out what soldiers on the ground and moving into the Bogside on that Sunday afternoon saw and did, and what their orders were.*" The soldiers were interviewed separately and questioned in depth. They would have been asked whether they had fired live rounds, and if so how many and why. They would be asked how they had identified a target and whether they had hit the target. The statements were always written out in longhand at the time they were taken and the soldier asked to read through and sign the declaration.¹

¹ [C1831.2-3](#)

173.92 Corporal INQ 2052 explained that the purpose of taking a statement was to "*record the facts of the incident*".¹ His approach was to discuss the incident with the soldier and clarify any points. He would then write the statement before presenting it to the soldier to read and sign.²

¹ [C2052.1](#)

² [C2052.1; Day 252/20](#)

173.93 In his written statement to this Inquiry, Corporal INQ 2064 explained the general approach he adopted when interviewing a soldier. We accept his account. He would have a "*general chat*" with the soldier about the incident that was to be the subject of the statement. Despite inviting the soldier to write his own account, it was Corporal INQ 2064's experience that he was asked by the soldier to write the account in 90 per cent of the interviews he conducted. The statements were not meant to be verbatim accounts. Corporal INQ 2064's training involved his writing the account relayed by the soldier. He was trained to produce statements that followed a basic structure. Corporal INQ 2064 did not change the soldier's account or tell him what to say. The only alterations were to translate any local colloquialisms the soldier might have used.¹

¹ [C2064.2](#)

173.94 Warrant Officer Class II INQ 1835 gave perhaps the most useful evidence. His recollection was that he would interview a soldier alone and listen to what he had to say. He would probably only write out the statement in longhand when the soldier had provided his account for the second or third time. The soldier then read the statement, was given the opportunity to correct it and then signed it. He explained: "*We wanted to know their [the soldier's] position and the position of the target and how many rounds were fired.*"¹ He continued:²

“I took short, almost proforma, statements setting out that the soldier was on duty that Sunday and that he was at such and such a point and that he had occasion to fire. We took what were really very short statements identifying targets.”

¹ C1835.4

² C1835.5

173.95 We have looked at, and considered in detail, the RMP statements in the course of dealing with the events of the day. The statements taken by the SIB officers were, in general, relatively short. However, these statements, and specifically those taken from soldiers who had fired rounds, did include timings, descriptions of targets, locations and grid references. It seems to us that there was little difference in approach between the statements taken in the immediate aftermath of Bloody Sunday (Phase I) and those taken a few days later (Phase II). In general terms, we consider that the statements achieved the aims identified by both Colonel INQ 1383 and Warrant Officer Class I Wood; and those set out in the protocol. The statements set the scene, built up to the shooting, described the shooting and any follow-up action; and at least attempted to identify precise locations.¹ We do not accept the submission, made on behalf of the majority of represented soldiers, that the end result of the statement-taking process was “*often a brief statement which did not cover all of the potentially relevant evidence the soldier had to give*”.² It is noteworthy that this submission did not provide any examples of the statements said to be failing in this respect.

¹ CW1.49-50

² FS7.62

The number and seniority of Special Investigation Branch investigators

173.96 The representatives of the majority of represented soldiers submitted that “*Properly trained Special Investigation Branch (SIB) investigators were thin on the ground and had to be supplemented with corporals from the RMP, some of whom had very little training or experience*”.¹ They pointed to the availability of a single investigator (Warrant Officer Class II INQ 1831) in Londonderry and noted that he was absent on 30th January 1972. They also mentioned that Warrant Officer Class I Wood himself was absent on other duties as from 31st January 1972 and referred to the need to use personnel from Lisburn.² As to the use of junior personnel, the point made was that the least experienced personnel (ie RMP corporals) took some of the most important statements.³

¹ FS7.33

³ FS7.43-FS7.47

² FS7.40-FS7.41

173.97 We have already discussed above the distinction, both in rank and training, between an SIB investigator and an SIB statement taker (also known as an aide to SIB). As Warrant Officer Class II INQ 1831 and Warrant Officer Class II INQ 1835 (two of the SIB investigators who gave evidence to this Inquiry) explained, SIB investigators would have attended courses on the law, fingerprints, drugs, and interviewing techniques.¹ Warrant Officer Class II INQ 1831 estimated that, in 1972, there were 120 SIB investigators worldwide.² If Warrant Officer Class I Wood's recollection as to the size of 178 Provost Company is correct (and we have no reason to suppose that it is not) then it suggests that there would have been, at most, around eight fully trained SIB investigators available at Lisburn (excluding Warrant Officer Class I Wood and Captain INQ 1870). That may explain why there was only one SIB investigator in Londonderry.

¹ C1831.1; C1835.1

² C1831.2

173.98 There is no doubt that the pool of SIB investigators was limited. Colonel INQ 1383 confirmed that "*we were very short staffed at the time*".¹ Warrant Officer Class I Wood could not remember "*the exact number [of SIB investigators] but they were very short*".² Since Warrant Officer Class II INQ 1831 was the only SIB investigator permanently based in Londonderry, it was inevitable that SIB officers would be drafted in from Lisburn given the number of casualties that occurred on Bloody Sunday. The need, as has been shown above, to have two statements, albeit from soldiers who had not fired their weapons, taken by ordinary members of the RMP (Corporal INQ 1828 and Corporal UNK 1134) and also to have SIB officers brought in from England demonstrates that the resources of the SIB were stretched in the immediate wake of Bloody Sunday, as Warrant Officer Class II INQ 1831 acknowledged in his oral evidence to this Inquiry.³

¹ Day 304/111-112

³ Day 258/137

² Day 383/153

173.99 There is also evidence, for example from Warrant Officer Class I Wood and Corporal Brobson, that the SIB was operating under pressure of time.¹ This pressure arose from the need to obtain statements as quickly as possible in accordance with the protocol, concerning a major and controversial incident; and to provide those statements both to those further up the chain of command and to the Army Tribunal Team at the Widgery Inquiry.

¹ CW1.9; Day 393/153; Day 275/118

173.100 As to the use of RMP corporals to take statements, the representatives of the majority of represented soldiers referred to the written statement to this Inquiry of Warrant Officer Class II INQ 1831, in which he told us:¹

“Obviously it would have been good practice to interview those involved in the shootings first, using the most senior and experienced investigators available. Members of the RMP did some interviewing and recording of statements as well as SIB investigators. They were attached to SIB as ‘aides to CID’ were in the civilian police. They were the younger, more focussed members of the RMP who envisaged a career within SIB. They were trainees and would not have recorded statements from those Paras involved in the shootings but only back-up and corroborative statements.”

¹ C1831.2

173.101 As we have already noted, Warrant Officer Class II INQ 1831 was not in Londonderry on Bloody Sunday. The representatives of the majority of represented soldiers pointed out correctly that he was wrong in his assumption that the SIB statement takers had not interviewed soldiers who had fired. Tables 173.1 and 173.2¹ show that this was not the case. In his oral evidence to this Inquiry, Warrant Officer Class II INQ 1831 accepted that pressures on SIB resources meant that there was no alternative but to use the SIB statement takers.² This officer also acknowledged that pressures of time and resources meant that the SIB statement takers had to be used, describing them as “*invaluable*”.³ As Tables 173.3 to 173.12 show, the SIB statement takers continued to take additional statements from soldiers who had fired shots on Bloody Sunday. In effect, no distinction was made between the SIB investigators and SIB statement takers. They were allocated to interviews on a cab-rank basis.

¹ Paragraph 173.57

³ Day 383/153

² Day 258/143

173.102 However, in our view, it is neither fair nor accurate to describe, as the representatives of the majority of represented soldiers did, the SIB statement takers as “*largely untrained*”.¹ We have already referred to the training given to SIB statement takers, which included, for some, the opportunity to attend an in-theatre training course. None of the three SIB statement takers who gave evidence to this Inquiry, Corporal Brobson, Corporal INQ 2052 and Corporal INQ 2064, was asked whether he had attended any training course before Bloody Sunday. However, they would have undergone the “*on the job*” training described by Warrant Officer Class I Wood and mentioned above (attachment to a “*proper SIB person*” – presumably an SIB investigator – and also to an experienced

statement taker). Warrant Officer Class II INQ 1831 confirmed that all those involved in taking statements (ie SIB investigators and SIB statement takers) would have had prior experience of investigating shooting incidents.²

¹ FS7.43

² Day 258/128

173.103 The representatives of the majority of represented soldiers illustrated the point that the SIB statement takers took statements from significant witnesses by listing the statements taken by Corporal Brobson and Corporal Rowe. They noted that Corporal Brobson “*was only eighteen at the time and had only been attached to the SIB since the end of 1971*”.¹

¹ FS7.45

173.104 It is correct that both these statement takers interviewed a number of important witnesses, including soldiers who had fired rounds and Lieutenant 119, the Platoon Commander of Anti-Tank Platoon. Corporal Brobson had been serving in Northern Ireland with the RMP since August 1970.¹ He could not say precisely when in 1971 he had joined the SIB but thought it would have been at the end of that year.² According to his own counsel, Corporal Brobson had been in the SIB for a matter of months.³ However, it seems that, in that relatively short time, Corporal Brobson would have been involved in the investigation of shooting incidents. He accepted the point put to him by counsel for the majority of represented soldiers that, “*your role as a trainee investigator was essentially to interview soldiers who had taken part in IS incidents, particularly if they had fired a live round*” and recalled that, stationed as he was in Belfast, he was often tasked daily.⁴ It is relevant to remember that the number of shooting incidents increased in the aftermath of the introduction of internment in August 1971, as we have described elsewhere in this report.⁵

¹ C1868.6

⁴ Day 275/117; Day 275/143

² Day 275/124

⁵ Chapters 8 and 9

³ Day 275/143

173.105 Corporal INQ 2064 recalled that, in his three-year tour of Northern Ireland, which began in 1970, the RMP struggled to keep up with the amount of work it had.¹ Corporal INQ 2064 did not give oral evidence to this Inquiry. In his written statement to this Inquiry he told us that he was attached to the SIB for a three-month trial, based in Lisburn.² This trial must have begun before Bloody Sunday and, although he does not say so explicitly, we are confident, given the circumstances in Northern Ireland at the time, that Corporal INQ 2064 would have had experience of investigating an IS incident before Bloody Sunday. His colleague Corporal INQ 2052 confirmed in his oral evidence to this Inquiry that he had

investigated shooting incidents before Bloody Sunday.³ We do not have a statement from Corporal Rowe. We do know from Warrant Officer Class II INQ 1831 that Corporal Rowe “was attached to me for a period of six months; he was my personal assistant. I left him in Londonderry while I came to England. That is the reason why he will have recorded all those statements at that time.” That attachment had begun at the end of August 1971.⁴ Obviously, as the only SIB officer serving in Londonderry and available on 30th January, Corporal Rowe would have had the advantage, over the SIB officers brought in from Lisburn and England, of knowing the local area.

¹ C2064.1

³ Day 252/14

² C2064.1

⁴ Day 258/142

173.106 It is also useful to bear in mind what these SIB officers were being asked to do. It was not, for example, to collect evidence from the scene of a crime or to obtain fingerprints. Rather, they were being asked to take statements, something which, as we have already noted, Colonel INQ 1383 considered fundamental to the work of military policemen and, in particular, members of the SIB.¹ In our view the available evidence shows that the junior personnel (SIB statement takers) deployed as part of the RMP statement-taking process in the wake of Bloody Sunday would already have had some experience of investigating IS incidents.

¹ Day 304/96-98

The number of statements taken each day

173.107 The representatives of the majority of represented soldiers submitted that the consequences of limited personnel, the pressure of time and the number of soldiers to be seen meant that individual members of the SIB took a large number of statements each day. This is a submission that focuses on the statements taken on the evening of 30th January and the following day. This is a significant period since it was the time when the SIB first interviewed the majority of soldiers who had fired rounds. From an analysis of the time between the statements taken by Warrant Officer Class I Wood, Corporal Rowe and Corporal Brobson, it was submitted that “*Often no more than half an hour was allowed for an interview with a soldier who had opened fire*”. In effect, it was submitted that the pressure of time did not result in carefully produced statements.¹

¹ FS7.47-FS7.48

173.108 This submission is based upon the assumption that the time recorded on an RMP statement indicates the time it was completed. As we have discussed above, there is evidence that supports this assumption, but it is one that needs to be treated with caution on occasion. According to the times recorded on the statements taken by Warrant Officer Class I Wood, he concluded a statement with Corporal A at 0100 hours on 31st January 1972 and ten minutes later completed a statement taken from Private B of 1 PARA. Warrant Officer Class I Wood doubted that he would have been able to produce a statement from Private B in such a short time and accepted that there might well have been an error in recording the time.¹ Nonetheless, the central question here is whether pressure of time prevented an SIB statement taker from obtaining the necessary information from a soldier, or that soldier from giving a proper account of the engagement in which he had participated. We have found nothing to indicate that this was the case.

¹ [Day 383/133](#)

The state of soldiers giving statements shortly after the event

173.109 The representatives of the majority of represented soldiers drew our attention to the long hours that members of 1 PARA, and other units, had spent on duty. They pointed out that these soldiers had been involved in an operation in which they had fired rounds. They were then questioned by the SIB later that night or in the early hours of the next morning. They refer to the evidence of Basil Hall who, in his written statement to this Inquiry, expressed the view that the RMP statements taken on the night of 30th January were “*made under conditions which were likely to have been stressful*”.¹ Basil Hall did not specify the conditions to which he was referring, but it seems to us that he was probably referring to what had happened on Bloody Sunday.

¹ [FS7.50; KH2.10](#)

173.110 The question of a soldier’s fitness to be interviewed was one that was put to a number of the SIB officers who gave evidence to this Inquiry. Warrant Officer Class II INQ 1831 told the Tribunal that if an SIB investigator formed the view that a soldier might not be fit for interview, then the interview should be discontinued.¹

¹ [Day 258/145-146](#)

173.111 In his third written statement to this Inquiry, Warrant Officer Class I Wood told us:¹

“The members of 1 Para that I saw during the late evening and night of 30 January 1972 all appeared fit and well. That soldiers were still up and about for questioning late into a working day was nothing unusual in Northern Ireland. I had been alongside them on other stressful and physically demanding operations there and noticed nothing different about them at that time. They were accomplished at sleeping whenever the opportunity presented itself. The adrenalin was still high. None showed any reluctance to be interviewed. I cannot recall any of my investigators reporting that they had been delayed in completing their IS investigations because a soldier had claimed to be unwell, tired, emotional or otherwise unfit for interview.”

¹ [CW1.60](#)

173.112 When asked in his oral evidence to this Inquiry about Basil Hall’s evidence, Warrant Officer Class I Wood answered:¹

“I can accept his conclusion: that they were likely to have been stressful. We were in fact here dealing with experienced soldiers who had spent many hours on the street going through these sort of situations, some of them may well have fired before or been involved in attacks upon them where they had seen their own comrades killed. No-one whatsoever that I was ever aware of was interviewed and a statement recorded when he was in any condition other than fit and proper to give such a statement.”

¹ [Day 383/163](#)

173.113 The representatives of the majority of represented soldiers submitted that Warrant Officer Class I Wood, needing, as he did, to “gather basic information as quickly as possible”, was not prepared to wait to take statements from properly rested soldiers. In essence, their submission was that soldiers were tired and this would have affected the quality of the statements taken from them. They gave the example of Private C, who made corrections to his RMP statement when he made his Widgery Inquiry statement on 5th March 1972. Private C blamed exhaustion for these mistakes, pointing out that he had been up for over 20 hours when he made the RMP statement.¹

¹ [B68.018](#)

173.114 The dilemma confronting the SIB was this: if a statement was taken from a soldier as soon as possible, the statement could be open to attack on the basis that the soldier in question might be tired and confused after a long spell on duty; whereas if the statement

was taken at a later stage, there was always the possibility of a suggestion of collusion. This dilemma seems to have been resolved on the side of interviewing soldiers as soon as possible. In our view the SIB policy was the correct one to adopt in all the circumstances. When considering the RMP statements in detail, as we do in the course of this report, we have borne in mind that, given that both soldier and SIB officer might have been tired, innocent errors could have crept into a statement.

The legal protection given to soldiers

173.115 Those representing the majority of represented soldiers pointed out that it was mandatory for soldiers to make statements to the SIB. These statements were not made under caution, and soldiers interviewed by the SIB were not represented.¹ In effect, soldiers were interviewed as witnesses rather than suspects. They could have a senior officer present during the interview but this seems to have been a right that was not exercised.² The decision to make compliance with an interview mandatory and to avoid the caution was a deliberate one, taken in the course of Warrant Officer Class I Wood's drafting of the protocol.³ It was felt important to find a method of interviewing soldiers outside the constraints imposed by criminal legislation or rules of procedure, mainly the Judges' Rules relating to the giving of a caution.⁴ These rules were made by the Judges of the Queen's Bench Division of the High Court of England and Wales as a guide to police officers conducting investigations. Although their origins can be traced back to 1906, the rules in operation at the time of Bloody Sunday were those re-issued in 1964 as "Practice Note (Judges' Rules)".⁵ Significantly, Rule II states:

"As soon as a police officer has evidence which would afford reasonable grounds for suspecting that a person has committed an offence, he shall caution that person or cause him to be cautioned before putting to him any questions, or further questions, relating to that offence."

Rule IV states:

"Persons other than police officers charged with the duty of investigating offences or charging offenders shall, so far as may be practicable, comply with these rules."

¹ FS7.51-FS7.55

² C1831.2; Day 252/17-18

³ CW1.56

⁴ CW1.57

⁵ [1964] 1 WLR 152

173.116 These representatives do not seek to explain how the mandatory requirement imposed on soldiers to give a statement to the SIB without a caution could have brought about any defects or inadequacies in the statements. We ourselves are at a loss to see how this could have happened.

Other matters relevant to the statement-taking process

173.117 The representatives of the majority of represented soldiers made three additional points in support of their submissions on the RMP statement-taking process. The first of these concern the RMP maps which we discuss later in this chapter. The other two we consider here.

Timings

173.118 The representatives of the majority of represented soldiers submitted: *“It is now apparent from the evidence of [Warrant Officer Class I] Wood that timings which appear in RMP statements may have come from his briefing, rather than from the soldiers themselves.”*¹ We have already referred to this evidence. It should be noted that the recollection of another SIB officer, Warrant Officer Class II INQ 1835, was that timings would have come from the soldiers themselves.²

¹ FS7.59

² C1835.4

173.119 The question of the source of the detailed timings cannot easily be resolved. It is possible that some timings reached the SIB from a briefing and that others were provided by the soldiers themselves. We can show this with an example. One of the statements taken by Warrant Officer Class I Wood on 30th January 1972 was from Private AD. That account records Private AD as having fired his weapon in an incident timed at about “1645 hours”.¹ However, as we discuss elsewhere in this report,² it seems to us that this incident in fact took place at about 1620 hours.³ We have already referred to the entry on the 8th Infantry Brigade log, timed at 1820 hours, which listed a number of 1 R ANGLIAN engagements timed as occurring between 1615 hours and 1640 hours.⁴ They included Private AD’s two shots.

¹ B933

³ W130 serial 396; G98.591

² Paragraphs 151.57–79

⁴ W53 serial 241

173.120 The information contained in the 8th Infantry Brigade log was, as we suggested above, the type of information that ought to have reached the SIB team. The time recorded on Private AD’s statement was outside the time bracket recorded on this log. This means

that any conclusion can go no further than that 8th Infantry Brigade might have provided an erroneous time of 1645 hours to the SIB team for this particular engagement; or that Warrant Officer Class I Wood provided the time; or that the soldier provided the time. All are possible.

- 173.121** This illustrates the peculiar problem with any suggestion that details such as timings came from only one source. In the course of this report we have discussed, when it is relevant to do so, the timings given in RMP statements; and where there appear to be relevant inconsistencies of timing in a particular statement, we have considered those in the context of the specific circumstances surrounding the making of that statement.

Terminology

- 173.122** The representatives of the majority of represented soldiers submitted that it was RMP policy to replace specific references to a weapon with less definitive terminology.¹ They supported this submission with two examples. The first is that of Private M, who, in his written statement to this Inquiry, suggested that he would not have used the phrase “*long black stick shaped objects*” to describe what he saw: namely, two men carrying what Private M was certain were weapons.² As these representatives noted, Corporal Brobson, who took the RMP statement from Private M, accepted in his oral evidence to this Inquiry that the phrase might have come from him rather than Private M.³ However, we were not referred in this submission to a later portion of Corporal Brobson’s oral evidence in which he was asked whether he had “*watered down*” Private M’s evidence. He replied: “*No, if he had been adamant I am sure that I would have included weapons in his statement.*”⁴ For reasons given elsewhere in this report,⁵ we are unsure whether Private M did use the phrase “*long black stick shaped objects*”.

¹ FS7.59

⁴ Day 275/139

² B348; B372.007

⁵ Paragraph 84.98

³ Day 275/123

- 173.123** The second example is from the statement of Private AC, taken by Warrant Officer Class I Wood, which uses the term “*long straight object*” to describe a rifle.¹ Asked about the terminology in the RMP statement of Private AC, Warrant Officer Class I Wood said in his oral evidence to this Inquiry:²

“Q. Is that the kind of language that would have been used by the soldier or is that the type of non-leading terminology something that you might have inserted?”

A. The soldier would say it was a rifle. He was quite clear it was a rifle from the outset. We had had situations put to us that the man may well have been carrying a walking stick in an unorthodox manner, or whatever. If we had said in the statement that the man was carrying a rifle when he was first seen at some 100 yards or whatever, someone would say what sort of rifle was it, bolt or piston-operated, did it have a long or short magazine, straight or curved magazine – if the soldier said it was this or that or the other, then the accusation would be that he had the eyes of an eagle and that was totally impossible. If he said he could not remember it had a long or straight magazine, the question would come back that he was obviously mistaken and therefore it must have been a walking stick.

... So we adopted the position that what was seen was a long straight object, if it was talking about a rifle. If it was a hand gun, then obviously we had a different terminology for that. If it was a blast bomb, we had different terminology for that. Particularly embarrassing in the case of a blast bomb, because a Coca-cola tin is, at a distance, very much like a blast bomb. We gave them those definitions. All the while the man was carrying a long straight object in a non-hostile manner, it was a long straight object. If he put it to his shoulder, put the hand halfway along it and appeared to be sighting through it we then said: as far as I am concerned that is a rifle and the soldier would be justified in saying it was a rifle.”

¹ B920

² Day 383/150-152

173.124 This evidence is to the effect that, depending on the circumstances, the SIB would replace specific references to a weapon with less definitive terminology, but in our view this does not support the submission, which is couched in terms suggesting that this was what was done whatever the circumstances; nor the broad submission that “*The absence of a reference to a specific weapon in an RMP statement does not ... signify that the soldier concerned was unsure of what he had seen*”, and that “*it does not follow that his reference to a specific weapon in a subsequent statement marks a hardening of his evidence*”.¹ In our view, the significance of the absence of a reference in an RMP statement to a weapon, coupled with a reference to a weapon in a subsequent account, depends not simply on those facts, but on consideration of the evidence as a whole relating to the incident and the soldier in question.

¹ FS7.61

173.125 There are submissions in reply to those made by the representatives of the majority of represented soldiers on the RMP statement-taking process. Short, and occasionally cryptic, they come from the representatives of the majority of the families and the wounded. They allege that the representatives of the majority of represented soldiers unjustifiably seek to shift responsibility for “*defects and inadequacies in the statements*” from the soldiers who made them to the SIB officers who recorded them.¹

¹ FR1.244

173.126 In our view, there is some substance in this submission. The way we have chosen to approach the matter is to ask ourselves whether, in the case of any given inaccuracy, inconsistency or omission in an RMP statement, there is anything to indicate that such “*defects and inadequacies*” arose, or might have arisen, from failures on the part of the statement takers, or should be attributed to the soldier concerned. In other words, how does each circumstance raised on behalf of the majority of represented soldiers, and considered above, explain inaccuracies, inconsistencies and omissions in an RMP statement?

Facilitation of the fabrication of false accounts

173.127 The representatives of the majority of the families and the wounded drew our attention to the fact that none of the soldiers was subjected to questioning by police officers “*anxious to test his account as a potential suspect in a criminal offence*”. They submitted that “*not only were the soldiers’ accounts not tested by an independent police officer, but a soldier who might otherwise have been tempted to tell the truth to a member of an outside police force in the privacy of a police interview would have been inhibited from doing so to another soldier from the SIB*”.¹

¹ FS1.145

173.128 The first of these points is factually accurate, so that it follows that the RMP statements should not be read as the responses of witnesses suspected of wrongdoing. However, it seems to us that, if anything, a soldier would be likely to be less, rather than more, forthcoming had he been questioned by the civilian police as a potential suspect in a criminal case rather than simply as a witness to events. Furthermore, the submission does not advert to the fact that the soldier, questioned as a suspect, would have been able to rely on the protection afforded by the Judges’ Rules, which we have discussed above. Like any other interviewee in similar circumstances, the soldier would have been

cautioned and would not then have been obliged to answer questions. In contrast, the RMP statements existed because the SIB was able to sidestep the Judges' Rules and to interview soldiers who were not cautioned and who were ordered to provide a statement.

173.129 The submission was made in the context of a wider submission that the RMP statements were "*inherently unreliable and likely to be false on the material issues*".¹ In this regard, these representatives made a number of points.

¹ FS1.162

173.130 In the first place, they drew attention to the evidence of Major INQ 3 about the arrangement in force at the time, of having the RMP rather than the civilian police investigate, at least initially, allegations of criminal offences or other incidents. We have considered this practice (later criticised by the courts) elsewhere in this report,¹ but once again it is convenient to quote from paragraph 12 of the paper presented by Major INQ 3 in November 1973:²

"Back in 1970 a decision was reached between the GOC and the Chief Constable whereby RMP would tend to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic towards the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances. However in March 1972, following the imposition of direct rule from Westminster, a Director of Public Prosecution was appointed for Northern Ireland and he soon made it clear that the existing standards were far from satisfactory. In November 72 he revoked the RUC's discretionary powers in these matters, ordering all allegations made against the Security Forces to be passed to him for examination. The honeymoon period was over."

¹ Paragraphs 194.9–16

² C3.10-11

173.131 In his oral evidence to this Inquiry, Major INQ 3 stated that the revoked discretionary powers to which he was referring were those of the RUC to decide whether or not to institute criminal proceedings against an individual soldier.¹ Major INQ 3 agreed "*to a certain extent*" with the suggestion that the agreement between the GOC and the Chief Constable was to ensure that the conduct of soldiers could be protected from scrutiny,

though he disagreed with the suggestion that “*the exclusion of the RUC and the universal practice of closing ranks through all levels of the Army, was that statements taken by the SIB really did not necessarily bear much relation to the truth at all*”.²

¹ Day 256/161

² Day 256/188

173.132 In the second place, these representatives drew our attention to evidence that if a soldier did say something to the SIB officer taking his statement that would either have incriminated himself or given the Army a problem, the interview was stopped and the matter referred to either HQNI or Army Legal Services.¹ Their submission continued:²

“5.1.3.7. The reality is that, bearing in mind the magnitude of the events of Bloody Sunday and the inevitable realisation by the RMP that the Army was bound to come under severe scrutiny, the SIB and indeed the ALS [Army Legal Services] personnel instructed to take statements from the soldiers involved were subject to exactly the same pressures that would have deterred those soldiers from making statements which would be damaging to the Army and which would provide ammunition for the enemy in ‘the propaganda war’. The effect was that, when a soldier was asked to make a statement to the RMP, it was against the background that the soldier believed that what was expected of him was to provide evidence which could provide justification for the shootings. See, for example, the express recognition of this by Soldier 151.³ By way of example, this soldier made a statement in which he purported to have witnessed a nail bomb exploding and a shot being fired but confirmed during his oral testimony that he witnessed neither.⁴

5.1.3.8. Bearing in mind that Police officers were excluded entirely from the statement-taking process by virtue of the policy developed between the GOC and the RUC Chief Constable, the entire *modus operandi* of the SIB in taking statement not only rendered it unlikely that any soldier would make any admission of criminal responsibility but positively facilitated and encouraged the fabrication of false accounts. It was not the SIB investigators’ job to ‘assess criminal responsibility’.⁵ The Assistant Provost Marshall, INQ1383, initially disputed this suggestion during his oral testimony⁶ but when it was pointed out to him that it appears in the Brief for Investigators drafted by Warrant Officer Wood and authorised by himself he accepted that this was so.⁷ As a consequence, it was not the SIB investigator’s job to challenge or cross-examine a soldier about an account but simply to take a note about what he was saying. Major INQ3 agreed with this.⁸

5.1.3.9. A statement was taken from a soldier as witnesses, not a suspect, without caution. This was done because, firstly, the soldier was not expected to make any admission of criminal responsibility and, secondly, the investigator would not be trying to obtain any incriminating admissions. Major INQ3 accepted both these propositions.⁹

5.1.3.10. Major INQ3 also accepted that this was all explained to the soldier.

Major INQ3 was questioned about the consequence of this procedure as follows:

‘Q. So a soldier knew that really so long as he did not make any incriminating admissions, his account would not be tested and he would be in the clear as far as prosecution was concerned?

A. Possibly. That was up to him.

Q. There was certainly nothing to discourage a soldier from fabricating an account was there?

A. No.

Q. In fact, you can see how this procedure would have positively encouraged soldiers to fabricate accounts where the soldier had something to hide?

A. It is possible.¹⁰

5.1.3.11. Even if a soldier volunteered an admission of criminal conduct, there were checks and safeguards against the soldier maintaining such an admission. First, if this happened the interview would be stopped. Secondly, the matter would be referred to an officer ‘for confirmation’.¹¹ Thirdly, the matter would be referred to the Army Legal Services.¹² Fourthly, a caution would be administered.

5.1.3.12. The knowledge that the police would not get involved in an investigation meant that both the SIB investigator and the soldier being questioned knew that matters could be kept in-house within the Army and no criminal charges brought as long as no soldier *insisted* on claiming criminal responsibility.”

¹ C1835.5

² FS1.146-148

³ Day 298/131; Day 298/106

⁴ Day 298/106

⁵ CW1.48

⁶ Day 304/106

⁷ Day 304/108

⁸ Day 256/181

⁹ Day 256/182

¹⁰ Day 256/182; Day 256/183

¹¹ CW1.48

¹² C1835.5 paragraph 31

173.133 It is the case that the methods adopted by the Army meant that the RMP statement takers were not trying to obtain incriminating admissions. However, it is difficult to see how, in the first instance, they could have done so while adhering to the protocol; since if the questioning was designed to elicit an admission of illegal conduct and succeeded in doing so, the matter would go to the SIB officer's superiors, who, in the face of an incriminating answer, would have to caution the statement maker, who then had the right to remain silent. In those circumstances, the position would be much the same as it would have been under questioning by the civilian police.

173.134 It is also the case that, as agreed by Major INQ 3, there was nothing in the procedure to discourage a soldier from fabricating an account, where he had something to hide.¹ However, to our minds this point only has practical substance if there is other material that suggests that the soldier availed himself of this state of affairs by giving a false account in order to justify or conceal what he or other soldiers did. It begs the question to assume, without more, that soldiers chose to invent an account of what they saw and did. Whether or not we considered that a soldier did this depended upon our assessment of the whole of the evidence of that soldier, together with, where relevant, other evidence relating to what happened during the day. As the result of examining all the relevant evidence, we have concluded, for the reasons we give, that in a number of cases soldiers did give false accounts to the RMP, but in our view it would have been wrong to have started with the assumption that this is what they all did or were likely to have done, and accordingly we did not proceed on that basis.

¹ [Day 256/183-184](#)

173.135 The RMP was not engaged in investigating whether those it interviewed had committed illegal acts, but in obtaining their accounts of what had happened, as Major INQ 3 explained.¹ Despite the fact that under the procedures of the protocol the soldiers were not discouraged from giving a false account, the RMP statements do provide, in our view, valuable statements by the soldiers, in many cases given only hours after the events of the day. Once a soldier had made and signed a statement, he was bound by it, in the sense that this was what he had said soon after the event. The value of the statements did not depend on whether they were, in the light of all the other relevant evidence, true or false. If we concluded that the soldier had told the truth, his account formed part of a body of evidence upon which we could reach conclusions. The same was the case if we concluded that the soldier had knowingly given a false account.

¹ [Day 256/182](#)

- 173.136** In this connection there was a further submission made by the representatives of the majority of the families and the wounded, which was that “*evidence has emerged of a pattern of events suggesting that not only did the interviewees give false and incomplete accounts but the SIB interviewers themselves may have provided some of the false accounts, which they then required the interviewees to sign and adopt as their own*”.¹ These representatives then gave what they described as examples of where this had happened.
- ¹ [FS1.148](#)
- 173.137** A difficulty with this submission is that it relies on the evidence to this Inquiry of the soldiers concerned; and appears to accept without question that in this regard they were telling the truth, without considering the possibility that the soldier was instead manufacturing a reason for having put his signature to a statement containing false information. In this regard, the submission lies rather awkwardly with these representatives’ main submission that the soldiers’ evidence was “*inherently unreliable and likely to be false on the material issues*”. A further difficulty was that this serious allegation was not put to those statement takers (for example Corporal Brobson) who gave evidence to this Inquiry. Where we regard it as material, we consider in the course of the report what reliance, if any, to place on the evidence of those soldiers who suggested that parts of their RMP statements were supplied at the request or insistence of the statement taker and not by themselves. There was no evidence at all to suggest that there was any systematic practice for statement takers to provide false information for inclusion in the RMP statements.
- 173.138** There are two further points.
- 173.139** In the first place, there was evidence that at the time there was in the Army in Northern Ireland what could be described as a culture of closing ranks, in the sense of soldiers not only refraining from saying anything that might incriminate their colleagues or put their regiment or the Army as a whole in a bad light; but also going out of their way to be less than candid when questioned about matters that might have had such effects.
- 173.140** In a memorandum dated 13th April 1972 from the Vice Adjutant General to the Adjutant General, which was principally concerned with misbehaviour on the part of soldiers unconnected with Bloody Sunday, the Vice Adjutant General recorded:¹

“3. More generally General Tuzo expressed his disquiet at what would appear to be a growing habit of commanding officers to cover up on allegations made against their soldiers. He says it is extremely difficult for him to obtain the true facts when such charges are levelled by police and/or civilians because commanding officers appear to feel it incumbent upon them to stand up for their subordinates in all circumstances and at all costs. In a situation such as Northern Ireland this kind of attitude can be self-defeating, particularly since the GOC has clearly got as great an interest in the morale and well-being of his units as have their commanding officers. He wondered whether it would be possible for commanding officers of units under orders to proceed to Northern Ireland to be more fully briefed than at present appears to be the case on the need for them to investigate in a totally unprejudiced fashion all charges levelled against their soldiers; instead of, as at present, taking the attitude, ‘My soldiers right or wrong.’ I told him I would discuss this matter with you on your return and that it might well be that you would consider writing to Commanders-in-Chief drawing their attention to this particular problem.”

¹ [G130A.865.1](#)

173.141 Major INQ 3 agreed that General Tuzo’s complaint corresponded with his own experience.¹ The protocol drafted by Warrant Officer Class I Wood specifically warned SIB officers that they would find that a soldier’s superior officers might be over-eager to support their men’s actions and try to incorporate statements such as “*In my opinion Private ... acted correctly when he fired on the man*” in their evidence.² When asked to confirm that “*soldiers tended to close ranks when they were being questioned about the possibility of either themselves or other soldiers committing criminal acts*”, Major INQ 3 said: “*Of course, that is part of unit loyalty.*” He also said “*that goes without saying*” and when it was suggested that this unit loyalty extended through all levels of the Army his reply was “*I presume so*”.³ Colonel INQ 1383, the APM, also agreed that one could rely on soldiers to “*close ranks*”.⁴

¹ [Day 256/186](#)

² [CW1.51](#)

³ [Day 256/185](#)

⁴ [Day 304/152](#)

173.142 We have borne in mind this undoubted tendency to close ranks when considering the evidence given by soldiers. However, we have taken the view that it would be wrong to treat this as a factor automatically undermining or devaluing that evidence, but rather as one among many things to take into account when considering what reliance can be placed on the accounts that any particular soldier gave.

173.143 In the second place, we note that the representatives of the families advancing the submissions considered above submitted that the written statements of soldiers prepared for the Widgery Inquiry and the oral evidence given by soldiers at that Inquiry were also “*inherently unreliable and likely to be false on the material issues*”. In this regard allegations were at a late stage made against Colonel Overbury, who was a member of the Army Tribunal Team at that Inquiry. In a ruling made on 14th January 2004,¹ we ordered that these allegations should not be pursued for the reasons that we gave. There was no challenge to that ruling. In the course of this report we consider in detail much of the written and oral evidence given by soldiers to that Inquiry and, where relevant, give our views on what reliance we consider can be placed on that evidence.

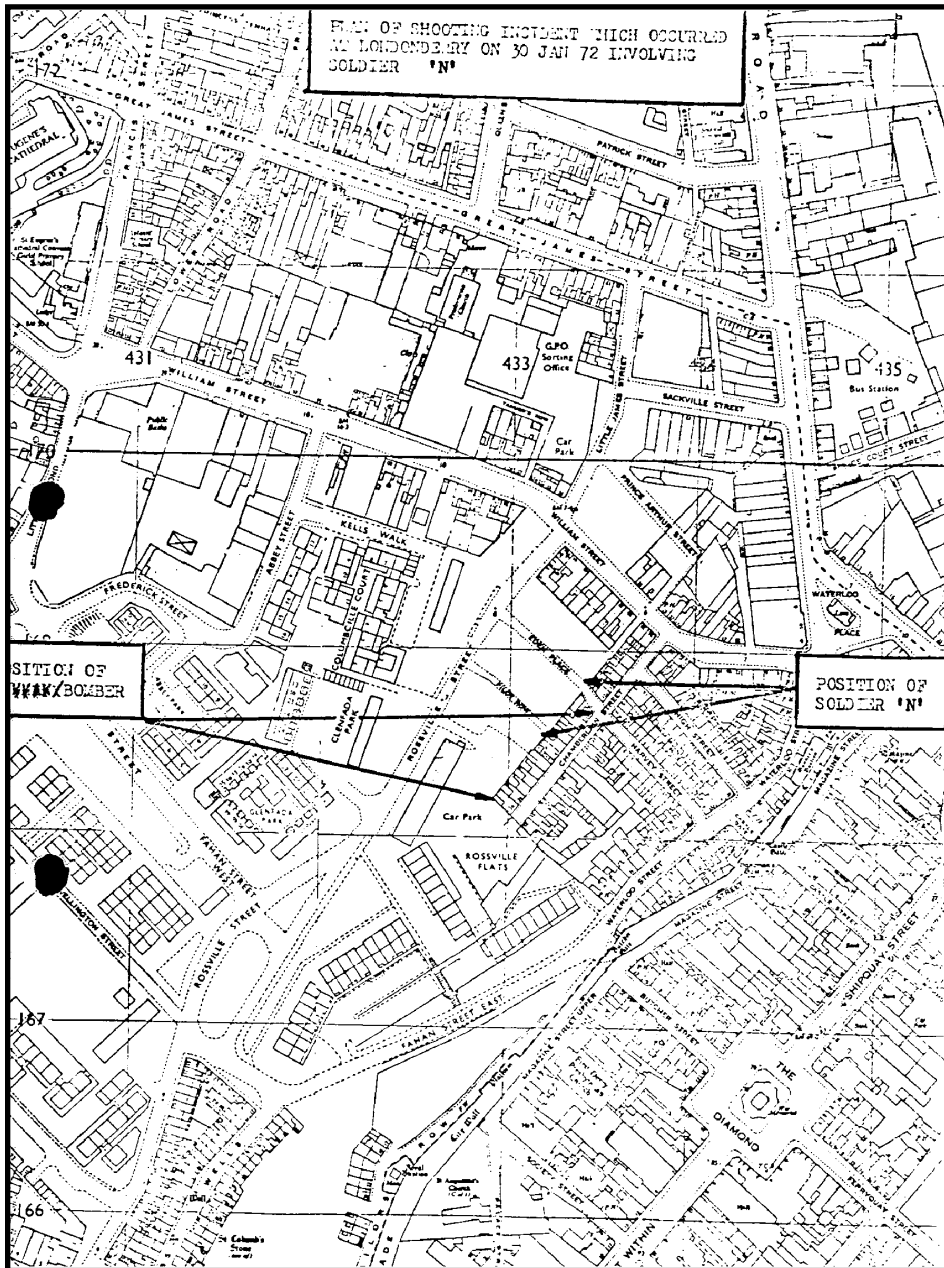
¹ [A2.39](#)

The Royal Military Police maps

173.144 Attached to the RMP statements of soldiers who fired shots on Bloody Sunday were maps, marked to show the position of the soldier at the time he fired, the location of his target or targets, and the soldier’s line of fire. In a very few cases there are maps attached to the RMP statements of soldiers who did not fire.

173.145 Little point would be served by reproducing all these RMP maps here, since where they are of importance they appear elsewhere in this report. However, it is helpful to show one here by way of example, and so we reproduce below the RMP map of Lieutenant N, a member of 1 PARA.¹

¹ [B376](#)



173.146 The RMP maps of the 1 PARA soldiers who fired on Bloody Sunday are all in the same format as the example above.¹ This appears to be based on an extract from a standard Ordnance Survey map with grid squares measuring 4cm by 4cm. The map pre-dates Bloody Sunday; for example it shows what we have been told was an ice house (identifiable as a square shape at grid reference 43281696 on the map above) which no longer existed on 30th January 1972.² The maps carry the same title and contain no

names, with the soldier concerned being identified by a cipher. We have not located any manuscript versions of the RMP maps of the firing soldiers, which show in typescript the position of the soldier and the location and description of his target(s).

- ¹ The same format was used for the RMP maps prepared for those soldiers who were not members of 1 PARA and who fired shots, although the RMP map relating to the shots fired by Sergeant AA, Private AB, Private AC and Private AD, of 1 R ANGLIAN, is a composite which shows the lines of fire of all four soldiers on the same map. The RMP maps of Bombardier X and Gunner Y, of 22 Lt AD Regt, lack a title.
- ² [Day 047/24](#)

173.147 None of the RMP statements of the firing soldiers refers to a map as an attachment, though (with the exception of Private H) the RMP map of each firing soldier of 1 PARA appears to have been attached to the typed version of the first RMP statement that he made, as were the RMP maps of all but two of the other soldiers who gave RMP statements.¹

- ¹ The exceptions appear to be Sergeant AA and Private AC, both of 1 R ANGLIAN, whose RMP maps seem to have been attached to a later RMP statement.

173.148 The submissions we received on the issue of how the RMP maps came to be prepared focus, for good reason, on the maps relating to those soldiers who had fired shots.¹ As we have already discussed in this chapter, by 1st February 1972 the 29 soldiers who had admitted to firing shots on Bloody Sunday had given a statement to the SIB (see Tables 173.1 and 173.2²). Earlier we also referred to the role of Colonel Overbury as part of the Army Tribunal Team. He, together with another officer (Colonel Hamilton), prepared a preliminary report dated 5th February 1972 and headed “A SUMMARY OF EVENTS IN LONDONDERRY ON SUNDAY 30 JAN 72”.³ Paragraphs 43 and 44 of that report annex respectively “A statement from every soldier who fired live rounds” and “Maps marked with individual shots”.⁴ Colonel Overbury’s report dated 23rd March 1972 records that the Army Tribunal Team had copies of the RMP statements (seemingly in redacted form) by 4th February 1972. It is probable that, by that date, the Army Tribunal Team also had copies of the RMP maps in the same format as available to this Inquiry.

¹ [FS7.55; FR1.251](#)

³ [CO1.112](#)

² [Paragraph 173.31](#)

⁴ [CO1.128](#)

173.149 In our view, the RMP maps, at least those for the soldiers who said that they had fired on Bloody Sunday, were prepared in the form in which we have them *after* the soldiers had made the RMP statement to which they were attached. It is very likely that these maps were prepared in Lisburn, where the typed versions of the RMP statements were produced¹ and redacted.² It seems to us that the RMP maps for the firing soldiers were not made, signed or approved by the soldiers concerned, but, following the protocol devised by Warrant Officer Class I Wood, were drawn up by others on the basis of the

information provided by the soldier to the statement taker.³ However, it seems more than likely, as we discuss below, that maps of some kind were available when the RMP statements were taken and it is possible that these may have been informally marked by the interviewer while taking the statement.

¹ CW1.10

³ C2596.5; CW1.66

² CW1.2; C3.1

173.150 The format used for the typed-up RMP maps only provided for the target to be indicated as a gunman or a bomber. As can be seen from the RMP map shown above, the compiler of Lieutenant N's RMP map showed him having fired at a bomber in Chamberlain Street. Neither in his RMP statement, nor at any other time, did Lieutenant N say that he had fired at a bomber in Chamberlain Street, nor is there any evidence from any other source to suggest that he did. What Lieutenant N said was that he had fired over the heads of a crowd in that area, without hitting anyone, as we are satisfied was the case. He told us, and we accept, that he would not have marked or assisted in marking a map to place a bomber in Chamberlain Street.¹ The compiler of the RMP map was accordingly in error in indicating that Lieutenant N had fired at a bomber in Chamberlain Street.

¹ Day 323/103-104

173.151 The representatives of the majority of represented soldiers submitted that it would be dangerous to place much reliance on the RMP maps: "*It would certainly be unjust to hold individual soldiers accountable for apparent discrepancies that exist between RMP maps and subsequent descriptions or marked up photographs.*"¹

¹ FS7.59

173.152 Given the circumstances in which the RMP maps were prepared, we accept that there is some force in this submission, although where the RMP map corresponds reasonably closely with the RMP statement of the soldier concerned, but where in subsequent accounts the soldier's evidence is materially different, any discrepancies in truth stem not so much from the RMP map as from the RMP statement that the soldier signed.

173.153 Although an RMP map was prepared after each firing soldier had made his first RMP statement, we consider that a map or maps of some kind must have been available to those taking the statements, since neither the majority of the SIB interviewers nor the soldiers concerned had sufficient knowledge of the city to give the details of names of streets, places, etc that appear in those statements – a point made by Warrant Officer Class I Wood during his oral evidence.¹ Corporal Brobson agreed that a map was

probably available, though he had no recollection of having had one.² Warrant Officer Class II INQ 1835, who also took a number of statements, was more certain that he and other interviewers were issued with maps showing the area in which 1 PARA had operated, and recalled that he used them when interviewing soldiers.³ Some of the soldiers interviewed in the first phase of the RMP statement-taking process gave evidence in 1972 of using a “*small-scale*” map.⁴

¹ Day 383/159-161

³ C1835.3-4

² Day 275/109; Day 275/111-114; Day 275/123;
Day 275/126-127; Day 275/138

⁴ B9; B188; WT14/82

173.154 In some cases the RMP statement refers to a grid reference, which it seems to us can only have come from a map. An example is the first RMP statement provided by Sergeant O of 1 PARA. In that statement, timed at 2130 hours on 30th January 1972, Sergeant O provided an account of firing seven shots at three targets. It contains grid references identifying the position of Sergeant O’s platoon Armoured Personnel Carrier (APC) and two of his targets. For reasons we discuss elsewhere in this report,¹ the shots attributed to Sergeant O do not appear on the Loden List of Engagements which recorded grid references for the positions of a number of members of 1 PARA who fired shots and their targets. Here it suffices to say that Sergeant O was still at Altnagelvin Hospital at the time the list was being compiled. The grid references in Sergeant O’s first RMP statement could therefore only have come from a map, as Sergeant O acknowledged to us.²

¹ Chapter 165

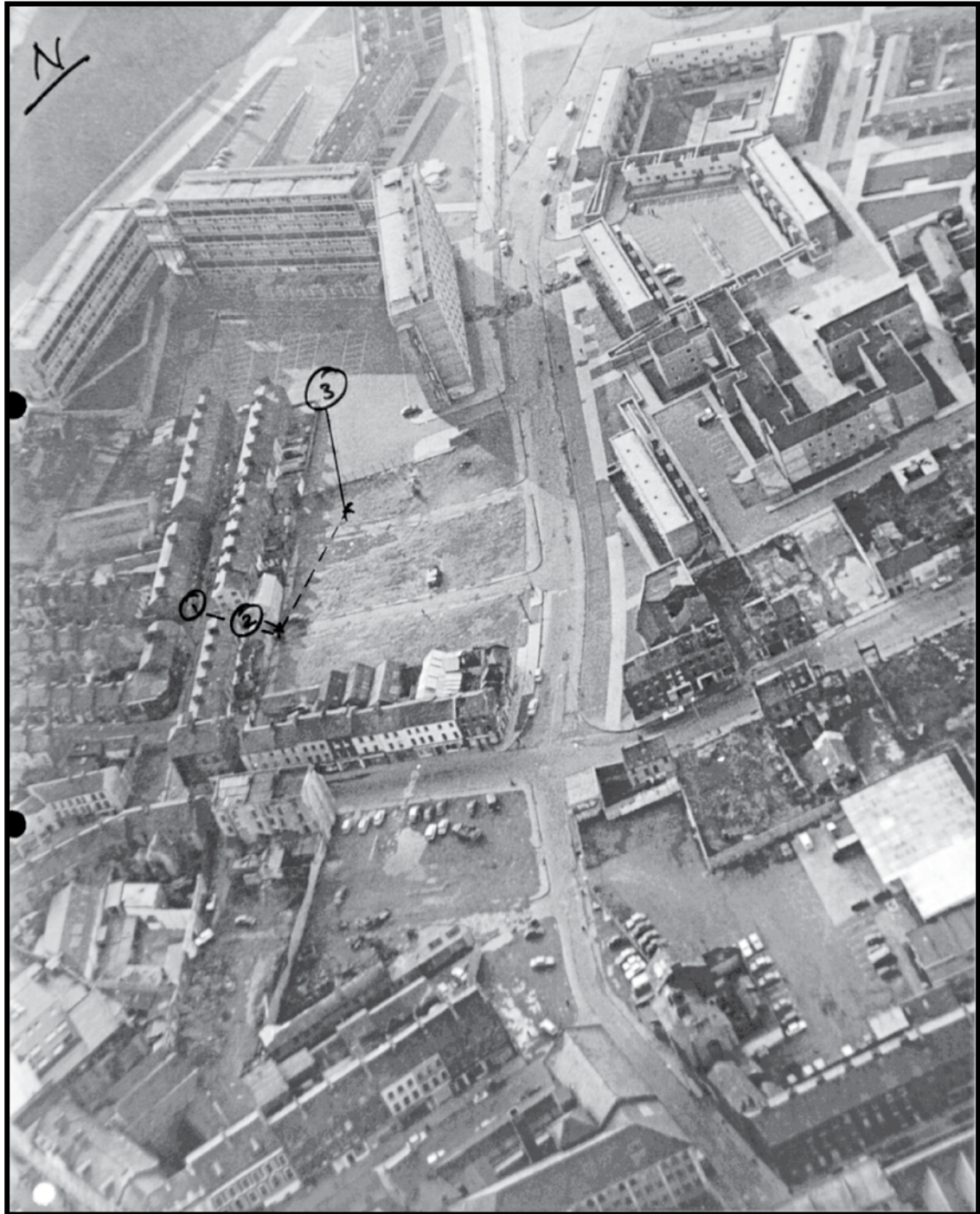
² Day 336/26-28

Chapter 174: The trajectory photographs

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174.1 The trajectory photographs are photographs of areas of the city that were marked in 1972 to show the lines of fire described by soldiers who fired shots on 30th January 1972. In this chapter we consider the evidence of the circumstances in which the trajectory photographs came to be prepared. As we explain later, the trajectory photographs were prepared from a set of eight aerial photographs used at the Widgery Inquiry and there given the prefix EP21. We have referred to these photographs in this chapter as the EP21 series of photographs. Little point would be served by reproducing all the trajectory photographs here, since they appear elsewhere in this report. However, it may be helpful to show one here by way of example, and so we reproduce below Lieutenant N's trajectory photograph.



The evidence of members of Lord Widgery's Inquiry Team

174.2 Basil Hall, then the Deputy Treasury Solicitor, was appointed as the solicitor to the Widgery Inquiry shortly after its establishment was announced on the evening of 1st February 1972.¹ By that time, as we have explained in the previous chapter,² all the soldiers who fired shots on 30th January 1972 had been interviewed by members of the Special Investigation Branch (SIB) of the Royal Military Police (RMP). In a memorandum dated 16th March 1972, Basil Hall wrote: "*I would not myself regard a statement given to SIB as being a proper basis for an examination in chief and, accordingly, fresh statements were taken from all whom it seemed probable would be called...*"³ He told us that the purpose of taking fresh statements from witnesses was to obtain a proof of evidence "*of what the individual was likely to say to Widgery in the witness box when he got there*".⁴ Basil Hall was assisted by two senior legal assistants from the Treasury Solicitor's Department, Roger Munrow and Christopher Leonard, and two executive officers, RA Roberts and David Huggins.⁵ Subsequently John Heritage, another senior legal assistant at the Treasury Solicitor's Department, replaced Roger Munrow in Northern Ireland⁶ and the team was supplemented by the addition of a more junior lawyer, Michael Hirst.⁷

¹ KH2.1; CO1.65

² Chapter 173

³ KH2.13

⁴ Day 250/12

⁵ KH2.2; KH2.19; Day 250/134

⁶ KH6.2

⁷ KH7.2

174.3 In his first written statement to this Inquiry, Basil Hall addressed the circumstances in which Lord Widgery's Inquiry Team took statements from military witnesses.¹ He did not refer to the use of photographs or maps or to the trajectory photographs. He made a second statement to this Inquiry addressing the question (which we consider in the next chapter of this report²) of missing Army photographs and cine films. In that statement, Basil Hall referred to the EP21 series of photographs and recorded: "*To the best of my recollection, I did not myself make use of these aerial photographs when taking statements. I did however ask that soldiers who had fired rounds should indicate on the photographs their line of fire. Copies of the photographs with the lines of fire would have been available to members of the team taking statements.*"³ This was a recollection Basil Hall repeated in his oral evidence.⁴

¹ KH2.3

² Chapter 175

³ KH2.29

⁴ Day 250/61-62

174.4 John Heritage became involved in the Widgery Inquiry in the second week of February 1972.¹ He took statements from 14 soldiers, eight of whom had fired shots on Bloody Sunday.² As to the use of maps and aerial photographs, John Heritage's written statement to this Inquiry recorded: "*During the interviews, witnesses referred to maps and aerial photographs. To the best of my recollection, these were prepared beforehand by the SIB: see, for example, paragraphs 8 and 9 of SA19, in which Soldier C is referring to existing markings on a map and photograph.*"³ The reference to "SA19"⁴ is to the written statement made for the Widgery Inquiry by Private C.⁵ Paragraphs 8 to 10 of that statement referred to "*my photograph*" and positions marked 2 and 3 respectively. The trajectory photograph attributed to Private C is also marked with such positions.⁶

¹ KH6.1

⁵ B53-54

² KH6.4; KH6.17

⁶ B68

³ KH6.3

⁴ Each statement taken for the Widgery Inquiry was given a unique identifier comprising two letters and a number. The letters identified which category the statement fell into. A statement from a journalist was given the prefix "SR", that from a civilian "SC", that from a police officer "SP", and that from a soldier "SA". No-one could give a definite explanation of what these letters stood for. It is likely to be as simple as "Statements Reporters", "Statements Civilians", "Statements Police" and "Statements Army".

174.5 In his second written statement to this Inquiry, John Heritage returned to the topic of maps and photographs. The statement records that six of the 14 statements he took from soldier witnesses refer to aerial photographs. Of these, three soldiers refer to images with the reference EP21. Of the remaining, one, Private C, has already been mentioned above. The other two, Lance Corporal D and Private S, refer respectively to the location of a window and a position reached by the soldier, both marked X on "*my photograph*".¹ The trajectory photograph of Lance Corporal D² appears to be marked with an "X", as does that of Private S.³ John Heritage was not asked about the preparation of the trajectory photographs in oral evidence.

¹ KH6.17; KH6.29-30; B76; B707

³ B724.010

² B85

174.6 According to John Heritage, Michael Hirst took five statements from soldier witnesses.¹ Michael Hirst was interviewed by this Inquiry, primarily as part of our investigation into the issue of missing Army photographs and cine film. He told us that "*To the best of my recollection, when I took a limited number of statements while the Tribunal was in session, I did not have photographs available for reference.*"² Michael Hirst did not give oral evidence to this Inquiry.

¹ KH6.2

² KH7.3

The evidence of the Army Tribunal Team preparing for the Widgery Inquiry

174.7 Major INQ 1872 was appointed the secretary to the Army Tribunal Team at the Widgery Inquiry in early February 1972.¹ In his written statement to this Inquiry, Major INQ 1872 described the initial analysis undertaken by the Army Tribunal Team. This utilised the Royal Military Police (RMP) statements together with a number of press reports.² He told us that *“We tried to map out where the shots were directed based on those statements we had from SIB and RMP. How I think we went about it is that Lieutenant Colonel Overbury and I worked out as best we could what had happened and rough drawings were made. I think the diagrams and trajectory photographs used by the Inquiry were drawn by a draftsman from our rough drawings.”*³ He was asked about this when he gave oral evidence:⁴

“Q. Is it your recollection that it was you and other members of the team who put arrows on to maps and photographs for this purpose?

A. We certainly did put them on to maps and photographs. What I do not know for certain is whether that – these were the drawings which were used by the Inquiry.

Q. Did you ever see the finished versions done by the draftsman from your rough drawings?

A. I think almost certainly, but I am afraid I cannot say with certainty.

Q. Were you aware of the soldiers being asked to comment on the trajectory plans and photographs?

A. No, I cannot say that either way.”

¹ C1872.1

³ C1872.2

² C1872.1

⁴ Day 252/66

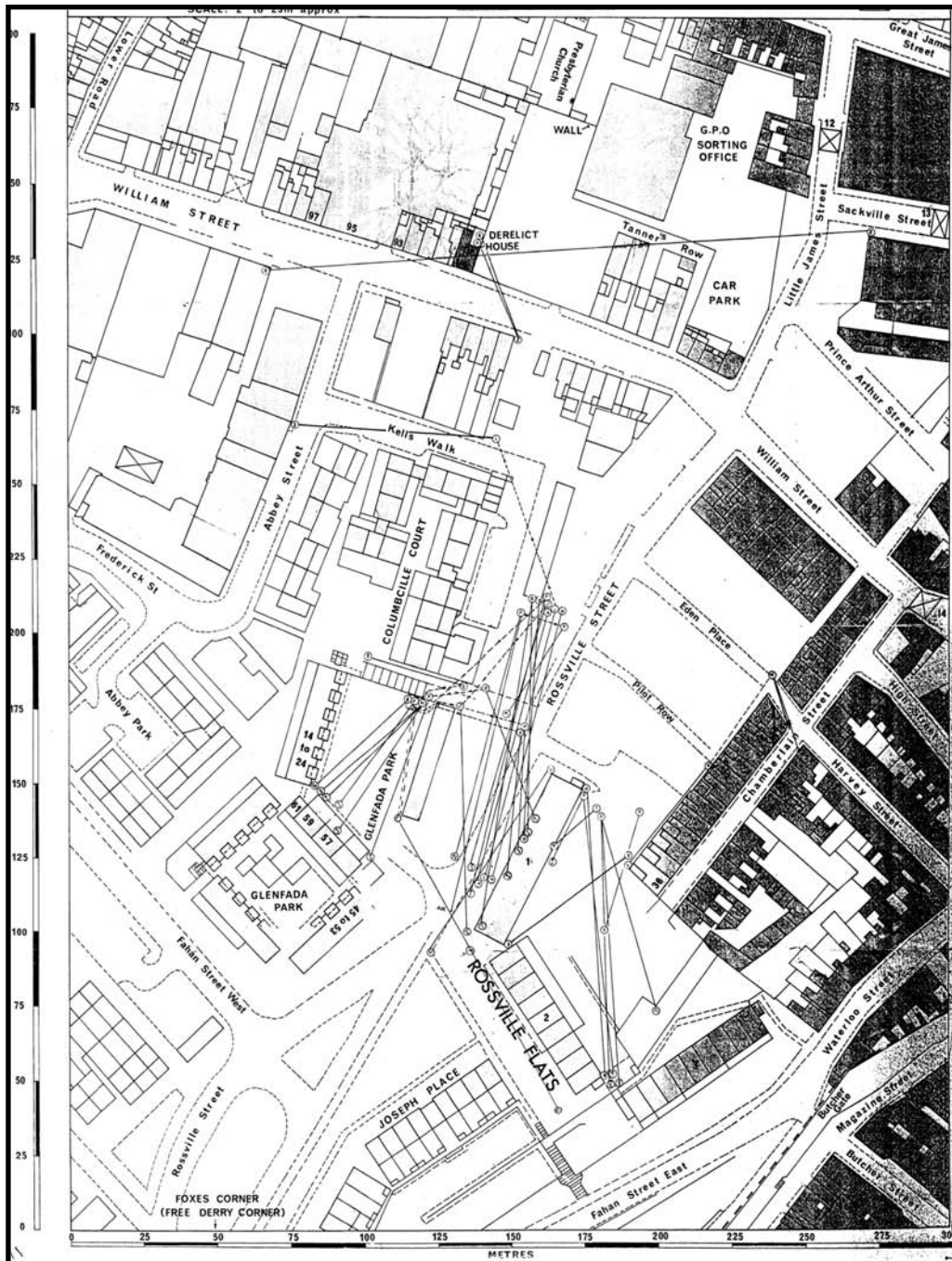
174.8 Major INQ 1898 was an RMP major attached to the Army Tribunal Team at the Widgery Inquiry.¹ His written statement to this Inquiry refers to the initial analysis mentioned by Major INQ 1872 but makes no reference to trajectory photographs. Major INQ 1898 said that he was involved in plotting the trajectory of the shots fired by soldiers on 30th January 1972 on a large plan. The preparation of that trajectory plan led to some soldiers being re-interviewed.² This Inquiry obtained a plan of the Bogside on which the trajectories of the shots fired by members of 1st Battalion, The Parachute Regiment (1 PARA) (and that fired by Lance Bombardier Z, a member of 22nd Light Air Defence

Regiment, Royal Artillery (22 Lt AD Regt)) had been drawn. This or a predecessor is likely to be the trajectory plan referred to by Major INQ 1898. The plan, reproduced below, is marked "*Revised 18th February 1971*". Major INQ 1872 could not say if that date was a reference to when the underlying plan itself was revised or the date (albeit with an error as to the year) on which the lines showing the trajectory of the shots fired by soldiers had been plotted.³

¹ C1898.1

³ Day 252/67

² C1898.2



174.9 Lieutenant Colonel Overbury, who was responsible for the legal aspects of the work of the Army Tribunal Team, did not refer to the preparation of trajectory photographs in the two written statements he provided to this Inquiry. In his second statement dated 28th November 2001, he referred to arrangements being made for him to fly over the Bogside in a helicopter with a photographer in order to produce additional photographs for use at the Widgery Inquiry. This flight may have occurred on 10th February 1972 when the Army Tribunal Team visited Londonderry.¹ In oral evidence to this Inquiry, Colonel Overbury accepted that the EP21 series of photographs could have been taken during that flight. Counsel to this Inquiry then showed Colonel Overbury the trajectory photograph for Corporal A's shot. He went on to ask:²

"Q. And there are versions of this and other photographs in relation to the soldiers who fired live rounds. Do you recall this exercise of soldiers marking on photographs where they shot?

A. Yes, sir.

Q. And do you recall that those were on the photographs that you had taken in the aeroplane when you went round the Bogside?

A. I assume that was the case, sir."

¹ CO1.65

² Day 243/23-25

174.10 Counsel for the majority of represented soldiers returned to this topic in the course of questioning Colonel Overbury about a suggested discrepancy between the first RMP statement given by Corporal A and his marked up trajectory photograph.¹ In the course of answering counsel's questions, Colonel Overbury suggested that the soldiers themselves would have marked the trajectory photographs. Later he explained that he thought some of the aerial photographs were marked up by the SIB before he saw them. He went on to say: "*What I meant was that the photographs were taken I think on 10th February, the ones that I was concerned with, by a photographer who was in the helicopter. When those photographs were developed, where the SIB investigators considered it necessary, I think they showed the photographs to check with all the soldiers.*" In the previous chapter,² we discussed the circumstances in which Colonel Overbury took statements from a number of soldiers including Corporal A and Lance Corporal F. Colonel Overbury said that when he interviewed Lance Corporal F he would have had the "soldiers'

statements, the plan³ and the photograph". It is not clear if by "*photograph*" Colonel Overbury intended to refer to the marked up trajectory photograph or the corresponding aerial photograph.

¹ [Day 243/93-99](#)

³ By which he meant the RMP map.

² [Paragraph 173.58](#)

174.11 Subsequently, and in the course of being questioned by his own counsel about the preparation of the trajectory plan reproduced above,¹ Colonel Overbury explained the following: the aerial photographs taken at his behest would have been handed over to the SIB; he could not say who prepared the trajectory photographs but suggested that the SIB would have re-interviewed the firers and asked them to verify their lines of fire as shown on the RMP maps against the available photographs.²

¹ [Paragraph 174.8](#)

² [Day 243/229-235](#)

174.12 Colonel Overbury was the author of a report, dated 23rd March 1972, on the work of the Army Tribunal Team. Paragraph 12 of that report records that "*the shot plot was amended after witnesses had been shown aerial photographs of the area*".¹ Paragraph 17 of the same report records that the team was only able to complete its task in the time available by "*monopolising all available resources from the Staff of the APM [Assistant Provost Marshal] and SIB. Further investigators had to be bought in to assist in collating evidence from over 150 soldiers in 2 weeks.*"²

¹ [CO1.65](#)

² [CO1.66](#)

The evidence of the firing soldiers from 1 PARA

174.13 Corporal A did not refer to a trajectory photograph in his written statement for the Widgery Inquiry.¹ When he gave oral evidence to that Inquiry he was asked: "*Will you look at the photograph which you marked for the Tribunal.*"² Corporal A made no comment on the trajectory photographs attributed to him in his written statement to this Inquiry. In his oral evidence (when shown one of the trajectory photographs) he said that he could not recall when he marked up the photograph nor whether it was for the purposes of interview with the RMP, Colonel Overbury or the Widgery Inquiry.³

¹ [B9](#)

³ [Day 297/165](#)

² [WT12.41](#)

174.14 This Inquiry obtained three copies of the statement given by Corporal A to the Widgery Inquiry. Only one of these had a trajectory photograph attached to it. The back of that photograph is marked in manuscript "*Marked by Soldier 'A'. Original copy marked by*

*Soldier 'A' and SA.15.*¹ As we have explained the “SA” prefix was used by the Widgery Inquiry to identify a statement from a military witness. SA15 was the identifier for the statement given by Corporal A.

¹ B9.3-4

174.15 Private B did not refer to a marked photograph in his written statement for the Widgery Inquiry. No reference was made, when Private B gave oral evidence to the Widgery Inquiry, to a photograph marked by him. There is a reference to “*the photograph that is marked for the Tribunal*”.¹ During his oral evidence to this Inquiry, Private B was questioned about the trajectory photograph on the basis that he had marked it.² He was not asked how the photographs came to be prepared.

¹ WT12.49

² Day 311/39-40; Day 311/49; Day 311/65

174.16 In his written statement for the Widgery Inquiry, Private C referred to the location of his targets thus: “*The position of this gunman is marked 2 on my photograph*” and “*the position shown approximately on the photograph and marked 3*”.¹ This corresponds to the relevant trajectory photograph.² In his oral evidence to the Widgery Inquiry, he confirmed that the trajectory photograph showed the line of fire of his five shots but did not explain how it was prepared.³ Private C made no comment on the preparation of the trajectory photograph in his written statement to this Inquiry. In his oral evidence he said he could not recall the circumstances in which the photograph was marked.⁴

¹ B53

³ WT15.68

² B68

⁴ Day 354/29

174.17 In his written statement for the Widgery Inquiry, Lance Corporal D recorded: “*C pointed out a window in block 1 indicated on my photograph at X. I was positioned at the other end of the line marked 2.*”¹ When he gave oral evidence to the Widgery Inquiry, Lance Corporal D confirmed that what must be the trajectory photograph showed his line of fire but said nothing as to how it came to be prepared.² In his written statement to this Inquiry, Lance Corporal D told us that he had no recollection of making a written statement for the Widgery Inquiry.³ He also commented on the trajectory photograph:⁴

“Apparently this photograph was put to me during the course of my evidence at the Tribunal but I only marked where I was and where I fired towards. I do not remember putting in the line which joins the two points but the dot at Kells Walk shows where I was and I surmise that I marked this myself. I do not remember doing it but I think this is what I would have done. I have no memory of seeing this photograph before.”

¹ B76

³ B85.009

² WT15.77

⁴ B85.011

174.18 In his oral evidence to this Inquiry, Lance Corporal D accepted that he might have marked the trajectory photograph incorrectly.¹

¹ Day 355/29-30

174.19 Corporal E did not refer to the trajectory photograph in his written statement for the Widgery Inquiry but he did confirm that it showed his line of fire when he gave oral evidence to that Inquiry.¹

¹ WT14.35

174.20 As we have noted above,¹ Lance Corporal F was one of a number of soldiers from whom Colonel Overbury took a statement. By the time he came to be interviewed by Colonel Overbury on 19th February 1972, Lance Corporal F had already made four RMP statements. In the statement he made to Colonel Overbury, Lance Corporal F recorded that he had looked at “*maps and photographs of the area*”. The statement does not, however, refer to a marked trajectory photograph.² During the course of his oral evidence to the Widgery Inquiry, there was the following exchange:³

“Q. Would you look at these photographs? You marked there the position in which you fired all except the man you fired at near St. Joseph’s Place?”

A. Yes, sir.

Q. Is that right? I think you marked the photograph when you made a statement?

A. Yes.

Q. Is this the line of shooting when you fired from the south-east gable of Glenfada Park?

A. Yes.”

¹ Paragraph 174.10

³ WT14.53

² B135

174.21 The first point to note from the above exchange is that there are three trajectory photographs relating to the shots fired by Lance Corporal F.¹ One photograph only appears to have been marked at the same time that Lance Corporal F made a statement. That statement dealt with “*the man you fired at near St. Joseph’s Place*” and the shots fired by Lance Corporal F from the “*south-east gable of Glenfada Park*”. The statement can only be referring to the shots fired by Lance Corporal F in Sector 5, which we discuss elsewhere in this report.² It must therefore be the statement made to Colonel Overbury as it was in that account that Lance Corporal F first admitted firing shots in Sector 5. Lance Corporal F told the Widgery Inquiry that his interview with Colonel Overbury was the first time he had seen aerial photographs of the area.³ When he came to give oral evidence to this Inquiry, Lance Corporal F said that he had no recollection of the trajectory photographs.⁴

¹ B165-7

³ WT14.75

² Paragraph 119.164

⁴ Day 375/77; Day 375/118; Day 375/168

174.22 The written statement of Private G for the Widgery Inquiry referred to positions on two photographs, ie “*the line marked 2 on my photograph*”, “*the line marked 3 on my photograph*”¹ and the “*line No 1 on the second photograph*”.² These locations correspond to the trajectory photographs attributed to Private G and which we have reproduced elsewhere in this report.³ When referring to the first of these two photographs, in his written statement for the Widgery Inquiry he recorded: “*I refer to the photograph marked ‘Soldier G’.*”⁴ In his oral evidence to the Widgery Inquiry, Private G was asked about a photograph:⁵

“Q. I ought to ask you to identify a photograph. Look at that. (Produced) Is that a photograph that has been marked on your instructions?”

A. Yes, sir.

Q. Does that show the first shots, or some of them, and that shows the remainder?

A. This one is not mine, no.

Q. I am sorry. Take this small one. (Handed)

A. That is right.

Q. Is that where you fired the shots at the flats?

A. That is right, sir.”

¹ B186

⁴ B186

² B187

⁵ WT14.82-83

³ Paragraphs 97.10 and 123.167

- 174.23** The written statement of Private H for the Widgery Inquiry included the following: “I saw a lad at the end of the line marked 2 on the photograph (marked Soldier H).”¹ “I ... saw the muzzle of a rifle sticking out of a window at the end of the line marked 19.” This corresponds with the identified trajectory photograph.² Private H told us that he had little recollection of making his 1972 statements.³ His written statement to this Inquiry referred to the trajectory photograph and recorded that he had no recollection of drawing lines on a photograph or indicating to another person that such lines should be drawn.⁴
- ¹ [B234](#) ³ [B264.004](#)
² [B264.014](#) ⁴ [B264.002](#)
- 174.24** The undated written statement of Corporal J for the Widgery Inquiry made no reference to his trajectory photograph.¹ When he gave oral evidence to the Widgery Inquiry, Corporal J confirmed that the trajectory photograph correctly showed his line of fire.² He did not discuss the preparation of the trajectory photograph in his evidence to this Inquiry.
- ¹ [B289](#) ² [WT15.33](#)
- 174.25** There is no reference to the two trajectory photographs of Sergeant K in his written statement to the Widgery Inquiry or the transcript of his oral evidence to that Inquiry. In his written statement to this Inquiry, Sergeant K told us that he had no recollection of how the trajectory photographs were marked.¹ Sergeant K was not questioned on this topic during his oral evidence to this Inquiry.
- ¹ [B311.011](#)
- 174.26** There is no reference to the trajectory photograph in the written statement of Private L for the Widgery Inquiry. In his oral evidence to the Widgery Inquiry, Private L confirmed that at least one of the trajectory photographs showed his line of fire.¹ In his written statement to this Inquiry, Private L mentioned one trajectory photograph, which he described as accurate.² Private L told us that he could remember “*being asked to point out on a map or a photograph where you were at the time that you fired any shots*” and appears to have confirmed the accuracy of one of his two trajectory photographs.³ He did not comment further on how the trajectory photographs came to be created.
- ¹ [WT16.10](#) ³ [Day 381/121-124](#)
² [B346.11](#)

174.27 Private M's written statement for the Widgery Inquiry¹ does not contain a reference to his trajectory photograph. During his oral evidence to that Inquiry, Private M answered the question, "*Will you look at this photograph: have you marked on it the position from which you fired?*" in the affirmative.² His evidence to this Inquiry does not assist with the topic of how the trajectory photographs were created.

¹ B359

² WT16.21

174.28 Lieutenant N did not refer to his trajectory photograph in his written statement for the Widgery Inquiry. He was referred to it during his oral evidence to that Inquiry.¹ Lieutenant N told us that he had little or no recollection of making his 1972 statements.² In his oral evidence to this Inquiry, Lieutenant N told us that he had no recollection of filling in the photograph or pointing out to another person his lines of fire, so that the photograph could be appropriately marked.³ Later he stated that he thought he would not have marked the photograph himself and had no recollection of so doing.⁴ Lieutenant N also confirmed that he had no recollection of seeing the trajectory plan reproduced above⁵ or a similar map marking all the lines of fire.⁶

¹ B419; B423

⁴ Day 322/104

² WT12.65; WT12.69

⁵ Paragraph 174.8

³ Day 322/69-75

⁶ Day 322/83-84

174.29 There is no reference to a trajectory photograph in Sergeant O's written statement for the Widgery Inquiry.¹ Paragraph 4 of that statement does refer to an aerial photograph from the EP21 series. It is not clear whether this means that Sergeant O had yet to mark his trajectory photograph or that it was not available for the interview. When Sergeant O gave oral evidence to the Widgery Inquiry, counsel for the Ministry of Defence's opening comment was "*I believe your Lordship has not got a marked photograph of this one*". Lord Widgery said that he did.² The examination of Sergeant O concluded with this counsel realising that he had not "*put the Soldier O marked photograph in*".³ No other reference to the marked photograph was made during the course of Sergeant O's oral evidence to the Widgery Inquiry. In his written statement to this Inquiry, Sergeant O told us that "*Mr Heritage and I also discussed the trajectory of the shots I had fired and Mr Heritage carefully drew on a large photograph the trajectory of my shots. I still have a copy of that photograph. Apart from the military policeman, there was no-one else with us when we were doing this.*"⁴ He confirmed this recollection in his oral evidence.⁵ Later there was this exchange which began with Sergeant O being shown a copy of his trajectory photograph:⁶

“Q. Will you look, please, at the photograph you marked up with the Treasury Solicitors in 1972 which we have as P21, which was the one Mr Toohey asked for right at the start. Do you recall the circumstances or the time at which that photograph was marked up?

A. Yes, it was in Coleraine one Sunday morning, I could not give you the date.

Q. Did you put pen to photograph or was it done on your instructions?

A. It was done on my instructions, if I remember correctly. Mr Heritage measured it out and used a ruler and so on and he put it in that.

Q. You see the mark, the line with a 2 at the end of it?

A. Yes, sir.

Q. And the position to which that goes. My question is just this: did you tell Mr Heritage to put that mark there because he or anybody else had shown you a photograph or told you that the walkway between the blocks was covered in and, therefore, you had to move your target in the way that was put to you today?

A. No, sir.”

¹ B466

² WT13.24

³ WT13.44

⁴ B575.124-125

⁵ Day 335/122

⁶ Day 336/124-125

174.30 For reasons given when we discuss Sergeant O’s evidence elsewhere in this report,¹ we consider that he was in error in believing that John Heritage had drawn up his trajectory photograph.

¹ Paragraphs 51.240–243

174.31 Corporal P made no reference to a trajectory photograph in his written statement for the Widgery Inquiry.¹ In his oral evidence to that Inquiry he was asked: “*You have plotted your shots on a photograph, have you not?*”, to which the answer was “Yes”.² In his written statement to this Inquiry, Corporal P told us that he had little recollection of making his 1972 statements.³ In his oral evidence to this Inquiry, Corporal P said that he had no memory of the trajectory photograph.⁴ He could not explain the discrepancy between his RMP map and the trajectory photograph,⁵ but was not asked further about the creation of the photograph.

¹ B591

² WT13.69

³ B623.003

⁴ Day 353/43

⁵ Day 53/79-80

174.32 Private Q made no reference to a trajectory photograph in his written statement for the Widgery Inquiry.¹ When he gave oral evidence to that Inquiry there was this exchange:²

“CROSS-EXAMINED by Mr. PRESTON

Q. I think that you marked a photograph to show the place from which and the place at which you fired that shot. My Lord, it is probably worth while from the point of view of completeness to have each one in.

LORD WIDGERY: Certainly.

Mr. PRESTON: May he see it.

A. I have it there.

Q. ‘X’ marks your position and ‘1’ the position of your target, is that right?

A. Yes.”

¹ B635

² WT12.100

174.33 The evidence of Private Q to this Inquiry was that he had no recollection of drawing a line on the trajectory photograph or indicating to another how the photograph ought to be marked up.¹

¹ B657.7; Day 339/50-51

174.34 Private R’s written statement for the Widgery Inquiry recorded “*Referring to the marked photograph I fired my shot from beside the right hand back door of the pig marked X on the photograph. The man was standing in the area marked 1 in the photograph*”¹ and “*At the far end of block 2 in the position indicated as 2 on my photograph*”.² These details correspond to the relevant trajectory photograph.³ During his oral evidence to the Widgery Inquiry, Private R was asked to confirm the accuracy of the trajectory photograph:⁴

“Q. Now will you look at this photograph. Is this the photograph you have marked as to your position and where you fired at the two different people? Is that right?

A. That is correct, sir.”

¹ B670

³ B691

² B671

⁴ WT13.78

174.35 Private R made no comment on the trajectory photograph in his written statement to this Inquiry. During his oral evidence to this Inquiry, Private R told us that he had a recollection of the trajectory photograph being marked but could not recall who by.¹

¹ [Day 337/45-46](#)

174.36 In his written statement for the Widgery Inquiry, Private S referred to his position at the time he fired shots thus: “*This is the position marked X on my photograph*” and placed his target as “*kneeling in a gap in the court yard shown marked ... on my photograph*”.¹ When he gave oral evidence to the Widgery Inquiry, there was this exchange:²

“Q. Can he see his photograph, S’s photograph. Did you bring a copy of that photograph to court yesterday?”

A. I did, sir.

Q. Does that line on that represent the line of the twelve shots you told my Lord about?

A. Yes, sir.

LORD WIDGERY: Will someone remind me, was there a witness who spoke of a soldier firing through this alley? Does anyone remember?

Mr. STOCKER: I think the answer is Yes.

Mr. GIBBENS: I think it may have been Patrick McDaid. I am not sure.

LORD WIDGERY: I can look it up.”

¹ [B707](#)

² [WT13.4](#)

174.37 Private S did not refer to the trajectory photograph in his written statement to this Inquiry. When he gave oral evidence he told us that he had no current recollection of marking a photograph.¹

¹ [Day 331/83](#); [Day 331/112-113](#)

174.38 The written statement of Private T for the Widgery Inquiry made no reference to a trajectory photograph.¹ In his oral evidence to that Inquiry he was simply asked to confirm that the photograph showed “*where you fired the rounds that you have told my Lord about*”.²

¹ [B734](#)

² [WT13.92](#)

174.39 The written statement of Private U for the Widgery Inquiry¹ made no reference to a trajectory photograph. In his oral evidence to that Inquiry he was simply asked: “*is that line on the photograph describing the shot that you told my Lord about?*” Private U answered in the affirmative.² He did not refer to the photograph in his written statement to this Inquiry. In his oral evidence to this Inquiry, Private U told us that he had no recollection of being shown photographs when he gave his statement for the Widgery Inquiry.³ He gave no further evidence as to the creation of the trajectory photograph.

¹ B766

³ Day 369/20

² WT13.101

174.40 The written statement of Lance Corporal V for the Widgery Inquiry¹ made no reference to a trajectory photograph. In his oral evidence to that Inquiry, when Lance Corporal V showed Lord Widgery where he said his Armoured Personnel Carrier had stopped, it seems to us that it was his trajectory photograph that he marked with an X;² and that it is that mark that appears on our copy of his trajectory photograph which we have reproduced elsewhere in this report.³ This is consistent with Lord Widgery’s observation that the whitish strip shown on the photograph was Pilot Row. The written statement to this Inquiry of Lance Corporal V made no mention of this photograph.⁴ When he gave oral evidence to this Inquiry, Lance Corporal V was unable to assist further with the creation of the trajectory photograph. He said he had no recollection of marking it, though he agreed that it was possible that he had done so.⁵

¹ B801

⁴ B821.003

² WT13.18

⁵ Day 333/164-165; Day 333/176-179

³ Paragraph 51.89

General conclusions

174.41 In our view the EP21 series of photographs were probably those taken on 10th February 1972 and formed the basis for the trajectory photographs. We also consider that the idea to prepare trajectory photographs came from Basil Hall, the solicitor to the Widgery Inquiry Team. The trajectory photographs were prepared by the SIB as part of the preparations of the Army Tribunal Team for the Widgery Inquiry. The photographs were probably marked up in the presence of the relevant soldiers, though the final form they took may well have been prepared afterwards. It seems likely from the date recorded on the trajectory plan¹ and paragraph 12 of the report of the Army Tribunal Team, that all or

virtually all of the trajectory photographs were prepared by 18th February 1972. We do not know why in some of the written statements for the Widgery Inquiry there is no reference to a marked photograph.

¹ [Paragraph 174.8](#)

The evidence of Private 027

174.42 Various accounts provided by Private 027 recorded, in similar terms, an allegation that, in effect, members of 1 PARA fabricated the trajectory photographs.

174.43 According to the 1975 memoir of Private 027, when he attended the Widgery Inquiry, he and other members of his platoon looked at aerial photographs with members of the SIB who were trying to establish which shots had been fired by whom and from where. According to this memoir the platoon members grinned at each other and drew haphazard lines.¹

¹ [B1565.014](#)

174.44 In his draft book (late 1998 to early 1999), Private 027 wrote that he and other members of his platoon were asked to assist Widgery Inquiry staff in plotting lines of fire, in an effort to determine who had fired which shots and in which direction. *“The lines of fire were drawn like spiders webs as soldiers made this or that suggestion. I suppose what was produced came to have all the sanctity of an official document, but it doesn’t require the brains of a Bishop to realise that these intricate plans were an amalgam of guesswork, speculation and deception.”* In any event, he wrote, the soldiers were being asked to perform an impossible task, using aerial photographs to reconstruct a chaotic event.¹

¹ [B1565.318](#)

174.45 In his written statement to this Inquiry dated 7th June 2000, Private 027 told us he recalled being called to the Widgery Inquiry. He joined a group of soldiers who were looking at aerial photographs and trying to compile a plan to show the shots fired. He told us that it was quite a light-hearted gathering. People were free to make suggestions which were acted on. *“There was not only the inherent likelihood of error, but it also provided an opportunity to muddy the water.”*¹

¹ [B1565.052-53](#)

174.46 In the course of his oral evidence to this Inquiry, Private 027 was asked about this part of his written statement. His evidence was that the large trajectory plan reproduced above¹ was similar to the plan that he and his fellow soldiers had been asked to compile.² When

asked about the account in his 1975 memoir, Private 027 said it was “a *reasonable assumption*” that the people “*running the show*” were members of the SIB. There was this exchange:³

“Q. What you went on to say in your 1975 account, was this: ‘... what a farce, we were all grinning at each other and drawing lines haphazardly all over the place, with the result that the authorities finished up with a series of photographs of sophisticated looking spider-webs which bore no relation to fact.’ Should we take it at the time you went to Coleraine, the soldiers present were not making any serious attempt to express where they had fired from and to, or is this just an extravagant piece of writing on your part?

A. I believe I am relating my impressions as I believed them to be at the time.”

¹ Paragraph 174.8

³ Day 247/25-27

² Day 247/23

- 174.47** We do not accept the evidence of Private 027 on this topic. The trajectory photographs generally reflect and are consistent with the written and oral evidence of the firing soldiers. In the course of the report we examine each of those photographs in the context of looking in detail at the evidence given by those and other soldiers.
- 174.48** The fact that the trajectory photographs generally reflect the accounts given by the firing soldiers does not of itself establish that those accounts were themselves a truthful or accurate record. This depends on an analysis of all the available evidence, which we undertake in the course of considering the events of Sectors 1 to 5.

Chapter 175: Missing photographs and other materials

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175.1 As we pointed out earlier in this report,¹ there is evidence that on the day the Army took a large number of still photographs, many of which appear to be missing. We were unable to discover what happened to these photographs. However, we reject the submission made by representatives of the families that these photographs had been suppressed because they showed matters detrimental to the case being advanced by the Army at the Widgery Inquiry.² Having considered this submission, the evidence relied upon and the responses made to it by soldiers' representatives³ we concluded that the allegation of suppression was based on an assumption that this was the case; an assumption for which we had found no evidence; and that at best it could be said that these photographs showed nothing that assisted the Army's case, for otherwise they would have been provided to the Widgery Inquiry. In our view the most likely explanation for the missing

photographs is that they were at some stage discarded because they showed nothing of any relevance to the circumstances in which people were shot. This was probably because, in accordance with Army orders, the photographers were generally deployed along the containment line and did not enter the areas of the Bogside in which the shooting took place.

¹ Paragraphs 9.443–449

³ FS7.263; FS8.277-284

² FS1.96-121

175.2 In turn representatives of the soldiers submitted that some of the photographs taken by civilian photographers on Bloody Sunday were missing. In this they were correct. They further submitted that “*There may of course be an ‘innocent’ explanation for some cases of missing civilian photographs. But there are clear instances where the absence of such photographs is indicative of a reticence by the photographer (whether or not coerced by the IRA) to avoid disclosure of materials showing civilian wrongdoing such as rioting, or, worse, of materials showing the presence or activity of the IRA.*”¹

¹ FS8.284

175.3 We now turn to consider the photographers in question.

Ciaran Donnelly

175.4 Ciaran Donnelly was a photographer for the *Irish Times*, who took a number of photographs to which we have referred in the course of this report. He told us that he believed that he had shot between four and six reels of film on Bloody Sunday and had taken them that evening to Dublin, but that only a small proportion of these survived as a flood damaged the *Irish Times*’ photographic library.¹

¹ M22.22

175.5 In his oral evidence to this Inquiry, Ciaran Donnelly told us that all the photographs taken by him were supplied to the Widgery Inquiry.¹ He also told us that among the photographs that were now missing appeared to be some that he had *taken “at the very time when two men were being shot on the [rubble] barricade”*.²

¹ Day 71/78-79

² Day 71/75

175.6 There is no doubt that these photographs might well have assisted us in our examination of the events at the rubble barricade. However, we reject the submission that “*Serious questions arise as to why it is that the photographs that are missing are of such an*

important and controversial area".¹ As Ciaran Donnelly told us, these were only *some* and not all of the pictures that were missing. Furthermore, we have no reason to doubt his explanation as to why some photographs did not survive.

¹ FS8.287

175.7 It seems to be suggested that there was some sinister reason why two of the surviving photographs taken by Ciaran Donnelly (which we have also shown and discussed in the course of considering the events of Sector 3) showed what was said to be deliberate scratches, "as though some attempt has been made to distort or destroy part of the negative in some way".¹

¹ FS8.287; FS7.207



- 175.8** The images have clearly been scratched at some stage, but we can find nothing that suggests to us that this was done deliberately for some sinister purpose.
- 175.9** What it is important to remember is Ciaran Donnelly's evidence of what he saw at the rubble barricade. This was that while he saw youths throwing stones, at no stage did he see weapons fired or nail bombs thrown from the rubble barricade or anything that could have justified soldiers shooting people there. He said that he would have immediately left the area had he seen guns or heard bombs. We have no grounds on which to question this account and it was not suggested to him when he gave evidence that he was not telling the truth about this.¹

¹ [Day 71/27](#); [Day 71/50-51](#)

Eamon Melaugh

- 175.10** Eamon Melaugh was a member of the local branch of Northern Ireland Civil Rights Association (NICRA). He was also an amateur photographer who took a number of photographs on Bloody Sunday, to some of which we have referred elsewhere in the course of this report. He told us that his recollection was that he had taken photographs when the shooting had stopped of, among other things, bodies at the rubble barricade.¹ He also told us that one of the photographs he had taken at this stage was of Michael McDaid alive and standing on the rubble barricade. He said to us:²

“A. After I took the pictures we were discussing about at the barricade. There were three bodies at the barricade or three people lying there. I was not aware they were bodies at the time, they were very probably dead and I took a series of pictures. These are the pictures we are talking about and one of these pictures, when I showed to an individual several days later, he identified the well-dressed young man standing on top of the barricade as being the individual we are discussing, James McDaid. I was not aware who he was. I was not even aware that he had been shot.”

¹ [Day 143/54](#)

² [Day 143/57](#)

- 175.11** Eamon Melaugh took photographs of Barrier 14, Rossville Street and elsewhere. In his written statement to this Inquiry, Eamon Melaugh described in some detail the photographs he took and what happened to them. We set out part of that statement, not because the detail is particularly relevant to this part of the report, but because it is an illustration of how photographers made their work available to others and that it was not always returned to them:¹

“I gave John Lloyd, the Time-Out journalist, many of the negatives of the photographs that I took on Bloody Sunday at the same time that I gave him the Magilligan Beach negatives. Only a very small proportion of these photographs were eventually returned to me.

Of the 8 or 9 photographs that I took of Barney McGuigan only 2 were returned. These appear on the CAIN Web site. I have numbered the hard copies (which are attached) Documents 3 and 4. Prints of the photographs will be provided to the Inquiry shortly.

I then became aware of another body at the place marked KX on the attached map. That is, it was generally between Block 2 of the Rossville Street high flats and Joseph Place. This was another life-long friend, Paddy Doherty. I took about 4 or 5 photographs of him but I no longer have any of these because John Lloyd took the negatives and never returned them.

During this time I was conversing with others and was told that there were several bodies at the rubble barricade.

By this time the shooting had stopped so I went to the rubble barricade and took about 10–12 photographs. All were given to John Lloyd and none were returned. Although I do recall seeing one of them reasonably recently, I’m not sure where. It might have been a very old print.

Of the 10–12 photographs that I took, none were close-ups. I stood on the top of the rubble and took 5 or 6 of the general area where the bodies were lying. I remember that Michael McDaid was in one of them and that this clearly showed that he was alive when the shooting had ended because he was standing in the middle of the rubble barricade and he was clearly not injured.

I went back to the Free Derry Corner end of Block 1 of the Rossville Flats (near the place marked FX on the attached map) and continued to be told more about what had happened.

I left the area about 1–1½ hours after the shooting ended.”

¹ AM397.7; Day 143/49-50; Day 143/58

175.12 John Lloyd told us that he did obtain a selection of photographs from Eamon Melaugh, that he sent them all to *Time Out* and that his memory was that some were used by *Time Out*. He also told us that he did not receive any of the photographs back and that they should have been sent back to Eamon Melaugh.¹

¹ [M101.001](#)

175.13 *Time Out* did use a photograph that showed Michael McDaid walking through the rubble barricade shortly after Michael Kelly had been shot.¹ This photograph, however, was one that was taken by Robert White, and which we have shown when considering the events of Sector 3.

¹ [AM397.73](#)



175.14 Eamon Melaugh said that he was sure that this was not the photograph that he took, which was of Michael McDaid standing on the rubble barricade.¹

¹ [Day 143/54](#)

175.15 In his written statement to this Inquiry, Eamon Melaugh told us:¹

“A couple of weeks after Bloody Sunday I was on the street in the Bogside area talking with a friend and showing him the photographs that I’d taken on Bloody Sunday when 2 members of Sinn Fein came up uninvited and listened in.

When I came to the photo of Michael McDaid the 2 men became very excited, saying that he was still alive when I took the photo. They then told me that he was one of the men that had been shot on Bloody Sunday. The penny still didn’t drop and they went on and then I finally understood that there was a real question over how Michael McDaid had died that day. This was because when I took the photo I thought the shooting had stopped and for the time thereafter that I stayed in the vicinity I can’t recall hearing any further shooting.

Although John Lloyd failed to return the photograph of Michael McDaid to me I believe that I have seen it recently, so there may be a copy of it still around. I will make some inquiries and if I manage to get a print of it I will supply it to the Inquiry.”

¹ [AM397.8](#)

175.16 In his oral evidence to this Inquiry, Eamon Melaugh told us that he gave this copy (his only copy) of the photograph to the men, one of whom he believed to be a member of the Provisional IRA. He also told us that he had been unable to find another copy of it.¹

¹ [Day 143/52-63](#)

175.17 For the reasons given when considering the events of Sector 3, we are sure that Michael McDaid was shot at the rubble barricade, at about the same time as John Young and William Nash. Thus we have no doubt that Eamon Melaugh was mistaken in recollecting taking a photograph of Michael McDaid after the shooting. Indeed we are doubtful whether he took a photograph of Michael McDaid at all.

175.18 We are also doubtful whether he took photographs of the bodies at the rubble barricade, since, according to his account, this was after he had photographed the bodies of Patrick Doherty and Bernard McGuigan, who had been shot in Sector 5.¹ At that stage, as we describe elsewhere in this report, people were sheltering at the southern end of Block 1 of the Rossville Flats; and did not venture out or go near the rubble barricade until after the Army had used an Armoured Personnel Carrier (APC) to collect the three bodies at the rubble barricade, one of which was that of Michael McDaid. Had Eamon Melaugh taken a

photograph of bodies lying at the rubble barricade, it seems to us that it is likely that *Time Out* would have published it – as it would have been even more dramatic than the photograph by Robert White that this magazine did publish.

¹ [AM397.7](#); [Day 143/57](#)

175.19 Eamon Melaugh told us that he would have taken approximately 60 or 70 pictures on the day, but that those he took of people marching were among those missing.¹

¹ [Day 143/112-113](#)

175.20 We formed the strong impression that Eamon Melaugh, though undoubtedly doing his best to assist this Inquiry, had an unclear recollection of events, as indeed he himself acknowledged.¹ We find nothing necessarily sinister in the fact, if such it was, that he gave a copy of a photograph to a member of the Provisional IRA, though what this photograph was remains unclear. We do not find anything sinister in the fact that over the years, many of Eamon Melaugh's photographs went missing.

¹ [Day 143/39](#)

175.21 It was submitted by the representatives of the represented soldiers that Eamon Melaugh was present at a meeting attended by the journalist John Cooke.¹ According to the latter, he was taken blindfolded to a midnight meeting at Free Derry Corner following Bloody Sunday and there shown photographs of shot victims that, "*almost without exception*", showed the exit wounds in the front of the body, "*typically the chest area*". He told us he was allowed to take away what he wanted and probably took away copies of all the photographs he was shown. John Cooke's recollection was that the only photograph he recalled was one of the body of Hugh Gilmour, and that the photographer was present at the meeting.²

¹ [FS8.288](#)

² [M16.6-7](#); [Day 199/68](#)

175.22 Eamon Melaugh had taken this photograph. The submission appears to be that it was at this meeting he handed over one or more of the photographs that he told us were missing.

175.23 We are not persuaded by this submission. John Cooke had no recollection of any photographs matching those described by Eamon Melaugh as missing.¹ He said he had wired all the photographs he had been given to the Press Association.²

¹ [Day 199/47-48](#)

² [Day 199/71](#)

175.24 It is possible Eamon Melaugh did attend the same meeting as John Cooke. He was not asked about this, since John Cooke's evidence came forward after Eamon Melaugh had given evidence. It seems to be suggested that Eamon Melaugh should have told us about this meeting¹ but we do not see why, even assuming that he remembered it, he should have done so. There were doubtless many meetings after Bloody Sunday in which the events of the day were discussed. However, assuming Eamon Melaugh did attend this meeting, there is nothing to suggest that there were any photographs there that might have provided any justification for the shooting by the soldiers; nor indeed anything to suggest that he had taken the photographs of Michael McDaid or of bodies on the barricade that he recollected (in our view mistakenly) that he had.

¹ [FS8.289](#)

Robert White

175.25 Robert White was another amateur photographer who took photographs on Bloody Sunday, some of which we have found of great assistance and which appear in the course of this report. He told us he had, on request, destroyed some negatives and photographs because they showed the faces of people rioting and could be used in evidence against them.¹ We have no reason to doubt this explanation. The submission that the photographs might have shown illegal activity not just of rioting but "worse" (meaning presumably paramilitary activity) is not only unsupported by any evidence, but was not even suggested to Robert White himself.²

¹ [AW11.003](#); [Day 137/98](#)

² [FS8.293](#)

Fulvio Grimaldi

175.26 For reasons we give in the course of considering the events of Sector 2, it seems to us probable that Fulvio Grimaldi took the photograph of OIRA 4 (the person called "Fr Daly's gunman") though he was somewhat reticent in admitting to us that he had done so. He took other photographs to which we have referred in the course of this report. In the end we remained unsure whether we had seen all the photographs that he had taken; and do not know whether any showed paramilitary activity other than that of Fr Daly's gunman.

Colman Doyle

175.27 Colman Doyle was a staff photographer with the *Irish Press*. He took a number of photographs on the day, from which he selected some that he numbered 1 to 12, “*the order in which they were taken*”.¹

¹ [M23.1](#)

175.28 He explained that two or three reels of film were sent to the *Irish Press*. He made many requests to get them back, without success.¹ He was unable to specify the times to which those films related but said that he saw nobody shooting at soldiers nor did he hear a bomb.² Again there was no evidence that Colman Doyle was withholding relevant photographs.

¹ [Day 71/149-150](#)

² [Day 72/137](#)

Larry Doherty

175.29 Larry Doherty was a press photographer with the *Derry Journal*.¹ He photographed the march on Bloody Sunday. He made a written statement to this Inquiry and gave oral evidence.

¹ [M21.1](#)

175.30 In the course of his oral evidence, Larry Doherty was asked:¹ “*Are there any photographs that you took which are missing that showed anything of real importance or significance?*” Larry Doherty answered that his newspaper was approached for the loan of negatives of incidents and that this happened quite often in the years that followed. He concluded:² “*I think I supplied to the Inquiry a copy of the pictures that I had in my possession except for two; there was [sic] two missing.*”

¹ [Day 70/110-111](#)

² [Day 70/111](#)

175.31 It was not suggested to Larry Doherty that he had withheld relevant photographs.

Others who took photographs

175.32 There is evidence that Francis Dunne, John James Canney, George Nelis, Brian Dougan, Michael Barr and Benn Keaveney took photographs on Bloody Sunday that we do not have.¹

¹ [AD173.32](#); [Day 090/45](#); [AC24.10](#); [Day 93/124-127](#); [AN9.8](#); [Day 103/119](#); [AD131.1](#); [AB17.3](#); [Day 148/43-44](#); [Day 160/98-99](#)

175.33 As will be seen throughout this report, we have found many photographs to be of great value in seeking to ascertain what happened on Bloody Sunday. However, we have nothing that suggests to us that photographs taken by these people that we have not seen, would have added materially to our knowledge of the events of central importance, namely those concerned with or relating to the shooting of the casualties in the five sectors. It is not surprising that over the years photographs have become mislaid or lost.

Sam Gillespie

175.34 The representatives of some of the represented soldiers drew our attention to the evidence of Sam Gillespie, who took photographs on Bloody Sunday.¹ He did not suggest that any of his photographs were missing, but he did tell us that shortly after Bloody Sunday someone he thought was in the Provisional IRA asked him for his photographs, but that he refused to hand them over.²

¹ FS8.284

² AG36.7; Day 142/67

175.35 We have no reason to doubt Sam Gillespie's account. Sam Gillespie said that he did not know what the man wanted the photographs for, and there is nothing to suggest that there was anything in them that the IRA might have wanted to suppress. In our view it is likely that the IRA were interested to see photographs of Bloody Sunday. From their point of view, what happened on that day was useful propaganda to enlist support for their aims and ambitions.

Missing cine film

175.36 The representatives of some of the represented soldiers drew our attention¹ to the evidence of Tony Martin. In his written statement to this Inquiry,² he told us that Ernie Houston took a cine film "*from the entrance of Lisfannon Park (grid reference D19) to the entrance of Block 1 of the Rossville Flats*", as the soldiers were coming into the Bogside. The Inquiry made unsuccessful attempts to locate Ernie Houston, whom we believe resides overseas. If such a film had been taken, it might have proved useful to this Inquiry, but we know no more about it. In such circumstances any suggestion that it might have shown paramilitary activity can only be regarded as speculation.

¹ FS8.298

² AM24.12

175.37 Martin Hegarty told us that he took cine film on the day, though not after soldiers had started to come into the Bogside, which he sent to Kodak for processing, only to be informed by Kodak that the film was undevelopable.¹

¹ [AH62.3](#); [AH62.6](#)

Missing photographers

175.38 We discuss in the next chapter¹ the provenance of the following photograph, but have been unable to discover who took it.

¹ [Chapter 176](#)



175.39 We also do not know whether the same photographer took other photographs.

175.40 It was submitted that there was evidence of another unknown photographer who took photographs from 2 Kells Walk.¹ This evidence suggests that the photographer was from the media, either from the *Daily Mail* or was a French TV cameraman.

¹ [FS7.213](#); [AR18.3](#); [Day 425/26](#); [AB80.3](#); [AF30.4](#)

175.41 We have no photographs taken from 2 Kells Walk and we do not know who this photographer was. However, a soldier fired a baton round at a window of this property and it is possible that as a result the photographer desisted from trying to take

photographs. We are not persuaded that this evidence demonstrates or indicates that photographs taken by this photographer (whoever he was) showed paramilitary activity and were accordingly suppressed.

Missing Paul Mahon tapes

175.42 Paul Mahon told us that a number of tape recordings that he had made were in effect taken from him and never returned. In the course of his evidence to us Paul Mahon gave details of what he said was missing.¹ It was submitted that this demonstrated that the missing interviews contained material that the interviewee or others did not want us to see.²

¹ AM19.375; Day 412/50-51

² FS8.229

175.43 It is possible that this was the case, and if so it is regrettable; but in view of the amount of material that we have been able to examine, we would be surprised if what is said to be missing would have caused us to form a different view of the circumstances in which people were killed and injured on Bloody Sunday. Had there been any material of particular significance, we would have expected Paul Mahon to have remembered and told us about it. As it is, he told us that there was nothing controversial in the tapes.¹

¹ AM19.22

Missing NICRA statements and Keville interviews

175.44 The representatives of the represented soldiers drew our attention to an undated Derry Civil Rights Association press release, which stated that “*over 700 statements from eye witnesses*” had been collected.¹ Michael Havord (in 1972 the press officer for this association) told us that this more or less accorded with his recollection.²

¹ GEN5.51

² Day 125/99

175.45 William Smith, Secretary to the Widgery Inquiry, recorded in a 1972 note that that Tribunal had “*NCCL’s 550 statements*”, which we have no doubt was a reference to what we have called the “NICRA statements”.¹ Lawrence Grant, then the legal officer of the National Council for Civil Liberties (NCCL), told us that a total of 530 statements were delivered by hand to the Treasury Solicitor’s office in London in March 1972.²

¹ KS6.16

² AG64.9

175.46 The present Inquiry is in possession of approximately 550 statements.

175.47 On this basis it is submitted, there “*seems a distinct possibility that between 50 and 200 NICRA statements taken in 1972 are missing*”.¹

¹ [FS8.304](#)

175.48 The submission is based on the assumption that the press release in 1972 gave an accurate figure for the number of NICRA statements. Apart from Michael Havord’s recollection from decades earlier, we have nothing that suggests to us that the number of about 700 was correct. Such a figure implies that some 200 statements were extracted from the statements sent to the Widgery Inquiry, for which there is no evidence. It seems to us much more likely that the present Inquiry is in possession of all or virtually all the NICRA statements, though of course the passage of time might have led to the loss of one or two.

175.49 It also seems to be submitted that some of the Keville interviews are missing or have not been transcribed.¹

¹ [FS8.303-304](#)

175.50 It might have been that not all these were transcribed at the time, but we are confident that we have a full set of the Keville tapes, all of which we have transcribed.

Consideration of the evidence of missing photographs and other materials

175.51 The representatives of the majority of represented soldiers submitted, so far as photographs were concerned, that “*It is now clear that the Tribunal cannot assume that the photographs which remain tell the whole story of what took place*” in Sector 3.¹

¹ [FS7.214](#)

175.52 What seems to be suggested is that there were other photographs which, had we seen them, would have thrown a different light on events and indeed would have shown evidence of relevant paramilitary activity; and that some at least of these photographs might have been deliberately suppressed. In the light of the material we have considered above, and of the other evidence that we have collected on the events of Bloody Sunday, we are of the view that these suggestions really amount to no more than speculation.

175.53 We take the same view of the other matters to which the representatives of the represented soldiers drew our attention.

Chapter 176: The provenance of the photograph of the scene in Glenfada Park North

- 176.1** The scene depicted in the following photograph appears to be similar to many of the accounts of those who were in Glenfada Park North when the soldiers arrived. However, doubts have been cast on whether this photograph was in fact taken on Bloody Sunday; and if it was, by whom and at what stage.



- 176.2** The Inquiry obtained this photograph from the archives of the *Sunday Times*. A manuscript note on the front reads “*Sheltering in Glenfada as the Paras advance*” and a manuscript note on the reverse “*Fulvio Grimaldi*”.
- 176.3** As we have discussed in that part of this report relating to later events in Sector 3, Fulvio Grimaldi did take photographs from 12 Garvan Place, which was on the second and third floors of Block 1 of the Rossville Flats and approximately level with the rubble barricade on Rossville Street. John McCrudden, who lived there at the time, told us that the photograph reflected what could be seen of Glenfada Park North from the flat.¹

¹ [AM152.4](#); [AM152.9](#)

176.4 However, Fulvio Grimaldi appears to have arrived at the flat and taken photographs at a late stage in the day, after the events of Sector 4 and the shooting in Sector 5. By this stage, the people who had been sheltering behind the southern end of the eastern block had been arrested and taken north; and there is no evidence at all to suggest that such a scene as is shown in the photograph occurred at or after that time. Fulvio Grimaldi told the Widgery Inquiry and the present Inquiry that the photographs he took from the flats were of Army vehicles in Rossville Street and he did not claim to be the taker of the photograph under consideration.¹

¹ [M34.65](#); [M34.122](#); [Day 131/71-72](#); [Day 131/186-187](#)

176.5 In these circumstances it seems to us unlikely that Fulvio Grimaldi was the photographer. Assuming that the photograph was taken on Bloody Sunday, it depicts a scene which, according to the evidence we have examined in this report, must have occurred before or as the soldiers appeared in Glenfada Park North, which was well before Fulvio Grimaldi got to Block 1 of the Rossville Flats.

176.6 John Barry of the *Sunday Times* told us that the manuscript note on the reverse of the photograph was in his handwriting and assumed from this that he had misattributed it to Fulvio Grimaldi when assembling all the *Sunday Times*' Bloody Sunday material in sequential order.¹

¹ [Day 193/169-170](#)

176.7 If Fulvio Grimaldi was not the photographer, then who was remains unknown, though the photograph itself shows that it was taken from the Rossville Flats somewhere towards the southern end of the western side of Block 1.

176.8 There is a further difficulty with this photograph which was raised by the representatives of the Wray family in their closing submissions.¹ This was based on the fact that in the photograph taken by Robert White of Michael Kelly lying shot on the ground behind the rubble barricade (see below),² which we have considered in the context of the shooting in Sector 3, the roadway behind the rubble barricade is obstructed by a knife rest with barbed wire; whereas in the photograph under discussion that part of the roadway appears to be clear, with the knife rest moved back and just visible at the foot of the photograph.

¹ [FS4.149-150](#)

² [E14.16](#)



176.9 These representatives appear to suggest that the knife rest was moved by the soldiers who came forward with an Armoured Personnel Carrier (APC) to collect the bodies at the rubble barricade and that the photograph under discussion was taken at the time soldiers were arresting civilians. However, in our view this was not the case. There is nothing that we can see in the photograph under discussion to indicate the presence of arresting soldiers at the southern end of the eastern block of Glenfada Park North, nor was there any evidence from the soldiers who came to collect the bodies from the rubble barricade that there was then a large group of people at that southern end. As appears from our consideration of the circumstances of these arrests elsewhere in this report,¹ the number of people shown at the southern end appears to be substantially greater than the number there when the arrests were made, and furthermore, when these arrests were made and the arrestees moved away, the three bodies were still lying along the south side of Glenfada Park North. Lastly, we have found no evidence to suggest that at this time the general situation in Glenfada Park North was as shown in the photograph under discussion. Instead, from the evidence of both soldiers and civilians, at the time of the arrests there were people taking shelter close behind the southern end of the eastern block of Glenfada Park North, and no-one was attempting to move along the southern side of that complex.

¹ [Chapter 113](#)

176.10 There is film evidence that the knife rest was not pulled across the road when the marchers were making their way down Rossville Street before 1 PARA came into the Bogside.¹ There is also evidence to show that the fence was moved to block the road shortly after soldiers drove into Rossville Street. Peter Lancaster told us that he was involved in doing this² and Michael Owens and John J McLaughlin stated that they saw this being done.³ William Vincent Hegarty told the Widgery Inquiry that the fence was pulled across the gap in the rubble barricade after a number of civilians had surged forward in response to the arrest of William John Dillon,⁴ to which we have referred in the course of our consideration of the events of Sector 2.⁵ It would seem that the knife rest was moved across before any firing was directed towards the rubble barricade. This conclusion would seem to be supported by the photograph shown below, taken by Ciaran Donnelly.

¹ Vid 69 03.30

⁴ AH66.1; AH66.3

² AL4.8; AL4.3

⁵ Chapter 33

³ AO73.1; AM334.4



176.11 There is photographic evidence that indicates to us that the knife rest might have remained in position until the APC went forward to collect the bodies at the rubble barricade¹ and if so, it must have been moved in order to allow access to the APC and the civilian ambulance that passed through to the southern side of the rubble barricade.² There was no evidence that at some intermediate stage the knife rest was opened, or opened and shut again, though it is possible that this happened.

¹ P1186-1188; Vid 48 10.36

² P423; P425; P667; P774; P813-815

- 176.12** If the knife rest was not opened, or opened and shut again at some intermediate stage, it would seem that the photograph under consideration must either have been taken on another day, or was somehow forged or doctored, or was taken soon after soldiers had come into the Bogside.
- 176.13** It is very difficult to accept that the photograph could have been taken on another day. Although this question was not canvassed during the Inquiry, the photograph was found in the *Sunday Times*' archives and was annotated by John Barry, as we described above, "*Sheltering in Glenfada as the Paras advance*". To our minds this shows that this journalist, at the time, regarded it as a Bloody Sunday photograph.
- 176.14** There is no evidence of any kind to indicate that the photograph was forged or doctored.
- 176.15** As to the possibility that the photograph was taken soon after soldiers had come into the Bogside, Counsel to the Inquiry pointed out¹ that there is no evidence to suggest:

"... that the crowd were gathered in Glenfada Park in the manner shown at this time, and the car parked facing Rossville Street [shown in the photograph] was not present on the heli-teli footage that was taken at some point before the Paras came through Barrier 12. The part of Rossville Street shown on the photograph is notably empty of marchers, who at this time would have been streaming down to Free Derry Corner..., running from the Pigs in the immediate aftermath of their deployment, or gathering to confront the troops as shown in P412."

¹ [CS6.189-202](#)

- 176.16** These are trenchant points that, in our view, lead us to conclude that the photograph cannot have been taken at such an early stage. In the end, though the matter is not free from doubt, we consider that the photograph was probably taken shortly before or when the soldiers moved into Glenfada Park North, but before the soldiers opened fire in that courtyard.

Chapter 177: The Northern Ireland Civil Rights Association statements and the Keville tapes

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Statements by civilians

177.1 The decision to take statements from those who witnessed the shooting of civilians seems to have been made at the home of Brigid Bond on the evening of Bloody Sunday. She was a prominent figure in the lives of those living in the Bogside. It was natural that a number of persons, trying to understand what had happened that day, gravitated to her home.

177.2 Among those present were Brigid Bond, her son Freddie, Michael Havord and, as recalled by Kathleen Keville to whom we refer below, Kevin McCorry, Madge Davidson and Ann Hope. All had a connection with the Northern Ireland Civil Rights Association (NICRA).¹ Those present agreed on the need to take statements from any witnesses to the events of the day.

¹ [Day 180/71](#)

177.3 Michael Havord told us in his written statement to this Inquiry:¹

“We started taking statements from people that evening but over the next few days there were arguments as to who should be taking statements. Whether it should be Parliamentary parties (i.e. Political parties), the Catholic Church or the civil rights people. In the end it was agreed that all statements should come to NICRA.”

¹ [AH46.6](#)

177.4 He added, in his oral evidence to this Inquiry, “*I personally went and collected all the statements that were taken in the Holy Child’s school in Creggan. Those statements were made available to Widgery.*”¹

¹ [Day 125/97-98](#)

177.5 In the course of the hearings of this Inquiry, frequent references appear to NICRA statements and to the Keville tapes or interviews. The term “NICRA statement” was applied to any statement made by a civilian through NICRA at the time of Bloody Sunday. Most statements were made at locations organised by NICRA, such as the home of Brigid Bond and at local schools in the Bogside and Creggan. Various individuals, often teachers, took on the role of statement takers.

177.6 The National Council for Civil Liberties (NCCL) played some part in this exercise, though the precise allocation between statements organised by that body and those organised by NICRA is not clear. The latter are in the majority.

177.7 The material held by the Inquiry lists 596 witnesses who gave NICRA statements. Not all are dated. But those that are show that 57 were made on Bloody Sunday itself, 53 on the following day, 101 on 1st February 1972, 40 on 2nd February 1972, 13 on 3rd February 1972, and 61 on 4th February 1972. Thereafter the numbers taken each day diminished.

The Keville tapes

177.8 The Keville tapes came into existence in this way. Kathleen Keville was a United States citizen. In the last weeks of 1971 she arrived in Londonderry as a researcher to an American film crew making a film about Northern Ireland. She stayed with Brigid Bond.¹ She was still in Londonderry on Bloody Sunday. She had with her a tape recorder and tapes for an ancillary project of her own.

¹ [Day 180/50](#)

177.9 In connection with the proposed march on Bloody Sunday, Kathleen Keville helped out by making “*an awful lot*” of arm bands.¹ She acted as a steward on the day, particularly it seems around Barrier 14. From a house on the west side of Chamberlain Street, where she was helping an injured woman, she saw Army vehicles arrive on the waste ground. There was shooting so she returned to Brigid Bond’s house. People were saying that it was essential to get statements as quickly as possible from witnesses. She offered to use her tape recorder for the purpose.²

¹ [AK35.5](#)

² [AK35.11](#)

177.10 Kathleen Keville was taken to the surgery of Dr Raymond McClean in Central Drive where a number of persons were present. The procedure she described (and which we accept) for recording statements was as follows.

177.11 She made a note of the witness at the beginning of each interview and later recorded their names and a summary of their evidence in a notebook which she made available to this Inquiry. She participated in the statement-taking but did so through taped interviews which were then transcribed into NICRA statements. She played no part in the transcribing of the tapes.¹ The tape-recorded interviews which she conducted all took place at Dr McClean’s surgery.² Some 150 interviews were recorded in this fashion. She made the tapes available to this Inquiry, which then transcribed them to ensure the accuracy of the transcripts.

¹ [Day 180/76](#)

² [Day 180/72](#)

177.12 Kathleen Keville told us that she recorded on seven tapes. There were two other tapes marked “Doherty BS” and “15 Knights of Malta”. On one of the tapes she recognised Michael Havord’s voice conducting an interview. On another was an interview Johnny Bond did with Michael Bridge. These were not interviews at which she was present.¹

¹ [AK35.12](#)

177.13 Kathleen Keville told us, in her written statement to this Inquiry:¹

“I have been asked a number of questions by those interviewing me concerning the interviews that I did, and the tape recordings which were prepared as a result. First, I have been asked whether I was given any instructions as to how to conduct the interviews with witnesses or whether there was any pre-determined agenda as to what to include in, or leave out of the statements. My offering of the use of my tape recorder and tapes, the availability of Dr. McClean’s surgery, and the beginning of the interviewing all occurred within a 15 minute time frame. I can give the Tribunal my assurance that nobody told me how to conduct the interviews or set an agenda. I think it was simply thought that there would have to be some type of investigation into what happened. I was anxious to ensure that the statements would be unaffected by anything other than the witnesses’ perception of what they had seen. I didn’t know any of the witnesses whom I interviewed except Mavis Sheerin and her husband, Patrick. Most of the people I interviewed were in a state of shock, and seemed anxious to speak to someone about what they saw. I had no agenda whatsoever. I was too shocked myself to have formulated one. I wanted to interview people before they saw the news or spoke to their neighbors. I conducted the interviews because I had a tape recorder and tapes available at the time and no one else had the equipment to do the job.”

¹ [AK35.16](#)

Other statement takers

177.14 Jimmy Doris was, at the time of Bloody Sunday, the Tyrone regional representative on the NICRA Executive Committee.¹ He told this Inquiry that the Executive of NICRA had no hands-on experience of statement-taking: “*I believe it was handled locally by the CRA with volunteers.*”²

¹ [Day 124/2](#)

² [Day 124/65](#)

177.15 Jack Dromey was, at the time of Bloody Sunday, an Executive Member of the NCCL and Chairman of the Northern Ireland Committee of the NCCL. He was asked by the General Secretary of the NCCL, Tony Smythe, to go to Londonderry to co-ordinate the taking of statements from witnesses to Bloody Sunday. This he did. In his written evidence to this Inquiry (he did not give oral evidence) he told us:¹

“The statements that I obtained fell into two categories. The first category was those that had already been taken in the 48 hours following Bloody Sunday. The second category, covering most of the eventual statements, was as a result of the organised and systematic approach towards the taking of statements that I co-ordinated. Most of the statements in both categories were written by the individual witnesses themselves. Statements varied in length and detail. I should add that the task was a difficult one because the local community was in a state of deep shock and the situation in Londonderry was chaotic. Further, there was no proper infrastructure of investigation. Whilst the statements varied in quality, therefore, as a result of our efforts 400 hundred statements were gathered that might have otherwise been lost to history.”

¹ [AD142.1](#)

177.16 Jack Dromey told us that he returned to London with the statements and “*co-ordinated a team of lawyers and law students to sift the evidence that we had obtained*”.¹

¹ [AD142.2](#)

177.17 Thomas Columba Doherty was a teacher at St Joseph’s School. He told us that he made a statement by dictating it to a fellow teacher at the school within a week of Bloody Sunday; and that he took statements from ten to 15 people.¹

¹ [AD106.6](#)

Submissions on the NICRA statement-taking process and the content of NICRA statements

177.18 The representatives of some of the represented soldiers submitted that “*Serious concerns*” arose both as to the NICRA statement-taking process and as to the content of a significant number of NICRA statements; and submitted that we should exercise particular caution before accepting NICRA statements as either accurate or comprehensive.¹

¹ [FS8.196](#)

The statement-taking process

177.19 These representatives first drew our attention to what they described as five “*limitations*” on the NICRA statement-taking process.

Self-selectivity of witnesses

177.20 So far as we are aware, there was no compulsion on civilians to give NICRA statements. Those that did give statements did so voluntarily. However, in our view this does not in itself detract from the accuracy or comprehensiveness of the statements that were given.

177.21 There could have been many reasons why people chose not to give statements. For example, they may not have seen any of the shootings or may have been anxious not to reveal that they had been rioting or even taking part in the march. Others may simply not have wished to become involved. Some indeed might have seen some of the paramilitary activity that occurred (and which we have considered in the course of this report) but were unwilling to say that they had done so.

The location of statement-taking stations

177.22 Many of the NICRA statements were taken in areas dominated by republican paramilitaries. It was submitted that this would have served as a further impediment for any witness of paramilitary activity voluntarily to give a statement about such activity.¹

¹ FS8.200

177.23 We see some force in this submission as a general point, but to our minds it does not follow that this necessarily detracts from the accuracy or comprehensiveness of the statements that were taken, unless in any particular case there is material to suggest that the statement giver did witness some relevant paramilitary activity.

Number of statements taken in individual sittings

177.24 It is the case that many statements were taken over a short period of time and that in many, if not all, cases the statement giver did not have the opportunity of going through the typed-up version of the statement. One of the witnesses to this Inquiry contrasted the NICRA statement-taking process with that adopted by Eversheds, the solicitors retained by this Inquiry, who took most of the written statements for this Inquiry:¹

“A. At the time, but you got to bear in mind how this – how and when this statement was collated, put together and comparison how it was put together in 1999 when I made my statement to Eversheds. This statement was made a day – two days afterwards. People were trying to collate as many statements as they could in the hope there would be an Inquiry. It was done with all the best intentions. It was done quick. With the Eversheds one I was there for a number of hours going through what I could recall. There will be differences between that original statement and what I did in 1999, yes. This was done quickly, this original one.”

¹ [Day 98/134-135](#)

Untrained statement takers

177.25 Those who took NICRA statements were not trained statement takers, but an assortment of volunteers, some of them teachers from local schools.¹ Martin Bowen, who took some NICRA statements, told us of the instructions that he had received:²

“Q. Can I then move on to paragraph 20 of your statement at AB43.4? You say that you and the younger teachers were asked to take statements from people who had attended the march?

A. Yes.

Q. Can you remember who asked you to do that?

A. No, I have no recollection of who asked me.

Q. You say that you had no training, but were you told not to put words into people’s mouths?

A. I think I could expand just a little bit on that. By ‘training’ I would normally mean quite a number of hours being taught to actually perform a procedural task, but in this case I think a lot of people were turning up at Francis Street school to take statements and, although I would not describe it as ‘training’, we were given certain instructions, which included being told not to put words in people’s mouths, to allow people to use their own words, and to take down precisely what people had said. And I can distinctly remember someone – I do not know who – saying to me, ‘There is no need to go into, if you like gory detail. Simply a description of what they saw and heard would be sufficient’.

Q. What did you understand by the instruction not to go into gory detail?

A. What I understood by it, and others may have taken it differently, was that the statements should be short and concise and say exactly what they had seen and heard.

Q. Do you recall any other instructions that were given to you?

A. The only other instructions that I do remember were that we were to take a small desk with paper and pen, and that when statements were taken we were to witness the statements and to hand them in at the teacher's desk to someone who was there. I do not remember the identity or even knowing the identity of the person who was there at the time; I would assume it was a member of the Northern Ireland Civil Rights Association.

Q. When you were told just to take down what people had to say, did you understand that to mean that you should not even proceed by way of a question and answer approach, that you should simply allow them to come along and talk and you would just be a scribe; or did you understand that you could ask them questions to establish what it was that they had seen, and so on, and to clarify what they had to say?

A. I think again the latter, because some people would have a tendency to use language which is inaccurate or not exactly clear, and I assumed that I could ask questions which would allow them to clarify in their minds what exactly they saw and heard and be judicious about the words which they used so I could write down exactly what it was to be as accurate as possible.

Q. Apart from the instruction not to go into gory details, were you told anything about what matters should or should not be covered in these statements?

A. None at all, no. We were told to pay attention to everything that was said to us.

Q. Can you remember very roughly how many statements you personally took?

A. I think it was between 20 and 30, although I could not be absolutely sure.

Q. Over what period of time did you take these statements?

A. I think over the period of either a morning or a full day; I cannot remember."

¹ [Day 83/159](#)

² [Day 118/65-68](#)

177.26 As a result of lack of training, there were risks that the statement taker would use his or her own language rather than that of the statement giver and would seek, though doubtless in good faith, to make suggestions or try to help the statement giver by asking leading questions, ie questions designed to elicit a particular answer.

Likelihood of “contamination” of information

177.27 We have no doubt that in the immediate aftermath of Bloody Sunday there were discussions between people who then gave NICRA statements. It would be unreal to imagine that those who proposed to give statements would not have talked to family and friends as to what they had seen. As Patrick Deeney told us, he and his friends talked of “*nothing else*”, before he gave his NICRA statement.¹ As a result, we are also sure that sometimes people used expressions, for example “*high velocity*” bullet in the case of James Wilson, which they had heard from others but adopted as their own.²

¹ [Day 96/116](#)

² [Day 109/104](#)

The content of NICRA statements

177.28 The representatives of some of the represented soldiers made the following points about the content of the NICRA statements.¹

¹ [FS8.208-217](#)

Absence of specific questioning as to paramilitary activity

177.29 It appears that the statement takers were not specifically instructed to ask statement givers whether they had witnessed any paramilitary activity.¹ Equally, it appears that statement takers were not instructed to omit any references to republican paramilitary activity.² However, it does not follow that had the statement takers made such enquiries, witnesses would necessarily have told them of any paramilitary activity that they had seen, as Charles McGill and Peter McGrisken told us.³

¹ [Day 125/105](#)

³ [Day 069/164](#); [Day 106/113](#)

² [Day 67/151](#)

177.30 The fact that statements were taken at a variety of locations and were taken by a range of persons, to our minds, militates against any sort of conspiracy to withhold information or to tailor statements in a particular way. We accept that NICRA's aim was to obtain as complete a picture as possible of the circumstances in which civilians were killed or wounded.

Transcription errors from the Keville tapes

177.31 Many of the Keville tapes were turned into NICRA statements. In a number of cases there are errors or omissions in these documents. For example, the transcription of William John Dillon's Keville interview omitted the fact that he had told Kathleen Keville that he had been rioting;¹ while the transcription of John (Christopher) Barrett's Keville interview omitted the fact that he had used words implying that he had seen one or more members of the IRA, though no-one with guns or bombs.²

¹ [AD175.2](#); [AD175.1](#)

² [AB21.3](#); [AB21.1](#)

Omissions

177.32 Teresa Bradley told us that she had told the statement taker of seeing civilian gunmen, but that he did not put it in her NICRA statement.¹ Peter McLaughlin told us that he told the statement taker that he had seen the person we have called "Fr Daly's gunman", and was told that the statements were concerned with what people had seen of the shooting of people on the day, which was the reason why there was no mention of Fr Daly's gunman in his NICRA statement.²

¹ [Day 64/48](#)

² [AM352.9](#); [Day 174/41](#)

177.33 The representatives of some of the represented soldiers also drew our attention to the evidence of Chris Myant, who at the time was working as a journalist for the *Daily Star* and who helped to take NICRA statements. He told us that:¹

"13. One young woman, who was among those coming to give statements, said to me that she was sure that somebody had fired a hand gun in William Street. She was very young, about 18 years old. I asked if she was absolutely sure and she said she wasn't sure when it had been but she was sure what she had seen. She didn't want to say any more about it and didn't want to make a formal statement. I couldn't figure out whether she was frightened about what would happen to her if she spoke or whether she was hysterical and got it wrong – I felt at the time it was the latter. Nobody else mentioned this. Some people referred to catapults being used and I asked her if she could have been mistaken. Because nobody else mentioned it and when I asked other people they all said that they had not seen any guns being used and because she would not make a statement I did not pursue this. I do not recall the woman's name and I have looked through my notebook to see if I had made a record but I cannot find anything."

¹ [M91.4](#)

177.34 In his oral evidence to this Inquiry, Chris Myant said:¹

“A. Well, everybody was quite wrought up, or some people were exceptionally wrought up. She came across to me as quite different, as quite sort of hysterical. When you work as a journalist and you talk to people and you take statements from people, you know, and you try and figure out what is happening, you get on [sic] idea or you get a feeling for people who are telling you about something which they have actually seen. As you know yourself, I am sure this Tribunal find out, people’s memories play big tricks with them. My impression from her was that she was hysterical. I was trying to ask her questions, ‘come on, what did actually happen, can you describe where it took place’, and so on, and what I remember of it was that she was saying, ‘no, I am sure, I am sure this is what I have seen. I am sure I had seen a man fire a handgun’, but she just was not sure when it had been at all. My feeling from talking to her simply was that she was hysterical and was not talking about something that had happened the day before.”

¹ [Day 122/176-177](#)

177.35 We should observe at this point that we do not regard what Chris Myant told us he did as evidencing a decision not to record the sighting of a gunman, as we have no reason to doubt his reasons for not taking this matter any further.

Consideration of the submissions

177.36 At the end of their submissions relating to this matter, the representatives of some of the represented soldiers made this observation:¹

“29. We appreciate that it is neither appropriate nor helpful to the Tribunal to make sweeping statements about the reliability or otherwise of NICRA statements. Each NICRA statement requires individual consideration in the light of other evidence from the witness, and the evidence more generally available to the Tribunal. Nevertheless, for the reasons set out above, we do suggest that it is appropriate to approach the NICRA statements with considerable caution in any particular instance in determining whether it is a comprehensive, accurate and honest account of all the witness saw, heard and did.”

¹ [FS8.217](#)

- 177.37** We would echo and adopt what is stated in the first two sentences of this observation. As to the remaining suggestions, we have borne in mind the circumstances in which the NICRA statements were taken, the fact that statement takers were untrained, and the fact that people undoubtedly talked to each other before giving statements, in assessing what weight we should give to the statements.
- 177.38** There are other factors that we have also borne in mind, in particular the fact that the statement-taking took place at a time when, in view of what had happened, emotions were naturally running high; and at a time when it might well have been thought advisable to make no mention of witnessing paramilitary activity.
- 177.39** As will be seen in the course of our examination of the events of the day, we have considered and given our views on such matters as, for example, whether Teresa Bradley did tell the statement taker of seeing civilian gunmen. We have also considered, where we considered it of relevance, differences between the Keville tapes and the NICRA statements prepared from them.
- 177.40** We have examined and assessed the weight to be given to NICRA statements on an individual basis, often with the advantage of having further written and oral evidence from the witness in question and of other evidence and materials from other sources, in addition to our own transcription of the Keville tapes.
- 177.41** The NICRA statements were taken in less than ideal circumstances. Some have proved to be an incomplete record; and in some cases, for the reasons that we have given in the course of the report and in the light of the evidence as a whole, we have concluded that those who gave statements were mistaken in what they recorded, or gave accounts of things that they had not seen themselves but only heard second-hand from others. In our view, however, in general terms we have found the NICRA statements to provide an invaluable source of what people were saying at the time about what happened on Bloody Sunday. The same of course applies to the Keville tapes.
- 177.42** Finally, we should record that we have found no evidence at all that suggests that NICRA adopted a deliberate policy designed to ensure that statement takers should not allow statements to contain references to individual wrongdoing on the part of civilians, or of republican paramilitary activity. The representatives of the represented soldiers did not suggest otherwise.¹

¹ FS8.213

Chapter 178: Psyops and military information activity

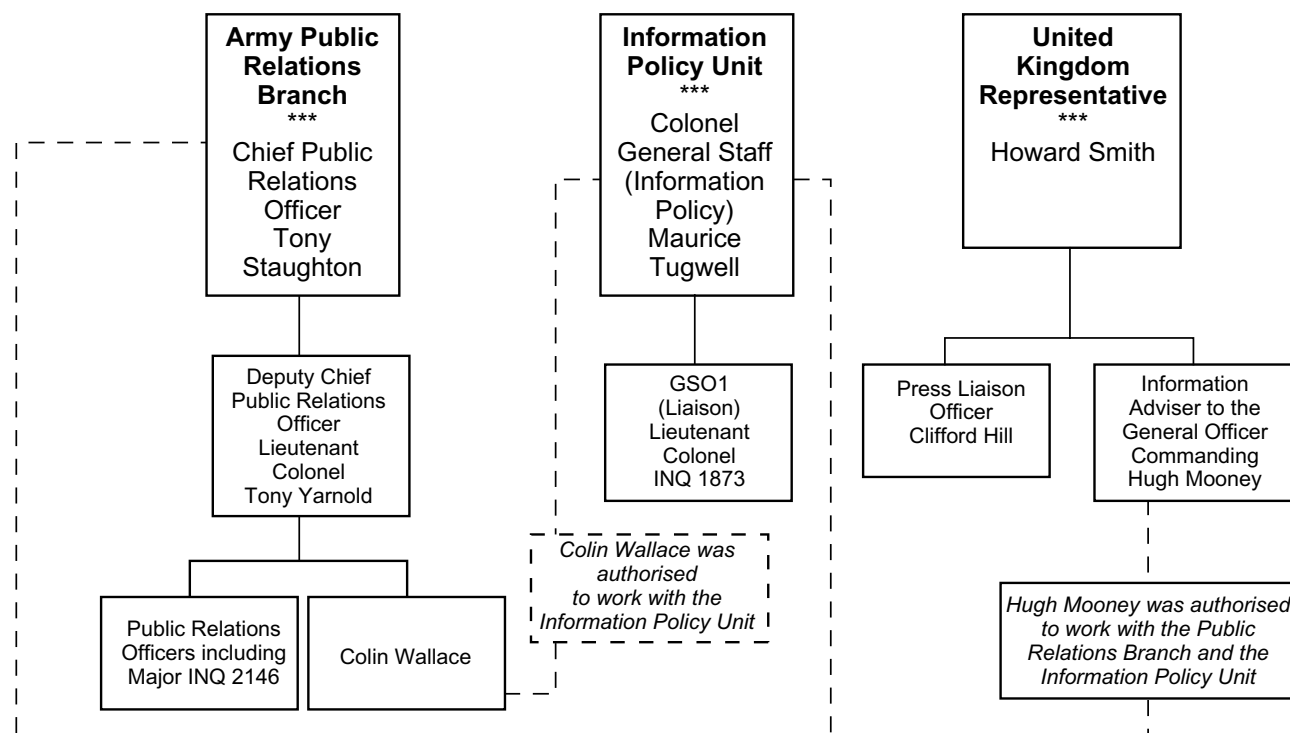
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Information organisations in January 1972

178.1 “Psyops” meant “psychological operations”.

178.2 We set out below the structure of the various relevant information organisations in January 1972.



The Public Relations Branch

178.3 The Army Public Relations (PR) Branch at Headquarters Northern Ireland (HQNI) was headed by a civil servant, Tony Staughton. His deputy was Colonel Tony Yarnold.¹ Colonel Yarnold (also known as Colonel INQ 2156 and 2157) was the press room controller at HQNI.

¹ KM6.1; CY1.2

178.4 In January 1972 Colin Wallace was a member of the Army PR Branch. However, his evidence was that he worked with the Information Policy Unit.¹ Colonel Tugwell described Colin Wallace in his evidence to this Inquiry as a PR man who was very good at his job.

He told us that the Information Policy Unit sometimes suggested to Colin Wallace a line that he might take but did not provide him with classified information. Colonel Tugwell's evidence was that the Unit did not give Colin Wallace any psyops work.²

¹ [Day 235/153/21](#); [Day 235/156/16](#)

² [Day 240/70](#)

178.5 A PR officer from HQNI, Major INQ 2146, was appointed in January 1971 as 8th Infantry Brigade's Public Relations Officer. He reported to Colonel Yarnold and to Brigadier MacLellan. He was the only PR officer at 8th Infantry Brigade.¹

¹ [C2146.1](#)

The Information Policy Unit

178.6 Lieutenant Colonel INQ 1873 was sent to Northern Ireland in October 1970 in order to run the Information Liaison Department. He was an expert in psyops in combat situations¹ and was responsible for psyops in Northern Ireland under the direction of the Commander Land Forces (CLF).² In or about September 1971, the Information Liaison Department was disbanded and replaced by the Information Policy Unit.

¹ [Day 242/7](#)

² [Day 242/52](#)

178.7 Colonel Tugwell arrived in Northern Ireland on 30th August 1971 to become head of the Information Policy Unit. Colonel INQ 1873 was appointed his deputy. Colonel Tugwell said that he was sent to Northern Ireland at short notice because, so General Sir Michael Carver told him, there was a crisis in confidence about Army PR.¹

¹ [Day 240/60](#)

The United Kingdom Representative

178.8 Clifford Hill was appointed as the United Kingdom Representative's Press Liaison Officer in or about October 1971. His role was to ensure liaison between the various information agencies in Northern Ireland, London and overseas, to brief journalists and to counter hostile propaganda.¹

¹ [KM11.29](#)

178.9 Hugh Mooney was a member of the Foreign & Commonwealth Office's Information and Research Department (IRD) who was seconded to the Home Office for the purpose of his appointment in Northern Ireland. He went to Northern Ireland in June 1971.¹ His evidence was that he had been on a psyops course but was not involved in psyops while in Northern Ireland, at least after September 1971.² At that time, the focus changed to PR.³

His cover job title was Information Adviser to the General Officer Commanding (GOC) Northern Ireland but his evidence was that such cover was not really necessary.⁴ He reported to the United Kingdom Representative, Howard Smith, and had an input, with the permission of the Army, into the Information Policy Unit and the PR Branch.⁵ He said that it was his job to improve the public perception of the United Kingdom Government's policies and Army operations.⁶ His evidence was that he was engaged in counter propaganda which did not involve him in forgery or in disseminating untrue stories. The information that he used was low-level intelligence.⁷ He told us that the Information Policy Unit's brief was "*to fight the propaganda war and it guided and supplemented PR branch's work*".⁸

¹ KM6.15

² Day 239/76-80; Day 239/89-90

³ Day 239/115

⁴ Day 239/81

⁵ Day 240/32/3

⁶ Day 239/109

⁷ Day 239/111

⁸ KM6.1

The Psyops Committee and Working Committee

178.10 In July 1971, Colonel INQ 1873 proposed that a psyops committee be established, along with a smaller psyops working committee to deal with day-to-day matters.¹ Colonel Tugwell described the documents setting out these proposals as "*a monument to an aspiration*".² Although the proposals pre-dated his arrival in Northern Ireland, he said that he was quite sure that the Psyops Committee had never met.

¹ KM6.108; KM6.109; Day 242/10

² Day 241/115

178.11 Colonel INQ 1873's evidence was also that the Psyops Committee had never met.¹ He said that he had put forward his proposals without knowing that Colonel Tugwell was to be appointed. Colonel Tugwell, on his arrival, took responsibility for information policy matters and did not think that psyops were necessary.² Colonel INQ 1873's evidence was that the plan for a psyops committee had been abandoned by that time in any event.³

¹ Day 242/10; Day 242/55

² Day 242/11-12

³ Day 242/58

178.12 Hugh Mooney said that he did not recall attending a meeting of the Psyops Committee and was "*totally puzzled*" by references to the committee.¹ In a report of unknown date written after mid-July 1971 but before Colonel Tugwell's arrival, Hugh Mooney said that he was a member of a psyops working committee that had recently been set up. It is unclear whether that committee ever met at all. The Working Committee proposed in

July 1971 was to have four members. Hugh Mooney's recollection was that he and Colonel INQ 1873 were the sole members of any psyops committees and that they met informally.²

¹ KM6.27-28; Day 239/88

² KM6.28; Day 239/96-97; Day 240/50-51

The Military Information Policy Committee and the Military Information Working Party

178.13 The Military Information Policy Committee was set up in November 1971 and chaired by the GOC. The CLF and Colonel Tugwell were among its members. Colonel Tugwell thought it possible that the Military Information Policy Committee never met at all.¹

¹ Day 241/203

178.14 There are documents that indicate that the Military Information Policy Committee did in fact meet to agree the composition of itself and of the Military Information Working Party. The minutes of a meeting of the Committee on 17th November 1971 indicate that the composition of the Military Information Policy Committee was substantially different from that of the Psyops Committee proposed in July 1971.¹ A reference to the Military Information Policy Committee in a note from Colonel Tugwell dated 24th January 1972 indicates that the Committee was in existence in late January 1972.²

¹ G30D.226.8; KM6.108

² G70C.441.11

178.15 Colonel Tugwell chaired the Military Information Working Party. Members included Colonel INQ 1873 and Hugh Mooney. Its terms of reference, drafted in November 1971, required the Working Party to counter hostile propaganda "*by ensuring that a truthful account of military activities is presented to the media, in such a way that the reasons for action are seen to be sensible and that our policies are leading towards success*".¹ Its composition was not the same as that of the Psyops Working Committee proposed in July 1971.²

¹ G30D.226.8

² KM6.109

Liaison with London

178.16 In 1972 Donald Maitland was the Chief Press Secretary to the Prime Minister, Edward Heath. His role was to brief the press on government policies.¹ It appears that Donald Maitland corresponded with Clifford Hill, the Press Liaison Officer on the staff of the United Kingdom Representative. In his written statement to this Inquiry, Donald Maitland denied that he was responsible for co-ordinating Whitehall activity "*in both the overt*

and discreet information fields”, a role attributed to him in the DS10 draft dated 30th November 1971, “Organisation of Information Activity for Northern Ireland”.² Colonel Tugwell and Colonel INQ 1873, in their evidence to this Inquiry, disputed the accuracy of this document in other respects, as we note below.

¹ [KM11.1](#)

² [KM11.1](#); [KM6.101.1](#)

178.17 Colonel Henry Dalzell-Payne was the head of MO4, the Ministry of Defence (MoD) Military Operations Branch with responsibility for Northern Ireland. He reported to the Director of Military Operations, General Ronald Coaker. MO4 was the channel for military information between the MoD and HQNI. Colonel Dalzell-Payne’s contact at HQNI was the Chief of Staff, Brigadier Marston Tickell.¹

¹ [CD1.1](#)

Information activity relating to Bloody Sunday

Psychological operations at the time of Bloody Sunday

178.18 According to Colonel INQ 1873, low-level psyops were carried out by the Information Liaison Department until about the end of July 1971. They were found to be unproductive and were halted. Colonel Tugwell did not believe in the efficacy of psyops and, on his appointment in September 1971, reinforced the policy of bringing psyops to an end.¹

¹ [Day 241/113](#); [Day 242/4](#)

178.19 In an undated report probably written at the end of September or early October 1971 to Mr Welser of the IRD, Hugh Mooney stated that he attended meetings of the “*army psyops working committee in an advisory capacity*”.¹ In his oral evidence to this Inquiry he said that he could not recall such a committee. He insisted that he was not then involved in psyops.²

¹ [KM6.118](#)

² [Day 240/12-13](#)

178.20 The draft document referred to above, dated 30th November 1971 and written by Charles Henn of DS10, suggested that psyops were at that time being carried out in Northern Ireland under the supervision of Colonel Tugwell.¹

¹ [KM6.99-102](#)

178.21 Colonel Tugwell was asked during his oral evidence about this draft. He said:¹

“... it reflects to me the much greater obsession amongst civilian organisations, Foreign Office and the IRD, very much inclined towards secrecy and psychological this and that. I was just not interested in that. ... [I]t did not affect my policy, which was to back off from PsyOps ...”

¹ [Day 241/118-119](#)

178.22 Dealing with the suggestion in the document that he co-ordinated the psyops activities of Colonel INQ 1873, Colonel Tugwell said:¹

“... it is wrong ... I think that it again reflects the obsession in Whitehall to throw all these things together in the hopes that the more you offer, the better the result will be. It was not my policy.”

¹ [Day 241/120](#)

178.23 Colonel INQ 1873 described the draft document as misleading.¹

¹ [Day 242/62](#)

178.24 The final version of the DS10 draft appears as the annex to another document, itself dated 14th January 1972.¹ It is unclear when the draft was finalised. The relevant text concerning Colonel Tugwell and Colonel INQ 1873 was the same in both the draft and the final version.

¹ [C2241.65](#)

178.25 Colin Wallace's evidence was that psyops remained one of the duties of the Information Policy Unit after it replaced the Information Liaison Department.¹ He said that the Unit had three roles, namely to liaise between the Army press room and the Army operations network; to act as a counter-propaganda organisation dealing in white information; and to act in a deniable role, using black operations (“dirty tricks”).²

¹ [Day 235/139](#)

² [Day 235/147](#)

178.26 Colonel Tugwell, Colonel INQ 1873 and Hugh Mooney denied that the Information Policy Unit had any involvement in psyops. Their disagreement with Colin Wallace's evidence was based to a significant extent on their definition of psyops. Colin Wallace regarded all three of the above activities as psyops.¹ Colonel Tugwell agreed that the first two were duties of the Information Policy Unit but maintained that of these only the third, dirty tricks, should be classed as psyops. The evidence of Colonel Tugwell, Colonel INQ 1873 and

Hugh Mooney was that the Information Policy Unit did not engage in this sort of activity. They said that the Information Policy Unit did not disseminate dishonest or misleading information.²

¹ [Day 235/154-155](#); [Day 236/142](#)

² [Day 240/72](#)

178.27 In paragraph 19 of his note dated 24th January 1972, Colonel Tugwell stated:¹

“Black Propaganda. We have reservations about ‘black’ activities. In so closely observed a situation as Northern Ireland almost nothing remains secret for long. This does not exclude isolated exercises for specific purposes but it certainly excludes such activities unless authorised by the Military Information Policy Committee.”

¹ [G70C.441.9](#)

178.28 Colin Wallace was shown this extract during the course of his oral evidence. The following exchange took place:¹

“Q. Does the notion of only using black propaganda on isolated exercises accord with your recollection of what went on?

A. Yes, I think that [Tugwell] is right in that strictly black activities were very difficult to run and had, I think, very limited effect with targets on either the Loyalist or the Republican side.”

¹ [Day 236/151](#)

178.29 The note dated 24th January 1972 also contained a recommendation that the term “psyops” should not be used, because of its “*somewhat sinister connotations*”. Colonel Tugwell said that he meant simply that he did not want people to talk about “psyops” when in fact they were not carrying out psychological operations.¹

¹ [Day 241/111-112](#)

178.30 We have seen no Military Information Policy Committee document that contains any material relevant to Bloody Sunday, nor is there any evidence to indicate that the Committee authorised any black activity in relation to that day.

178.31 With one exception, the evidence of all relevant witnesses was that no dishonest information relating to Bloody Sunday was deliberately disseminated by the Army either before 30th January 1972 or immediately afterwards. The exception is Colin Wallace, who told us that the Information Policy Unit, in order to unsettle the IRA, spread untrue rumours that the Army might invade the Creggan during the march.¹

¹ [Day 236/52](#)

Information available to the Information Policy Unit before the march

178.32 Colin Wallace said that in the days leading up to 30th January 1972 he spoke to journalists and to the 8th Infantry Brigade press officer in order to discover the likely (paramilitary) response to the Army's plan to redirect the march.¹ According to him, the Information Policy Unit learned that both the Official IRA and the Provisional IRA had assured the march organisers that they would not exploit the march. This information came from republican and Northern Ireland Civil Rights Association sources.² He told us that it was still felt possible that individuals within the Official IRA or the Provisional IRA might take action against the Army, but that they had no definite information that any individual had such a plan.³

¹ [Day 235/162](#)

³ [Day 236/35/23](#)

² [Day 235/164/4](#); [Day 236/34/13](#)

178.33 Hugh Mooney said that he did not know of any intelligence available to the Army before the march to the effect that the IRA was expected to use the march as cover for gunmen. His evidence was that he received no information from anybody concerning the IRA's plans for the day.¹

¹ [Day 239/119-121](#)

178.34 Colonel Tugwell said that he did not usually have access to HQNI Intelligence Summaries. He told us that he did not know of any intelligence in the possession of the Army about the IRA's plans for 30th January 1972.¹

¹ [Day 240/88](#)

- 178.35** Colonel INQ 1873 was the editor of the Military Information Working Party review which covered the period between 30th December 1971 and 31st March 1972. He believed that Hugh Mooney also worked on the review and that Colonel Tugwell might have seen early drafts. The review contained the following sentence:¹

“When intelligence indicated that the IRA planned to use the march as cover for their gunmen, consideration was given to various pre-emptive and protective measures in the propaganda field.”

¹ [G130.858](#)

- 178.36** Colonel INQ 1873 said that he believed that this sentence was written with hindsight and, in so far as it suggested that intelligence about the IRA’s plans was available to the Information Policy Unit before the march, it was wrong.¹ He said, however, that the Information Policy Unit did give consideration to pre-emptive measures; the measure taken was a warning put out through the media about the forthcoming march and about the likely results of disorder.²

¹ [Day 242/21](#)

² [Day 242/23](#)

Information activities in the days leading up to the march

- 178.37** The warning to which Colonel INQ 1873 referred was the joint Army/Royal Ulster Constabulary (RUC) press release dated 28th January 1972.¹ This appears to have been drafted in response to two telegrams sent on behalf of Donald Maitland to Clifford Hill on 27th and 28th January.² Donald Maitland, in his written statement to this Inquiry, told us that he had no recollection of these telegrams. He believed that the telegram of 27th January³ would have been drafted as a result of the Northern Ireland Committee of the Cabinet (GEN 47) meeting that morning.⁴ He would not necessarily have drafted it. He did not recall the joint Army/RUC press statement. Colonel Tugwell said that he was aware of the telegrams from Donald Maitland.⁵ He also said that there was no particular pressure from London.⁶

¹ [G93.556](#)

⁴ [KM11.10](#)

² [G90.549](#); [G91.551](#)

⁵ [Day 240/81](#)

³ [G91.551](#)

⁶ [Day 240/85](#)

178.38 Colin Wallace said that his role in the days leading up to Bloody Sunday was to encourage journalists to go and see the march.¹ He said that he had been told by Colonel Tugwell and others that intelligence indicated that the IRA would not be using the march and that the event was to be used for PR purposes, showing the Army making a large number of arrests.²

¹ [Day 238/40](#)

² [Day 238/172](#)

178.39 According to Colin Wallace, the Information Policy Unit spread rumours that the Army might raid the Creggan while people were attending the march.¹ He said that the Unit did this in order to make the IRA feel insecure about any planned activity.² Colonel Tugwell, in his oral evidence, denied that the Unit was responsible for spreading such rumours.³

¹ [Day 236/52](#)

³ [Day 240/103](#)

² [Day 236/77](#)

178.40 There was evidence from former members of republican paramilitary groups that they suspected that the Army might attempt an incursion into the Creggan while people were on the march. It is possible, though we are not sure about this, that the Information Policy Unit, or some other Army entity, did spread such a rumour, which caused or contributed to these suspicions. The Army in fact had made no plans to move into the Creggan.

The day of the march

178.41 Colin Wallace was not on duty. He was on standby at HQNI and was called in when the first reports were received of two people having been shot.¹

¹ [KW2.16](#)

178.42 Hugh Mooney was manning the telephone in Colonel Tugwell's office. The latter observed the march. He said that he did not do so with the intention of liaising with journalists, but that once the shootings had taken place he did deal with the press.¹

¹ [Day 240/108](#)

178.43 Tony Staughton was not on duty. He was in poor health and usually worked office hours only. Sunday was his day off.¹ Colonel Yarnold spent the day in the press room at HQNI.²

¹ [Day 240/22](#); [B1333.064](#)

² [CY1.3](#)

178.44 Colonel INQ 1873 told us that he had no particular role on the day and that he spent some of the afternoon in the Operations Room at HQNI.¹

¹ [C1873.3](#)

178.45 Colonel Dalzell-Payne remained in his office in London. He sent his deputy, Major INQ 2105, to Northern Ireland to observe the march and to keep him informed of developments. Colonel Dalzell-Payne had a telephone link to Major INQ 2105 and Brigadier Tickell.¹

¹ [CD1.3](#)

178.46 An Army PR photographer was ordered to film the march from a helicopter. According to Hugh Mooney, it was intended that the film should be used to provide evidence to journalists of the numbers attending the march.¹

¹ [Day 240/45-47](#); [B1333.82](#)

Contact with the press in the immediate aftermath of the march

178.47 Colonel Tugwell and the Information Policy Unit, rather than the Army PR Branch, presented the Army's account of Bloody Sunday after the event. According to Hugh Mooney, this was not a deliberate ploy. The head of Army PR, Tony Staughton, was not on duty and was not present.¹ Colonel Tugwell, on the other hand, was present on the ground during the event.

¹ [Day 239/19](#); [Day 239/21](#); [Day 239/22](#)

178.48 Colonel Tugwell said that he and Hugh Mooney were backed by the PR teams at 8th Infantry Brigade and HQNI. Colonel Yarnold at HQNI kept the press desk open, received reports from 8th Infantry Brigade HQ and pushed them out as interim press releases.¹

¹ [Day 241/137](#)

178.49 Two press releases were issued by HQNI on the evening of Bloody Sunday. The first was accompanied by an instruction that it should be stated to be a report phoned in by "*one of the chaps in Derry*".¹ It was Colonel Tugwell who made the report by telephone to HQNI. He believed that he and the major in charge of PR at 8th Infantry Brigade put together the report.² The major in question was Major INQ 2146. He told us that he had no recollection of preparing any press release on the day³ and thought that he had had no contact with Colonel Tugwell on 30th January 1972.⁴ The press release was in the following terms:

“Following is a first hand report phone from Derry (by Col GS) crowd assembled at Bishops Fields and then moved down the west side of Derry finishing up by going up Rossville St. It was then that the hooligan element which had been walking at the rear of the crowd, turned down the sidestreet and managed to outflank the leaders and confront the soldiers at the barrier. They bombarded the troops with anything they could lay hands on – stones, milk bottles, iron bars and all sorts of things. Troops stood up to this severe barrage and a water cannon was brought up and sprayed the crowd with coloured water. They disappeared for a moment and it was then that they threw some CS gas grenades at the military. The troops put on respirators. Soldiers of 1 para who had been positioned behind the troops manning the barrier then moved up, passed the barrier and began arresting people. Those who ran away into sidestreets were pursued and about fifty arrests were made. While this was in progress gunmen opened fire from the rubble at the base of Rossville Flats and the soldiers returned fire.

Casualties have been reported and a report about this exchange of fire is awaited. The Military have suffered casualties from the severe stoning they underwent. Military casualties number 5, of which none are serious. Two of these have acid burns.”

¹ G102B.615.4

³ C2146.3

² Day 240/134

⁴ C2146.4

178.50 Colonel Yarnold told us that he believed that the second press release¹ was created at HQNI by Operations Room staff.² According to Colonel Tugwell, the Operations Room staff obtained their information from people “*involved on the spot*”.³ The second press release was as follows:

“After the civil rights demonstrators had moved back down Rossville Street, and were well clear of the William St area, separate rioting crowds of some two to three hundred were heavily stoning troops manning a number of road barriers in the William Street area.

The companies of 1st Battalion the Para Regiment were called forward to disperse the rioters and make arrests.

Soon after they deployed at about ten minutes past four they came under nail bomb attack and a fusillade of fire of fifty to eighty rounds from the area of Rossville Flats and Glenfada Flats. Fire was returned at seen gunmen and nail bombers. Subsequently, as the troops redeployed to get at the gunmen, the latter continued to fire. In all a total of well over two hundred rounds was fired in the general direction of the soldiers. Fire continued to be returned only at identified targets. The companies regrouped in William St at ten minutes to five.”

¹ [G102B.615.5](#)

³ [Day 240/136](#)

² [CY1.4; CY1.5](#)

178.51 On the evening of 30th January 1972, Colonel Dalzell-Payne spoke to General Sir Harry Tuzo and General Robert Ford. He tried to obtain as much information as he could so that he could brief the Director of Military Operations and the Chief of the General Staff on the following morning.¹

¹ [CD1.3](#)

178.52 On 31st January 1972, Colonel Dalzell-Payne made a statement to the press from notes he had made for the purpose.¹ He told us that he cut and pasted various documents drafted by others in order to create these notes.²

¹ [CD1.34-43; G103.616-625](#)

² [CD1.4](#)

178.53 The material used by Colonel Dalzell-Payne in his press briefing included the joint RUC and Army press statement issued on 28th January 1972;¹ an extract from an MoD weekly intelligence report dated 28th January 1972;² extracts from the addendum to the Northern Ireland situation report 28th–31st January 1972;³ and a list of shooting incidents, probably provided to Colonel Dalzell-Payne as the annex to a report sent to him by Brigadier Tickell.⁴

¹ [CD1.38; G93.556](#)

³ [CD1.38; G99.598; CD1.40](#)

² [CD1.39; G85.532](#)

⁴ [CD1.41-43; G102.610; Day 245/24](#)

178.54 Brigadier Tickell told us that he was the editor but not the author of the report signed by him and dated 31st January 1972.¹ The report would have contained information obtained from various sources, including the Information Policy Unit. However, he said that it would not have been written by a member of the Information Policy Unit staff.²

¹ [G102.610](#)

² [Day 179/85](#)

Colonel Tugwell's BBC Radio interview on 31st January 1972

178.55 Hugh Mooney arranged for Colonel Tugwell to be interviewed by Chris Drake of the BBC on the night of 30th–31st January 1972. According to Hugh Mooney, Colonel Tugwell told him that four of the dead were on the “wanted” list. Hugh Mooney said that he did not know the source of Colonel Tugwell’s information.¹ Colonel Tugwell repeated this allegation during the interview.²

¹ [Day 239/116](#)

² [B1333.024](#)

178.56 In his oral evidence to this Inquiry, Colonel Tugwell said that the information about the “wanted” list was likely to have come from 8th Infantry Brigade or from Army Intelligence Branch. The latter, he said, would probably have obtained that information from the RUC.¹ In the radio interview, Colonel Tugwell referred to two of the wounded having admitted to carrying guns. He said he believed that he must have obtained this information from the “G” net (the radio network used between HQNI and the MoD), and that other material must have come from 1 PARA or 8th Infantry Brigade.²

¹ [Day 240/141](#)

² [Day 240/148](#)

178.57 It soon became apparent that the allegation about four men being on the “wanted” list could not be substantiated. According to Colonel Tugwell, Colonel Overbury drafted a statement for him to sign, providing more information about this allegation. The statement was supplied to the Widgery Inquiry. Colonel Tugwell’s evidence to us was that he played no part in the drafting of this statement.¹ The statement, which was dated 10th March 1972, contained the following passage:²

“I have today ... been given a list of the four names referred to. I now understand that the list from which these names were extracted is made up of individuals about whom there is a security trace. My lay interpretation of this is that there is some record in relation to the individual suggesting that he has been involved in rioting or some other subversive conduct. I believe that it means that in the event of their being arrested in a search operation they would be detained for questioning. It does not mean that they are being actively looked for and to that extent ‘wanted list’ may be an expression open to misconstruction.”

¹ [B1333.006](#)

² [B1316](#)

178.58 In the statement, the four men whose names appeared on the list were identified by their surnames only as Donaghy, Doherty, Duddy and Gilmour.

178.59 On Day 16 of the Widgery Inquiry (13th March 1972), Mr Gibbens QC (counsel for the Ministry of Defence) stated:¹

“... my learned friend, Mr. McSparran, drew attention to a statement by an Army spokesman soon after the events of 30th January that four of the thirteen deceased were on the Security Forces wanted list. There are more than one such list, all of which are regarded as highly secret ... I have caused enquiries to be made into the truth of the statement to which Mr. McSparran referred and I am now happy to tell the Tribunal that none of the deceased was on a wanted list. The spokesman spoke in good faith on information given to him, but, in fact, the information meant only that four of the deceased had either been previously convicted, or previously arrested, for riotous conduct and those were known to the Security Forces and that is all.

On behalf of the Ministry of Defence and General Ford I am authorized to express regret that a statement of that kind was made.”

¹ [WT16.50-51](#)

178.60 We have not seen any document in which Patrick Doherty, Jack Duddy, Hugh Gilmour and Gerald Donaghey are listed as individuals with a security trace.

178.61 On or about 8th February 1972, the Criminal Investigation Department (CID) inspector for “N” Division of the RUC asked for a report from Special Branch in Londonderry on each of those who had been killed or wounded on 30th January.¹ On 9th February 1972, the Chief Inspector of Special Branch reported that only four of them had ever come to the attention of Special Branch. He attached a report in respect of each.² The four were:

- Joe Mahon, who was said to have been a member of Na Fianna Éireann in August 1970;³
- Joe Friel, who was said never to have come to the attention of Special Branch but who was reported to be a relative of someone who had joined Na Fianna Éireann in August 1970;⁴
- Gerald Donaghey, who was not known to have been a member of any illegal organisation but who was said to have been found in possession of a belt of blank .303in cases on 27th August 1970;⁵ and

- Patrick Doherty, who was said never to have come to the attention of Special Branch but who was reported to be a relative of someone who was a member of the Women's Action Committee, an organisation linked to Provisional Sinn Féin.⁶

¹ [G118B.787.2](#)

⁴ [G118B.787.6](#)

² [G118B.787.4](#)

⁵ [G118B.787.7](#)

³ [G118B.787.5](#)

⁶ [G118B.787.8](#)

178.62 It is possible that the information requested in writing by the CID inspector on 8th February 1972 had been requested orally at an earlier stage. However, it seems unlikely that the information provided by Special Branch on 9th February was the same as that which was provided for use by Colonel Tugwell on the night of 30th January, or which formed the basis for the statement signed by him in March. Only two of the names provided by Special Branch appear on the list of four names set out in the March statement. Further, two of the Special Branch names are names of the wounded. All those claimed to have been on the “wanted” list were said to have died. It also seems unlikely that anyone, noting that two of the four identified by Special Branch were claimed only as relatives of those with security traces, would have felt able to describe them as being “wanted”. Colonel Tugwell, when shown the Special Branch documents in the course of his oral evidence, said that he had not seen them at the time.¹

¹ [Day 240/145](#)

178.63 Colonel Overbury said to us that he had no recollection of drafting a statement for Colonel Tugwell but he was prepared to accept that he had done so. He could not recall the source from which he had obtained the names of those said to have security traces.¹

¹ [Day 243/73](#)

178.64 Colin Wallace told us that information came in from 8th Infantry Brigade during the course of the night of 30th–31st January 1972 or early in the morning of 31st January to the effect that one of the dead, Gerald Donaghey, was a Fianna member. He said that efforts were made to check on the morning of 31st January 1972 on the accuracy of the allegation that four men were on the “wanted” list. He said that the “wanted” list was easily checked and it was established that none of the men was on it. He had no recollection of receiving at that stage any further information about them.¹ We have doubts about this part of Colin Wallace's evidence, but if it is correct, it suggests that he knew on 31st January 1972 the identities of those alleged to be on the “wanted” list. It appears that Colonel Tugwell did not at that time know their names.

¹ [Day 236/102-106](#)

178.65 Colin Wallace said that he was required during the course of the Widgery Inquiry to obtain such information as he could from intelligence sources about the history of the deceased and wounded. Colonel INQ 2241, Colonel General Staff (Intelligence), said he was asked to make checks on those who had been killed.¹ It is possible that the information compiled by Special Branch in February 1972 was sought at the request of the Army for use at the Widgery Inquiry. However, Colin Wallace did not recognise any of the Special Branch documents or the information contained in them, when the documents were shown to him in the course of his evidence.²

¹ [Day 236/109](#); [Day 284/83](#)

² [Day 236/105](#); [Day 236/108](#)

178.66 Joe Mahon had already given a statement and oral evidence to this Inquiry by the time that the Special Branch documents were disclosed. Following their disclosure he made a supplementary statement, denying that he had ever been a member of the Fianna.¹

¹ [AM18.29](#)

Information disseminated by military information organisations

178.67 Colin Wallace said that the MoD did not give any instructions to the Information Policy Unit after 30th January 1972 about the way in which the events of that day should be portrayed.¹ However, he identified two documents which were created after Bloody Sunday and which, he said, contained untrue information about it. The first was “The Knocking Game”, which he believed to have been created by Colonel Tugwell. The second was the “Clockwork Orange” document created in 1973–1974. Colin Wallace said that he was unaware of the creation of any other misleading documents relevant to Bloody Sunday.²

¹ [Day 236/124](#)

² [Day 236/151-152](#)

178.68 “The Knocking Game”¹, which was written in about April 1972, contained the following passage:

“Perhaps the most disgusting aspect of the Londonderry propaganda campaign is the manner in which the ‘Derry Martyrs’ have been deprived of all credit for what were, by any standards, brave and determined attempts by some of them to defend the Bogside against a parachute battalion. It was foolhardy for amateur gunmen to take on some of the best trained regular soldiers in Europe. Nevertheless they seized whatever weapons were to hand and died in the attempt. Only the most corrupt and cynical organisation would deliberately set out to deny them a proper measure of respect for their sacrifice.”

¹ [B1333.193](#)

178.69 Colonel Tugwell's evidence was that "The Knocking Game" was created by the Information Policy Unit with input from the press officers of 1 and 2 PARA. His recollection was that the document was distributed to all units and staff branches in Northern Ireland and at the MoD. Its purpose was to inform soldiers and officers about the media campaign against the Parachute Regiment and about the role of propaganda in revolutionary warfare. He believed that the document was not distributed to journalists although some may have obtained a copy.¹ Colin Wallace's evidence was that the document was given to journalists, and in particular to those who were infrequent visitors to Northern Ireland.² He said that the passage quoted above reflected the views held by some, but not all, within the Army.³

¹ B1333.080

³ Day 236/123

² Day 236/122

178.70 According to Colin Wallace, he created the "Clockwork Orange" document but drafted it to appear as though it had been written by a disillusioned member of the Provisional IRA. Colin Wallace said that the intention was to use the document to initiate stories in the press, causing the IRA to fear that it had a potential defector within its ranks. The document included a passage dealing in some detail with purported IRA activity on Bloody Sunday.¹ Colin Wallace told us that he based the document, for the most part, on information that he believed to be accurate. This was necessary in order to convince the IRA that the informant was genuine. He obtained many of the details about Bloody Sunday from the RUC's notes of interrogation of Witness X. He obtained the rest of the information from other sources or made it up. He could no longer identify any other sources of information.²

¹ KW2.220-223

² Day 236/129-137

178.71 Hugh Mooney said that he did not before or in the immediate aftermath of Bloody Sunday disseminate any false information relating to it and he was not aware of any such information being disseminated by anyone else.¹ In March 1972, Hugh Mooney approached TE Utleby with a proposal that Utleby should write a book giving publicity to the Army's case. In 1975, Utleby published *Lessons of Ulster*. The book contained information about Bloody Sunday which Hugh Mooney said he regarded as false. His evidence was that he had no involvement at all in the writing of the book.²

¹ Day 239/123

² KM6.47; Day 239/124

178.72 Hugh Mooney was the author of "Hindsight on Insight".¹ He wrote this following publication by the *Sunday Times* on 23rd April 1972 of the Insight Team's report on Bloody Sunday. In the document he criticised the Insight report. He said he could not

recall the sources of the information contained in “Hindsight on Insight”.² Colonel Tugwell sent a copy of this document to the *Sunday Times*. He did so because the Military Information Working Party regarded the Insight team as unfairly biased against the Widgery Report and he wanted to engage the Insight Team in discussion.³ The Insight Team provided a written reply⁴ and John Barry of the *Sunday Times* met Colonel Tugwell and Hugh Mooney. According to Colonel Tugwell, the meeting did not lead to a narrowing of the gap between the Insight Team’s views on Bloody Sunday and those of the Widgery Inquiry.

¹ M45.45

³ B1333.077

² Day 239/128

⁴ M45.49

- 178.73** It is possible that copies of “The Knocking Game” came into the hands of journalists. There is no evidence to indicate whether or not the “Clockwork Orange” document did so.

Conclusions

- 178.74** With the exception of a possible untrue rumour that the Army might invade the Creggan on 30th January 1972, we have found no evidence to suggest that the authorities sought in advance to spread false information as part of their plans for 30th January 1972. The inaccurate information published afterwards about the casualties was highly regrettable, and to our minds demonstrates a failure to take proper care in this regard. However, we have found no evidence that anyone involved in military information falsified any Army or government document relating to Bloody Sunday, nor any evidence that anyone involved in military information disseminated to the public anything about Bloody Sunday, knowing or believing that information to be untrue.

Chapter 179: Private 027

179.1 Private 027 was, in January 1972, a private in Anti-Tank Platoon of Support Company, 1 PARA. He was present in Londonderry on Bloody Sunday as the radio operator for Lieutenant 119, the Platoon Commander.

179.2 In 1975, Private 027 wrote a “memoir” that dealt, among other topics, with the events of Bloody Sunday. The memoir contained serious allegations against other members of 1 PARA. In it, Private 027 wrote that on the night before Bloody Sunday his Platoon Commander (Lieutenant 119) had told his platoon, “*we want some kills tomorrow*”.¹ We discuss this evidence in the course of considering the events of the weeks before Bloody Sunday. The memoir went on to describe circumstances where on Bloody Sunday certain members of his platoon had, without justification, fired at, and killed, unarmed civilians.² We consider these allegations in the context of discussing the firing by members of Anti-Tank Platoon. The memoir also alleged that soldiers had fired dum-dum bullets (modified rounds) of which they held illicit supplies.³ We consider this allegation in that part of this report dealing with the ammunition count and alleged spare, unauthorised rounds held by soldiers on the day.⁴

¹ [B1565.014.1](#)

³ [B1565.014.7](#)

² [B1565.014.5-7](#)

⁴ [Chapter 166](#)

179.3 The memoir also contained a claim that the written statement that Private 027 had made for the Widgery Inquiry (which contained none of the allegations in the memoir) had been written for him by “*Crown lawyers*” and was not a truthful account.¹ We consider this matter below.

¹ [B1565.014.10](#)

179.4 Private 027 told this Inquiry that in 1975, while on a visit to New York, he met by chance a man called Sean Patrick McShane, an American who claimed to be writing a book about Northern Ireland. Private 027 told the Inquiry that, on his return to the United Kingdom, he bundled up and sent to Sean Patrick McShane various memorabilia, including the memoir.¹ We should point out that although Private 027 said in his oral evidence to this Inquiry that it was “*conceivable*” that Sean Patrick McShane wrote the memoir from the material he sent,² we consider that he probably wrote it himself, as he had described in his written statement to this Inquiry.³ While in New York, it appears that he also gave a taped interview to Sean Patrick McShane.⁴

¹ [B1565.054](#); [B1565.113](#); [Day 247/50-52](#)

³ [B1565.055](#)

² [Day 248/63](#)

⁴ [B1565.015](#); [Day 247/51-52](#)

179.5 In about 1975 or 1976 it appears that Sean Patrick McShane passed some of Private 027's documents, including the memoir, to an Irish journalist called Tomas Mac Ruairi.¹ The latter in turn gave the documents to Sean O Mahoney, who was the financial backer of Tomas Mac Ruairi's publishing company and also a collector of Irish republican memorabilia.² Sean O Mahoney did nothing with them until renewed press interest in Bloody Sunday caused him to reread them. Realising their potential importance, he passed the documents to Tom McGurk, a journalist with an Irish newspaper, the *Sunday Business Post*.³ On 16th March 1997 the *Sunday Business Post*, in an article written by Tom McGurk, printed extracts from Private 027's 1975 memoir.⁴

¹ [M93.1](#)

³ [M92.2](#)

² [M92.1](#)

⁴ [B1565.072-77](#)

179.6 Tom McGurk handed a copy of the memoir to the Irish Government, which was at that time itself carrying out its own investigation into the events of Bloody Sunday.¹ The allegations made by Private 027 in his memoir featured prominently in the dossier which the Irish Government subsequently presented to the British Government, and in which the Irish Government called for a new public inquiry into the events in Londonderry on 30th January 1972. The dossier stated that, if authenticated, Private 027's memoir "*represents the most significant new evidence yet to come to light ...*"²

¹ [M56.3](#)

² [U218](#)

179.7 In early 1997, by coincidence and prompted by media coverage of the 25th anniversary of Bloody Sunday, Private 027 went to his local newspaper office and asked them to fax an anonymous letter to a Belfast newspaper, the *News Letter*.¹ The letter was published on 20th February 1997.² In the letter, Private 027 stated that he was a paratrooper who had been present on Bloody Sunday. He alleged that:³

"In the tension of the moment, a few hot heads [among the soldiers] opened fire with no justification. This sanctioned similar behaviour by others, almost as a knee jerk reaction to the gunfire."

¹ [B1565.058](#)

³ [B1565.088](#)

² [B1565.058](#)

179.8 Private 027 wrote in the letter of "*the gunning down of unarmed civilians, some of whom were shot at a range of 20 feet*".¹

¹ [B1565.088](#)

- 179.9** Through the staff of the *News Letter* and Private 027's local newspaper,¹ Radio Ulster contacted and conducted an on-air interview with Private 027.² The interview took place sometime after the publication of his anonymous letter and before 4th March 1997, when the *Derry Journal* newspaper carried a report of the broadcast.³ At the same time, the British television company Channel 4 was conducting its own investigation into Bloody Sunday. Again through the staff of the *News Letter* and Private 027's local newspaper, Channel 4 made contact with Private 027, who in mid-March 1997 gave Channel 4 an interview, parts of which were later broadcast.⁴
- ¹ [B1565.060](#) ³ [Day 249/92-93](#)
² [B1565.089](#) ⁴ [B1565.058](#)
- 179.10** Private 027 approached this Inquiry, through his solicitors Bindman & Partners, in April 1998. We took the view that his evidence was likely to be of the greatest importance. If he were to confirm the account attributed to him in the memoir submitted to the Irish Government, his evidence would implicate a number of individuals in grave wrongdoing on Bloody Sunday. If, on the other hand, he were to withdraw the earlier account or deny its authenticity, the allegations based upon that account might be exposed as false. We accordingly took steps to obtain his evidence, which proved difficult and time-consuming. These we describe in that part of this report dealing with the principal matters relating to the conduct of this Inquiry.¹ Those steps resulted in an agreement made between Private 027 and the Northern Ireland Office.
- ¹ [A1.1](#)
- 179.11** After concluding this agreement, Private 027 co-operated with the Inquiry. He signed a written statement on 7th June 2000 and provided it to the Inquiry on 6th July 2000. He gave oral evidence in Westminster Central Hall, screened from the view of the public, over four days in October 2002.
- 179.12** On 16th October 2002, at the commencement of Private 027's oral evidence,¹ his counsel produced the draft of a book² that Private 027 said he had written sometime during or after 1999, but which was not disclosed to the Inquiry until the week he commenced his oral testimony.³ He told us that he received an advance of £4,500 from his publisher for a 300,000-word manuscript.⁴
- ¹ [Day 246/1-2](#) ³ [Day 249/193-194](#)
² [B1565.276-367](#) ⁴ [Day 249/105](#)
- 179.13** During the course of his evidence, Private 027 referred to a "*field notebook*" and to a "*diary*", both of which he told us have not survived. Private 027 said that he made notes in his field notebook within days of the events described and recorded events in the course

of his military duties, while his diary contained personal matters unrelated to military affairs. The two terms sometimes became confused during his evidence, as occasionally the terms were used interchangeably. He said he made use of his field notebook during his interviews for the Channel 4 programme, portions of which could be seen in the video. He said that he flushed the notebook down a hotel toilet shortly after the programme was made.¹ He told the journalist Lena Ferguson that his personal diary had been stolen many years earlier when he was mugged in the Paris metro.²

¹ Day 247/70; Day 249/97

² B1565.255; Day 249/64-65

179.14 Private 027's accounts were not always consistent and he could not satisfactorily explain why some of his various accounts of events of the day differ. We consider Private 027's evidence from time to time in the report as we come to various places where he was, or said, he was present.

179.15 The representatives of the majority of the families accepted that "*in respect of a number of issues [Private] 027's evidence is unreliable*" and that his 1975 memoir "*contains exaggeration*".¹ However, they submitted:²

"Rather than simply dismissing the entirety of the evidence given by 027 on the basis of the exaggerations that are contained in some of his accounts, the Tribunal must attempt to distinguish those portions that cannot be relied upon from other portions that can. The reason for doing this is that in a number of material respects 027's evidence chimes with other evidence before the Tribunal."

¹ FS1.2413

² FS1.2414

179.16 The representatives of the majority of represented soldiers took what could be described as a more robust position.¹ They submitted, "*In brief ... [Private] 027's evidence was so tainted by exaggeration, fantasy and deceit as to be of no assistance ...*" and his "*evidence is so generally tainted that it would be unsafe – and unfair – to rely on anything he has said on any subject*". Apart from pointing out inconsistencies in various accounts he had given about the events of the day, these representatives submitted that Private 027 exaggerated his security concerns to extract from the Inquiry (in the agreement he made with the Northern Ireland Office) "*very substantial sums of money as a pre-condition to his giving evidence*". The representatives of other soldiers submitted that Private 027 is "*a fantasist, a man who exaggerates and embellishes, and then resiles from his previous accounts*"² and that "*many of [Private 027's] gravest allegations have been exposed as false*".³

¹ FS7.283-339

³ FS9.22

² FS9.61

179.17 It is difficult to categorise Private 027’s evidence. He backed away from a strict reading of the 1975 memoir, saying that “*perhaps it reflects a slightly unhinged mind at the time*”¹ and that he could see that “*it does not stand up as a rigorous piece of accurate reporting*”.² He made other remarks that appear, at least to us, to distance himself from his earlier accounts, remarks such as “*I cannot comprehend now the mentality that produced [the memoir]*”;³ “*I was living in an environment where ... an element of fantasy was par for the course*”;⁴ “*I believe I am relating my impressions as I believed them to be at the time*”;⁵ and “*I have no reason to doubt that [the memoir] would have been what I thought to be accurate at the time, but that does not attest to the accuracy of what I thought to be correct*”.⁶ His explanations about his 1975 meeting and subsequent dealings with Sean Patrick McShane, the loss of his diary and the reason for his destruction of the field notebook tend to stretch the imagination. His various 1997 encounters with the media and his 1999 book tend to show him as an attention-seeker. When Private 027’s allegations, partly at his own instance, became public in early 1997, he became caught up in events over which he had no control and he became reluctant to step forward. Yet we cannot say that he did not have honestly held security fears that made him reluctant to co-operate with the Inquiry until his concerns were satisfied.

¹ Day 248/101

⁴ Day 249/153

² Day 249/131

⁵ Day 247/27

³ Day 249/137-138

⁶ Day 248/43

179.18 In his oral closing submissions, counsel for the majority of the families described Private 027 as “*a wretched witness*”.¹ To a substantial extent we agree that this comment was justified. At the same time, we take the view that Private 027’s evidence cannot be wholly dismissed on the basis that it is such exaggeration, fantasy and deceit as to be of no assistance. Our conclusion is that it would be wrong to ground any of our findings about Bloody Sunday on his evidence alone, but equally wrong to ignore it where there is other material that tends to support what he told us.

¹ Day 428/24

Private 027's written statement for the Widgery Inquiry

179.19 Private 027's allegation that his statement for the Widgery Inquiry was fabricated appears for the first time in his 1975 memoir. He wrote:¹

"I was then interviewed in an office by two Crown lawyers on Lord Widgery's team. I rattled off everything I had seen and had done. The only thing I omitted were names and the manner in which people had been shot, apart from that I told the truth which I wanted to convey. Then to my utter surprise one of these doddering gentlemen said 'dear me Private 027, you make it sound as though shots were being fired at the crowd, we can't have that can we?' And then proceeded to tear up my statement. He left the room and returned ten minutes later with another statement which bore no relation to fact and was told with a smile that this is the statement I would use when going on the stand.

What a situation! The Lord Chief Justice of Great Britain, the symbol of all moral standings and justice having his minions suppress and twist evidence. With or without his knowledge who can tell? I was amazed!"

¹ [B1565.011](#)

179.20 Private 027 maintained this allegation in his written statement to this Inquiry:¹

"163. I began to give the lawyer my recollections. I cannot remember precisely what I did say and I do not know if it was just omissions or whether there was any positive fabrication. Although I was being economical with the truth as far as the detail of what I had witnessed was concerned, the events which I described had taken place. It was an attempt to justify the soldiers' actions as far as they were known, without being specific about connecting particular individuals with incidents. I cannot remember how successful or otherwise I was.

164. At the point when I described the shooting from the small wall by Kells Walk towards the centre of the crowd behind the Rubble Barricade, the lawyer stood up and expressed surprise and said something like ‘We can’t have that can we Private? That makes it sound as if shots were being fired into the crowd’ or something very similar. I was very surprised (I cannot remember if I expressed it or not). I thought that I had already watered down what I was saying and I was being told that even that was unacceptable. Just the idea that shots were fired, in the direction of large group of people standing together, seemed to have caused his reaction. I wondered what was acceptable if this wasn’t? I had consciously tried to put things in the least damning light that I reasonably could.

165. The man then took the statement and left the room. When he returned some time later, possibly 5 or 10 minutes (but it may have been more), a written or typed statement was given or shown to me. What was written did not accord with what I had told him earlier. At some point that statement appears to have been signed by me (I have no memory of doing so). I cannot remember if I continued with my account of the day. I may have done, and the statement may have been completed and signed afterwards, but I do not remember that.”

¹ B1565.053-054

179.21 Private 027 was somewhat less certain when he gave oral evidence. He told us that he remembered the “*incident*” about the lawyer admonishing him,¹ although he acknowledged that the lawyer did not literally tear up his statement as he had claimed in his 1975 memoir. He claimed now to have little or no recollection about giving statements for the Widgery Inquiry.²

¹ Day 247/30; Day 249/160

² Day 247/27-34; Day 247/422; Day 247/42-45

179.22 Private 027 was interviewed by lawyers acting for the Widgery Inquiry on 8th March 1972, at which time two written statements were prepared. The first, which was unsigned, was called a “Supplemental Statement”¹ that elaborated on passages in his Royal Military Police (RMP) statement.² The Supplemental Statement and the RMP statement were then amalgamated into a Consolidated or Composite Statement³ signed by Private 027. Although Basil Hall, the Solicitor to the Widgery Inquiry, recommended to counsel for the Widgery Inquiry that Private 027 should give oral evidence, he did not do so.⁴

¹ B1565.114

³ B1551-1552; Day 251/8-10

² B1546

⁴ Day 250/121-122

179.23 The solicitors who interviewed Private 027 were John Heritage, who had been seconded from the Treasury Solicitor's Department to the Widgery Inquiry and who became Basil Hall's "number two",¹ and CJ MacMahon, also of the Treasury Solicitor's Department, who was assigned to represent the interests of the Army witnesses.² Accordingly, Private 027's allegations would appear to relate to these as being the two solicitors one of whom, he alleged, prepared a false statement for him to sign.

¹ Day 250/110-111

² Day 251/33; Day 251/114-115

179.24 John Heritage gave evidence to this Inquiry, but CJ MacMahon died in 1999 before the Inquiry had an opportunity to interview him. When it was suggested to John Heritage that CJ MacMahon did say "We cannot have this, Private", he disagreed, saying that he would "certainly remember anything so improper".¹

¹ Day 251/129

179.25 We are sure that neither John Heritage (whom we regarded as a careful, honest witness) nor CJ MacMahon was party to creating a false statement as alleged by Private 027. In this connection, it is to be noted that in his RMP statement (on which much of his statements for the Widgery Inquiry were based) Private 027 had made no suggestion that soldiers had fired without justification. His explanation for signing this RMP statement was that he assumed that "... I must have gone along with the pressures inherent in the situation and that I was influenced to say what was least detrimental to the men in my section. The people taking the statements were also military men and it would be naive to think that they were not also influenced by those same considerations."¹ Although he told us that much of what was in the RMP statement was untrue, he did not allege that when he had made his RMP statement he had been persuaded or told to omit something that he had mentioned to the statement taker. In his written statement to this Inquiry he described "much of" the RMP statement as fabrication and that while the underlying progression of events was basically there, facts had been altered and added as justification for what occurred, "putting the shooters in a better light".² In the course of his oral evidence there was this exchange:³

"When you say 'facts have been altered and added as justification for what occurred', by whom are you saying that facts have been altered and added?"

A. I believe in the first statement which I made I used fabrication, it was coming from me.

Q. So the answer is: you, is it?

A. That is correct.”

¹ B1565.051

³ Day 247/14

² B1565.050

- 179.26** In our view, what is likely to have happened is that Private 027 felt that he had to invent a reason to explain providing a statement for the Widgery Inquiry that was inconsistent with his later accounts; and chose to do so by falsely laying blame for the inconsistency on others.
- 179.27** As we have stated above, our conclusion is that it would be wrong to ground any of our findings about Bloody Sunday on the evidence of Private 027 alone, but equally wrong to ignore it where there is other material that tends to support what he told us. On this basis, in the course of this report we consider in context the evidence that Private 027 gave on various matters.

Army and Police Communications

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Chapter 180: Introduction

180.1 With one exception, the means by which elements of the security forces communicated with each other were not a matter of controversy. The exception related to the question of whether a secure radio link, known as the BID 150, was used on 30th January 1972 to send an order from 8th Infantry Brigade to 1st Battalion, The Parachute Regiment (1 PARA) to mount an arrest operation. We consider this exception below.¹

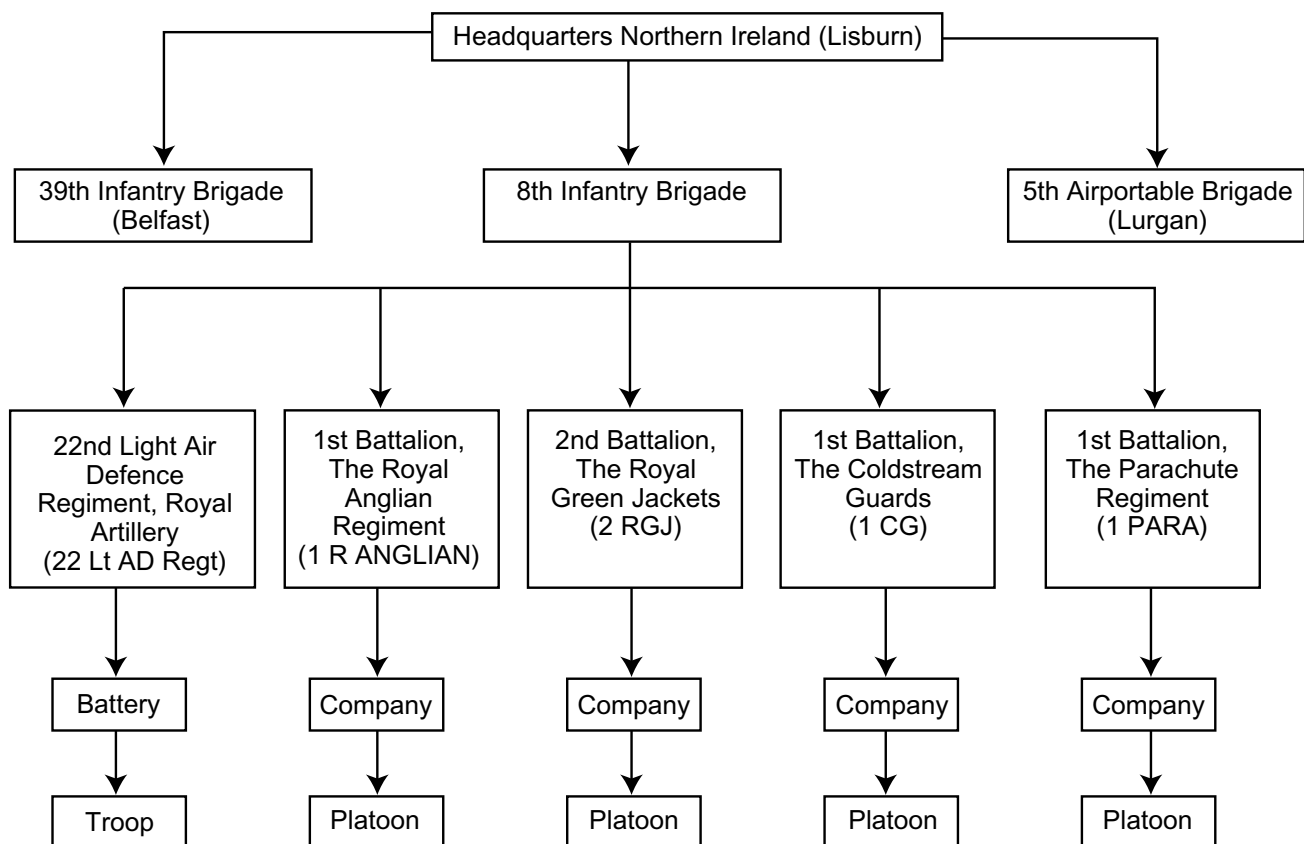
¹ [Chapter 189](#)

180.2 In this part of the report we consider the various means of communications used by the Army and the Royal Ulster Constabulary in Londonderry in 1972. We do so in order to assist in the understanding of the communications on the day.

Chapter 181: The hierarchical nature of Army communications

181.1 In 1972 a primary means of Army communication in Northern Ireland during a military operation was by voice radio. This allowed for the transmission of information along a chain of command. The relevant chain of Army command in Northern Ireland on 30th January 1972 is outlined in the diagram below. Of the battalions under the command of 8th Infantry Brigade on 30th January 1972, four (22nd Light Air Defence Regiment, Royal Artillery, 1st Battalion, The Royal Anglian Regiment, 2nd Battalion, The Royal Green Jackets and 1st Battalion, The Coldstream Guards) were based in the city and county of Londonderry. 1 PARA, based just outside Belfast, was usually under the command of 39th Infantry Brigade. It was attached to 8th Infantry Brigade for the operation on 30th January 1972. The diagram does not include 1st Battalion, The King's Own Royal Border Regiment, 3rd Battalion, Royal Regiment of Fusiliers and elements of the Ulster Defence Regiment, who were also under the command of 8th Infantry Brigade on that day.¹

¹ [W327](#); [G95.568-95.571](#)



181.2 The Royal Corps of Signals was responsible for the operation of radios and other equipment used at Headquarters Northern Ireland (HQNI) and at brigade level. A Signal Squadron from the Royal Corps of Signals was attached to 8th Infantry Brigade during the period 1971–1972.¹ At battalion level and below, however, the task of operating radios fell to soldiers from within that battalion, described as “signallers”. Lance Corporal 033, who acted as a signaller to Major Loden, the officer commanding Support Company of 1 PARA, told this Inquiry that those signallers in his battalion attached to Company Commanders were seconded from Signal Platoon, which was part of HQ Company of 1 PARA. At platoon level, the signaller was often a member of the platoon chosen for the role.² The battalion Signals Officer commanded Signal Platoon.³

¹ W351; W352

³ C2033.1; C1217.1

² B1621; B1621.001

181.3 Radio communication at each level within the chain of command was organised into a network or “*net*”, which was made up of a group of stations. A station could be any static or mobile location equipped with a radio. It could be the Operations Room of a brigade headquarters or an individual soldier carrying a portable radio. Within each radio net there was a control station to which all other stations on that net were subordinate. Since all the stations in a particular net were on a common frequency, they would be able to communicate with each other. Simultaneous conversations on a radio net were, however, not possible. Only one station could transmit on a net at any one time and transmissions could take place in only one direction at a time.¹

¹ W300

181.4 Radio nets were organised and operated in a manner consistent with the chain of command. For example, an officer commanding a company in 2 RGJ would not communicate directly with 8th Infantry Brigade Headquarters but would be restricted to transmitting information to his battalion headquarters. It would be for that battalion headquarters to transmit any information received from the Company Commander further up the chain of command to Brigade Headquarters.

181.5 The result was a hierarchy of networks, at the top of which sat the Northern Ireland net. HQNI in Lisburn was the control station for that net, with the other stations being the three different brigades then based in the Province. It was, however, the successive nets in this hierarchy with which we were most concerned. The first of these, and the next network in the hierarchy, was the Brigade net. For example, the headquarters of 8th Infantry Brigade acted as the control station for its own Brigade net, with the various battalions under its command representing the subordinate stations on that net. In turn, the headquarters of

each battalion acted as the control station of its own battalion net and, on that net, was linked to its constituent companies. The same arrangement existed for the company radio net and, where appropriate, the platoon net.

181.6 As would be expected, communication along the chain of command can occur in two directions. Forward communication goes down the chain of command, ie from HQNI down to platoon level. Backward or “*rear*” communication would travel up the chain of command. This obviously required some form of linkage between the various nets. That was achieved by the control station of a net also being a subordinate station on the net above it in the command hierarchy. Accordingly, a station communicating up the chain of command communicated with its “*rear link*”. To take the example of 2 RGJ (see the diagram above), the companies making up that battalion were on the battalion net and subordinate to the battalion headquarters as the control station on that net. They would therefore constitute the “*forward link*” for the battalion since they were lower in the chain of command. The battalion headquarters of 2 RGJ was a subordinate station on the 8th Infantry Brigade net, the control station being 8th Infantry Brigade Headquarters. It follows that the 8th Infantry Brigade Headquarters was the rear link for 2 RGJ.¹

¹ Day 242/101-103; W328; C416.1

181.7 Each net would operate on its own frequency, and a particular station utilised different radios to communicate on different nets. In early 1972 the Army was using two different radio systems in Northern Ireland. From battalion down to platoon level, the Army was predominantly using the Larkspur range of radios that had first been introduced into service in the 1950s. These were valve-operated and so had to be manually retuned at regular intervals.¹ They were classified according to their size (a reflection of the radio’s power output) and frequency range, the former being indicated by a letter prefix and the latter by a number. In terms of size, the designation began with “A” indicating a “*man packable*” or man-pack radio and went up to “E” – a radio so large that it had to be housed in a series of containers.²

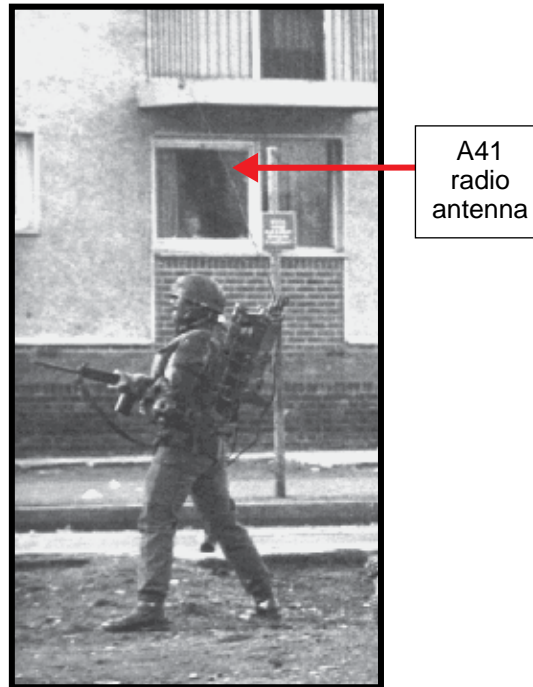
¹ C2090.13; Day 242/119

² C2090.14; Day 242/97

181.8 Members of the Army deployed in Londonderry in January 1972 generally used three types of Larkspur radio. All three operated on the very high frequency (VHF) band. The majority of Commanders deploying forward on foot used the station radio (SR) A41. This was the portable radio carried by all the signallers in 1 PARA on 30th January 1972. Despite being described as man-packable, the A41 was bulky with a lengthy antenna,

making the signaller carrying it obviously visible. This is shown in the photograph below. This was taken by Jeffrey Morris, a photographer with the *Daily Mail*, on 30th January 1972, and shows a signaller of 1 PARA.¹

¹ [M57.3; Day 242/98](#)



181.9 The weight of an A41 (with spare batteries) was somewhere between 38 and 45lb. Together with the antenna, this radio set came with a headset/microphone on which the signaller could receive and transmit messages. There was also a handset that the signaller could use to transmit messages.¹ The photograph below was taken by Captain INQ 573 at Magilligan Strand on 22nd January 1972 and shows two fellow members of 2 RGJ. As can be seen, the attached handset, which operated like a normal telephone, could be used by the Commander to both hear and relay messages.²

¹ [C127.2; B1621](#)

² [C573.11; Day 324/36](#)



181.10 Some platoon signallers in the resident battalions, such as 1 R ANGLIAN, carried the SR A40. Portable, but smaller than the A41, it weighed 10lb with its battery.¹ The third of the Larkspur radios in use was the SR C42. It was not portable and was designed to be mounted either in a vehicle or kept at a static location. The batteries required to power a C42 were the size of car batteries. A vehicle fitted for radio (FFR) would carry two C42 radios together with four batteries to power these radios.²

¹ [Day 242/117](#); [W338](#); [C1217.1](#); [C1217.5](#); [C794.1](#)

² [B1621.001](#); [Day 242/98](#); [Day 242/143](#)

181.11 The C42 had an ideal range of 10–15 miles. By contrast, the ideal range of the less powerful A41 was 3–4 miles. Since the Larkspur radios had been designed for use in open ground, however, they were much less effective when used in a built-up area such as the Bogside in Londonderry. Under such conditions, the range of the A41 would have been about half a mile. This reduction in efficacy was not a limitation unique to the Larkspur radio. Rather, it was a result of the operation of VHF radio requiring a line of sight. Were a building or buildings to block that line of sight then the VHF signal would be degraded.¹

¹ [B1621.001](#); [C127.2](#); [C2091.12](#); [Day 244/8-9](#); [Day 242/106](#); [Day 242/134-136](#)

181.12 The second type of radio utilised in early 1972 was the Pye system of radios. This was a commercial system produced by Pye Telecommunications Ltd and adapted for military use.¹ It was available from the level of HQNI down to, and including, battalion level.² The vast majority of Pye sets available in Northern Ireland in 1972 were intended for use either in a permanent location, where they could be powered from the mains supply, or mounted in a vehicle and powered by batteries. Some portable handsets were available.³ Lieutenant INQ 2091 (then based at 8th Infantry Brigade Headquarters) described these “*handbag sets*” as being the size of a “*chunky briefcase*”.⁴ Unlike the Larkspur radio, the Pye radio was pre-tuned to a set frequency and retained its tuning automatically. The adoption of powerful relay transmitters meant that the signals from these radios were less likely to degrade than that from a Larkspur radio when used in a built-up area such as Londonderry.⁵

¹ C2086.3; C1508.1

⁴ Day 244/13-14

² Day 242/106; C2090.16

⁵ C2090.13; Day 242/142; Day 242/139; Day 244/8-9; C2091.8

³ C2090.16; Day 242/106; C2033.3

181.13 We should also record that there is evidence that before Bloody Sunday some of the resident battalions were, at platoon level only, using portable Stornophone radios in place of Larkspur radios.¹ A number of former soldiers serving in Londonderry recalled having Stornophone radios available on 30th January 1972.² Often nicknamed “*Stornos*”, these radios, like the Pye radios discussed above, were a commercially produced system purchased by the Army. There is little doubt that the use of Stornophone radios was a consequence of the fallibility of Larkspur radios in built-up areas.

¹ W346; W355

² B1949.002; C245.2; C470.2; C419.2; C1298.5

181.14 It is convenient at this stage to explain some terms used by the Army when using its communication systems. Military terminology would describe a brigade or higher level of command as a “*formation*”. A battalion, artillery or engineer regiment would be described as a “*unit*”. Any element below the level of a unit (be it a company or a platoon) would be described as a “*sub-unit*”.¹ It should be noted that presence on a radio net was not restricted to those units and sub-units involved in a particular operation and forming a direct link in the chain of command. A helicopter or senior officer acting in the role of an observer could, for example, be a station on a net.

¹ Day 242/101; W300

181.15 Earlier in this chapter we illustrated the concept of a control station on a radio network by reference to a headquarters. The Army identified a headquarters, whether that of a brigade or battalion, as having three separate elements. The first is the “main

headquarters". Generally, this would be the permanent location of a formation or unit. The second is the "tactical headquarters" (Tac HQ). Again, this could be a static location but could also be a vehicle. Establishing a Tac HQ allowed a Commander to place himself closer to the positions from which his units or sub-units were deploying. The third element is the "Commander's mobile", also known as the "Commander's Rover Group". This comprised a Commander's team when he moved forward on foot or in a vehicle. Typically it consisted of a driver, one or more signallers, and a bodyguard.¹

¹ [Day 242/104-105](#); [Day 242/110](#); [C2090.15](#); [W301](#); [W330](#)

Chapter 182: Signal instructions

182.1 Each level in the command hierarchy would have distributed a typewritten standing signal instruction (SSI). These SSIs would have given general but detailed instructions on the availability and use of communications equipment in the area under command. We have not been able to trace the SSI issued by Headquarters Northern Ireland (HQNI) and 8th Infantry Brigade and in use on 30th January 1972. The Inquiry was provided with a copy of the “HQNI Internal Security Instruction 1/71 (Revised) dated 15 October 1971”.¹ This lists the topics covered in the HQNI SSI² and the 8th Infantry Brigade SSI.³ The Inquiry was also provided with a copy of a SSI issued by 8th Infantry Brigade dated 22nd August 1972.⁴ Although this post-dates the events of Bloody Sunday, it provides an insight into the content of these instructions and some background to the equipment and radio networks used by 8th Infantry Brigade and its subordinate units. It also refers to the “8 Inf Bde HQ & Signal Sqn Sig Op Instr no 1/71 (second Revise) dated 17 December 1971”. This would have been the 8th Infantry Brigade SSI in force on 30th January 1972.

¹ G20.141

³ G20.150

² G20.149

⁴ W305

182.2 Alongside the SSI, a brigade or battalion involved in a specific military operation would produce a separate signal instruction for the units or sub-units under its command. The Brigade Operation Order for 30th January 1972 (Operation Forecast) is dated 27th January 1972 and was approved by Brigadier Patrick MacLellan, the Commander of 8th Infantry Brigade.¹ While setting out in detail the responsibilities and deployment of the various battalions under the command of 8th Infantry Brigade, it refers to a separate signal instruction.² That document has not survived. Captain INQ 1903, then second in command of the Signal Squadron at 8th Infantry Brigade Headquarters, told us that either he or Lieutenant INQ 2090 (who commanded one of the two troops making up the Signal Squadron) would have prepared the signal instruction for Operation Forecast.³ In his written statement to this Inquiry, Lieutenant INQ 2090 explained, “*As a junior ranking officer at that time, I was not involved in the planning of communications links for military operations.*”⁴ It seems therefore that Captain INQ 1903 probably prepared this signal instruction.

¹ G95.564; B1232

³ Day 253/94

² G95.575

⁴ C2090.1

182.3 Although he did not have a “*specific recollection*”, Captain INQ 1903 told us that the drafting of the Brigade signal instruction for Operation Forecast would, as a matter of routine, have been followed by a meeting between the Signals Officers at 8th Infantry

Brigade and the regimental Signals Officers (RSOs) from each of the battalions involved in the operation. That meeting would have discussed the frequencies and call signs to be used by the various battalions and the communications equipment available to them. The RSOs would then have drafted the signal instructions for their own battalions.¹ The meeting of Signals Officers is likely to have immediately followed on from the co-ordinating conference held at Ebrington Barracks on 28th January 1972 at which Brigadier MacLellan met the Commanding Officers of the various battalions under his command.² This conclusion follows from the fact that the signal instruction drafted by the RSO of 1 R ANGLIAN is dated 29th January 1972³ and that the undated 1 PARA signal instruction contains a list of the call signs in use by 8th Infantry Brigade on that same date.⁴

¹ [Day 253/98-100](#)

³ [C1217.1; C1217.5](#)

² [B1232](#)

⁴ [W292](#)

182.4 The battalion signal instructions issued by 1 PARA¹ and 1 R ANGLIAN² for Operation Forecast were available to this Inquiry. It is apparent that these are not pro forma documents but were created for this particular operation. Although they differ in their layout, both set out the equipment, frequencies and nicknames to be used by the battalion. These battalion signal instructions would have been widely distributed both within the battalion and to other units in 8th Infantry Brigade, as well as to 8th Infantry Brigade Headquarters itself. For example, Support Company of 1 PARA received six copies of the 1 PARA signal instruction, which explains Lance Corporal 033's recollection of receiving a copy of the instruction.³

¹ [W287](#)

³ [Day 324/39-40](#)

² [W363; W365](#)

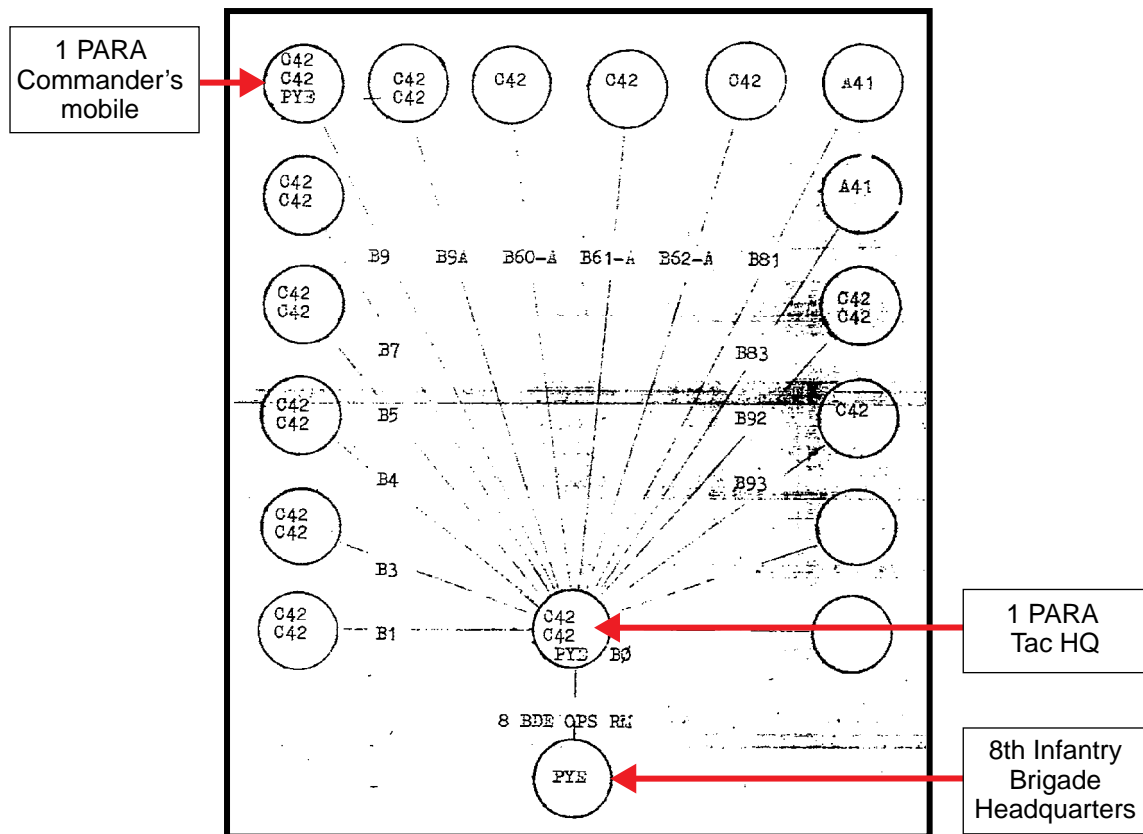
182.5 A common feature of both documents is the communication or "*net diagram*", which summarises in diagrammatic form the allocation of radios to particular sub-units (be they companies, platoons or individuals). The net diagram for 1 PARA, taken from the battalion signal instruction, is shown below. We have identified the battalion's Tac HQ, which, as can be seen from the diagram, was equipped with two C42 radios and a Pye radio. The latter allowed the 1 PARA Tac HQ to operate as a station on the 8th Infantry Brigade net and the diagram shows it linked to 8th Infantry Brigade Headquarters. The Tac HQ is also shown linked to a number of circles, each representing a sub-unit on the 1 PARA battalion net. The sub-units are identified by a letter and number sequence known as a call sign (B1, B3, B4, B5, etc). We explain call signs in more detail below.¹ The sub-units represented on the net diagram not only included the command vehicles of companies such as Support Company (B5) and C Company (B3), but also individuals

such as the RSO (B83) and the battalion's second in command (B9A). With one exception, the sub-units shown on the net diagram were all provided with A41 and C42 radios, and so would only be able to transmit on the 1 PARA battalion net. The exception was the Commander's mobile (B9). This was Lieutenant Colonel Derek Wilford's personal vehicle. It was fitted with a Pye radio, which allowed Colonel Wilford to communicate on the 8th Infantry Brigade net directly.² 1 PARA did not have a "handbag set", which would have allowed Colonel Wilford to communicate on the 8th Infantry Brigade net when away from his vehicle. Instead a signaller carrying an A41 radio (B81) would have accompanied him.³ That meant that Colonel Wilford could then only communicate with 8th Infantry Brigade Headquarters by sending a message to his Tac HQ on the battalion net and asking them to relay it to Brigade Headquarters on the Brigade net.

¹ Chapter 187

³ C2033.3

² C2033.5; C366.1



Chapter 183: Radio nets operated by the Army in Londonderry

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183.1 In January 1972 there were two radio networks available to the Commander of 8th Infantry Brigade, which allowed communication forward to the units under his command and also with his rear link (ie Headquarters Northern Ireland (HQNI)). These were the Ulsternet and the Guardnet.

The Ulsternet

183.2 On 30th January 1972, 8th Infantry Brigade communicated with the battalions under its command by way of a Pye Westminster (W15FM) radio system.¹ This radio system formed part of a province-wide net called the Ulsternet, linking the three brigade areas to HQNI in Lisburn. Transmissions from 8th Infantry Brigade on the Ulsternet were relayed to its subordinate battalions through a relay transmitter located outside Londonderry at Sheriff's Mountain and back to HQNI through another relay transmitter on Slieve Gallion, also outside Londonderry.²

¹ [W301](#); [W305](#); [B1233](#)

² [C2090.13](#); [Day 242/108-109](#); [W348](#)

183.3 It is appropriate to regard the Ulsternet as referring to the hardware (ie Pye radios) used at HQNI and brigade level. It should not be thought that 39th Infantry Brigade in Belfast was a station on the same radio network as a battalion based in Londonderry. Rather the Pye radios on the Ulsternet were used on four different radio nets: three independent brigade nets linking each brigade headquarters with its subordinate battalions and a fourth radio net linking those brigade headquarters with HQNI. As we discuss below HQNI did not actually communicate with the brigades using the Ulsternet. It could listen into a Brigade net if necessary. During the course of our hearings, and in the submissions made by the interested parties, the radio network which linked 8th Infantry Brigade with

the battalions under its command was variously described as “*the 8th Infantry Brigade net*”, “*the Brigade net*”, “*the Pye Ulsternet*” and “*the Ulsternet*”. The communications between 8th Infantry Brigade and its subordinate battalions, and in particular 1 PARA, are central to our analysis of the events of Bloody Sunday.

The Guardnet

183.4 When the Ulsternet was introduced in 1970, the C42 Larkspur radios previously used to provide 8th Infantry Brigade’s forward link to its battalions were relegated to the status of a back-up net. Called the Guardnet, this was only to be used in the event of a failure of the Ulsternet. The various battalions were therefore on notice to maintain their capability to use the Guardnet at all times, although that could have meant no more than retuning a C42 radio to the Guardnet frequency. The Guardnet was less effective than the Ulsternet since it lacked the relay transmitters available on the Ulsternet. The control station on the Guardnet at 8th Infantry Brigade Headquarters was kept permanently open allowing this net to be used as the principal control for helicopters used on routine brigade tasks. There is no evidence to indicate any failure in the Ulsternet on 30th January 1972 that required the deployment of the Guardnet.¹

¹ W305; C2090.13; Day 242/108; C2091.12; Day 244/6-9; C1217.2

Secure radio

183.5 It was widely known throughout the Army in Northern Ireland that the radio networks in use in 1972 (at all levels including brigade) were not secure and could be monitored by civilians.¹ Civilians could and did listen in to the security forces’ radio transmissions. James McCafferty, then a 17-year-old schoolboy, told us that his hobby was to listen to Army and police transmissions on his transistor radio.² As we discuss below,³ telephone lines used by the Army were sometimes intercepted.

¹ Day 242/110-111; Day 244/30; Day 285/64; C1830.2;
Day 386/169

² AM60.1; Day 179/26

³ Chapter 191

183.6 An operational directive issued by Brigadier MacLellan dated 10th November 1971 referred to this lack of security.¹

¹ G27.207

(5) Communications. We must accept the fact that our Pye communications which can be picked up on transistor radios and TV sets, are completely insecure. No mention of future intentions is to be made over the Pye network unless the new fixed cursor SLIDEX code is used. All units are to ensure that normal Voice Procedure security is used by all ranks over our communication networks. Ordinary telephones may be used for restricted matters only in a guarded manner; privacy telephones can only be used for confidential administrative matters, and are NOT to be used for future operational intentions.

183.7 The SLIDEX system referred to in this operational directive was a manual encryption system in use throughout the Army. The system could be used both with Larkspur and Pye radios and relied upon code cards and an authentication chart. Lieutenant INQ 2090 told us that the SLIDEX system was “*terribly un-user-friendly*” and so was used as little as possible in the field during an operation.¹ Although the two available battalion signal instructions, including that for 1 PARA, refer to the SLIDEX system,² there is no evidence that it was used on 30th January 1972.

¹ W301-302; Day 242/117-118; Day 242/153-154;
Day 342/41-42

² W290; W364

183.8 Secure radio, which could not be listened to without authorisation, was available in 1972 to allow for communications between a brigade and its subordinate battalions. Often described as “*the secure means*”, the equipment used an adapted C42 Larkspur radio together with a piece of encryption equipment called the BID 150 and known as the “*green box*”.¹ The BID 150 was similar in size to the C42 radio and, like it, was not portable. To maintain security, the cryptographic cards used in the BID 150 were changed on a daily basis.² In the course of the oral hearings it became common to refer to the entirety of the secure means (ie radio and green box) as “the BID 150”. As noted in the introduction to this part of the report, the question of whether a secure link between 8th Infantry Brigade and 1 PARA was available and used on Bloody Sunday was a matter of controversy. We consider this below,³ but first it is helpful to explain further how the BID 150 worked.

¹ W301; Day 242/69

³ Chapter 189

² C2090.14

183.9 In 1972, the BID 150 was so highly classified that contemporary photographs show it hidden under a blanket. It operated on a separate frequency to that utilised by either the Guardnet or the Ulsternet. When in operational use batteries, separate from those used to power the C42 radio, powered the green box. These gave the equipment an

operational time of about eight hours, though that could be less if there was heavy radio traffic on the secure means. The equipment was difficult to use and its sound quality poor. The BID 150 automatically encrypted and decrypted a transmitted message. There was no restriction on the type of message that could be sent on the system. While the users would hear normal speech, anyone intercepting the transmission would encounter encrypted speech.¹

¹ W301; C2090.14; Day 242/129-130; Day 242/150; Day 242/166-167; Day 242/171-172; Day 244/46-47; C2033.3

183.10 Such was the sensitivity of the equipment that it had to be held in a secure environment. When it was not so held, it was permanently manned. According to Lieutenant INQ 2090, it was more often the case that the BID 150 was both kept in a secure environment and permanently manned. It could be kept in a building or mounted in a vehicle. The BID 150 was not broadcast on a speaker. When in use it was manned by a signaller who could receive and transmit messages using a special headset and microphone and keep a log to ensure that the equipment was working properly. A number of former soldiers recalled that the BID 150 made an audible and regular beeping sound when in use which stopped when a transmission was about to be made. A secure “*tinsel tail*” could be used to link a BID 150 housed in a Land Rover or a radio room to an operations room or office. The tinsel tail would lead to a remote handset known as an RCDM box. This was a black telephone on a red box and nicknamed the “red handset”. Where a transmission was not answered directly on the remote handset, then the signaller manning the BID 150 could use a remote buzzer to alert an officer.¹

¹ Day 242/111-112; Day 242/126-129; Day 242/166-169; Day 244/5; Day 244/9-11; Day 244/32-35; Day 352/118-119; Day 241/57; C2006.5; Day 386/166; C1770.4; C1853.4; Day 255/67

Brigade co-ordinating conference. However, he could not be sure whether that recollection, or his 1972 account, was the correct one. When he gave oral evidence to us, Colonel Welsh indicated that he preferred his 1972 account.¹

¹ [B1334](#); [WT10/56](#); [B1340.002](#); [Day 282/22-23](#); [Day 282/42-43](#); [Day 282/74-75](#)

184.5 A detachment of three Bell 47 Sioux helicopters formed Kangaw Flight of 3 Commando Brigade Air Squadron. The flight was based at Ballykelly Barracks (sometimes known as Shackleton Barracks), which was also the base for 2 RGJ in January 1972. The command of the flight was shared by Captains INQ 2054 and INQ 2088.¹ The two-man Sioux helicopter carried two radios, one to communicate with other aircraft and air traffic control, the other a Pye Westminster which allowed it to communicate on the 8th Infantry Brigade net.²

¹ [C2054.1](#); [C2088.1](#); [C2054.10](#)

² [C2088.2](#); [C2054.11](#)

184.6 The Sioux helicopter in which Colonel Welsh was a passenger was piloted by Captain INQ 2088. The evidence indicates that this helicopter was in the air from approximately 1345 hours and used the call sign 61 Yankee on the 8th Infantry Brigade net. At about 1615 hours it was relieved by a second Sioux helicopter, piloted by Captain INQ 2054 with Corporal UNK 555 as an observer. This helicopter used the call sign 61 Delta on the 8th Infantry Brigade net and remained airborne until approximately 1745 hours.¹

¹ [C2054.2](#); [C2054.28](#); [C2054.40](#); [C2088.3](#); [C2088.52](#); [W108](#) serial 27; [W130](#) serial 403

184.7 Colonel Welsh was able to speak to Captain INQ 2088 via the helicopter's intercom. The evidence of both was that Colonel Welsh operated the Pye radio.¹ Neither of the two Sioux helicopters was equipped with a camera.² Another helicopter, a Westland Scout, was used to record footage of the march.³

¹ [C2088.2](#); [WT10.56](#); [B1340.002](#)

³ [C2030.1](#); [C2030.2](#)

² [C2054.2](#); [B1335](#)

Chapter 185: The Army monitoring of radio nets on 30th January 1972

185.1 In 1971, the 8th Infantry Brigade tactical headquarters (Tac HQ) was relocated from Victoria Barracks to Ebrington Barracks, so placing the Brigade's main and tactical headquarters at the same location. On 30th January 1972, the focus of the 8th Infantry Brigade Tac HQ was the Operations Room. This was on the top floor of a two-storey building located within a secure compound at Ebrington Barracks. Immediately below was the communications centre (COMCEN), which housed the radio room. Usually manned by two or three signallers from Alpha Troop of the 8th Infantry Brigade Signal Squadron, the radio room held a Pye Westminster radio and a C42 radio for the 8th Infantry Brigade net and Guardnet respectively. Both nets were broadcast on speakers in the radio room, although headphones could be used for the C42 radio. There were no headphones available for the Pye radio.¹

¹ [C2090.2-3](#); [Day 242/123-125](#); [C1508.1](#); [C1508.2](#); [C2086.3](#)

185.2 The task of the signallers manning the Pye Westminster and C42 radios in the radio room was to monitor radio traffic to ensure that the equipment was working properly. In order to do so, they would perform occasional radio checks and maintain a log of the transmissions on a particular network. On 30th January 1972, Lance Corporal INQ 1508 manned the Pye Westminster set in the radio room at Ebrington, and so monitored the 8th Infantry Brigade net. Lance Corporal INQ 1508 began his shift at 0825 hours and finished at 1757 hours.¹

¹ [C1508.1](#); [C1508.2](#); [W61](#); [W86](#)

185.3 The recollections of the officers based at Ebrington Barracks differed as to the precise arrangement of the rooms on the upper floor of the 8th Infantry Brigade Headquarters building. This may have been not only due to the passage of time, but also because it seems that the building was renovated shortly after Bloody Sunday. What is certain is that as well as the Operations Room, the top floor accommodated offices for Brigadier MacLellan and the Brigade Major Colonel Steele, as well as Major INQ 1900, who was the Deputy Assistant Adjutant and Quartermaster General (known as the DQ and responsible for personnel and logistics matters), and Captain INQ 1803, the staff officer responsible for intelligence and security.¹

¹ [C2086.3](#); [C2086.8](#); [C2091.4](#); [WT16.69](#); [Day 267/13-14](#); [Day 267/58-59](#); [B1315.154](#); [Day 253/87](#); [C1900.1](#); [C1900.3](#); [C1803.4](#)

185.4 Cables connected the radio hardware in the radio room to “remotes”, ie speakers and handsets, in the Operations Room.¹ As to the layout of the Operations Room itself, witnesses described a long and narrow room with large windows overlooking the River Foyle. Maps of Northern Ireland and the city and county of Londonderry were pinned to a wall. Covered in plastic, these could be marked in pen. Staff on duty in the Operations Room sat at a Formica desk above which were speakers broadcasting the transmissions on the 8th Infantry Brigade net and Guardnet. On the desk were the handsets to allow Operations Room staff to transmit on these networks, and a number of telephones.² It seems that the Operations Room also held desks for some staff officers such as Major INQ 1770, whose role included dealing with community relations.³ The 8th Infantry Brigade net was also broadcast on a speaker in Brigadier MacLellan’s office. Colonel Steele did not have a speaker in his office.⁴

¹ C2090.3

³ C1770.1; C1770.3

² Day 241/84; C1901.1; C2091.4; C2091.5; C2086.3; WT11.11

⁴ Day 262/30; Day 267/14; JL1.2; WT17.20

185.5 In the Operations Room, a junior officer on the 8th Infantry Brigade staff would be tasked with monitoring the radio communications being transmitted on the 8th Infantry Brigade net and Guardnet, recording them in a log and responding to them where necessary. A clock on the wall allowed the officer to record when communications were received or sent.¹ Tasked specifically for this role, these junior officers were called watchkeepers. It was not necessary for a watchkeeper to come from the Royal Corps of Signals. The Historical Record of 8th Infantry Brigade Headquarters and Signal Squadron shows that there were three watchkeepers on the 8th Infantry Brigade staff at any one time in the period between 1st September 1971 and 1st April 1972.² On 30th January 1972, the watchkeepers were Lieutenant INQ 2091, Lieutenant INQ 2086 and Captain INQ 1987.³

¹ C2091.5

³ C2091.1; C2091.3; C2086.3

² W351; W352

185.6 The watchkeepers worked under the supervision of Major INQ 1901, the Operations Officer, who was responsible for the day-to-day running of the 8th Infantry Brigade Operations Room. According to Lieutenant INQ 2086, “*If there was a major incident, the GSO3s [ie more senior staff officers] would take over, and the watchkeeper would stand aside.*” Usually only one watchkeeper would be on duty at any one time, working a 12-hour shift. During an operation two watchkeepers might be on duty together.¹

¹ C1901.1; Day 244/23-26; C2086.3

185.7 The position seems to have been different on Bloody Sunday. Major INQ 1900 drew a distinction between officers at the level of Lieutenants INQ 2091 and INQ 2086, whom he termed assistant watchkeepers, and more senior staff officers at the level of (and including) Major INQ 1901, whom he termed watchkeepers. The recollection of Major INQ 1900 was that the assistant watchkeepers maintained the log in the Operations Room. The evidence of Lieutenant INQ 2091, however, was that more senior officers took on the task of watchkeeping the 8th Infantry Brigade net on Bloody Sunday. The regular assistant watchkeepers were relegated to a secondary role. His recollection was of coming on duty in the morning and being tasked to assist in the watchkeeping of the Guardnet and also in taking phone calls and messages. Lieutenant INQ 2086 had completed his shift in the Operations Room at 0800 hours that morning. He was summoned back to the Operations Room and reached it some time after 1600 hours. He described that day as being the only time he saw three watchkeepers on duty. As he had no role he was relegated to sharpening pencils for the watchkeepers. The only evidence regarding the third regular watchkeeper, Captain INQ 1987, was that of Lieutenant INQ 2091, who thought that the former might have been in the Operations Room that evening.¹

¹ [Day 241/33-36; C2091.3; Day 244/26-27; Day 244/44; C2086.5](#)

185.8 Whatever the precise staffing complement on the day, the evidence of those who were in the Operations Room on 30th January 1972 is that it was fully manned and crowded. It is likely that, given the extent of Operation Forecast, a decision was taken to use more senior and experienced officers to monitor the 8th Infantry Brigade net. As discussed below, the log kept in the Operations Room was intended to be a record of all messages received by, and sent from, that location. Its construction was a team effort.

185.9 At battalion level, watchkeepers would also have been assigned in each Tac HQ to monitor, and log in writing, radio transmissions on the 8th Infantry Brigade net and individual battalion nets. On 30th January 1972, these battalion Tac HQs were centred on an operations room in a building or a command vehicle parked in a static location, depending on their deployment. Both 1 R ANGLIAN and 1 CG, for example, based their Tac HQs in vehicles. The Tac HQ of 1 R ANGLIAN was located at Craigavon Bridge and centred on a box-type lorry converted for use as a command vehicle. This remained parked at the same location throughout the day. To quote Lieutenant INQ 1217, the 1 R ANGLIAN signals officer, the lorry was used "*in the same way as a portacabin would*

have been".¹ The Commanding Officer of 1CG based his Tac HQ in two vehicles, which initially moved around the area under his command. When the march began, he positioned his vehicles in the vicinity of Brooke Park, in the north-west of the city.²

¹ C1217.2; C1924.4

² C598.4; C598.12; Day 272/12-16

185.10 By contrast, 22 Lt AD Regt's Tac HQ was at Victoria Barracks, attached to Strand Road RUC station.¹ 22 Lt AD Regt shared this location with the RUC. On Bloody Sunday its Operations Room was on the first floor of the RUC station. Major INQ 1121, the second in command of 22 Lt AD Regt, was the most senior officer in the 22 Lt AD Regt Operations Room on Bloody Sunday. Responsibility for running the operations room fell to Captain INQ 406, the 22 Lt AD Regt Operations Officer.² Transmissions on the 8th Infantry Brigade net and the 22 Lt AD Regt battalion net were broadcast on speakers in the Operations Room, which was also equipped with two ordinary (civilian rather than military) telephones. On the day, the watchkeeper responsible for monitoring the 8th Infantry Brigade net was Lieutenant INQ 1041. A non-commissioned officer monitored the battalion net. A written log of the radio transmissions received and made by the Operations Room was maintained. From approximately 1400 hours to 1900 hours Lieutenant INQ 1041 kept the log. Indeed his superior, Captain INQ 406, blamed the poor quality of the resulting log on his own decision to assign the task to an inexperienced junior officer.³

¹ G89.545

³ Day 274/39-43; C1041.1-2

² C1121.2; C406.1; C406.5

185.11 1 PARA had a mobile Tac HQ. This was made up of a number of vehicles (including those for the battalion's Regimental Signal Officer (RSO) and Intelligence Officer). At its core was a command vehicle (sometimes referred to as the command post vehicle) nicknamed the Gin Palace.¹

¹ C720.1; C2006.1; C2006.26; C0233.1

185.12 Cramped and uncomfortable, the Gin Palace was a converted World War II-era Commer van, the rear of which had been divided into two sections, each with its own entrance. A hatch in the partition between the two sections allowed those in the front to communicate with those in the rear. The front section carried the radio equipment, functioning therefore as a radio room. A mains socket made it possible to connect the Gin Palace to the mains electricity supply, from which the radio batteries could be charged. Two signallers manned the radios, which, on Bloody Sunday, included a C42 Larkspur tuned to the 1 PARA battalion net and a Pye Westminster tuned to the 8th Infantry Brigade net. Each signaller kept a handwritten log of the radio traffic. The rear section of

the Gin Palace functioned as an operations room. It had a desk pushed up against one hard side of the van. A map, radio net diagrams and call sign lists were fixed above the desk. The 8th Infantry Brigade and 1 PARA nets were broadcast over loudspeakers. The rear section was manned by the Operations Officers who undertook the role of watchkeepers and maintained a log of the communications to and from the Gin Palace. Handsets on the desk allowed the watchkeepers to transmit on the radio nets.

185.13 On Bloody Sunday, the watchkeepers in the Gin Palace were Captain INQ 2033, the 1 PARA RSO, and Captain INQ 1853, the battalion's motor transport officer. The evidence of both officers is that they worked together to maintain the log and man both the Brigade and battalion nets. However, it appears that Captain INQ 2033 took primary responsibility for the 8th Infantry Brigade net and Captain INQ 1853 for the 1 PARA battalion net.¹

¹ C720.1; C720.2; C1853.1; C1853.2; Day 255/58-60; Day 255/64-66; Day 255/71; Day 255/131; C2006.4; C2033.1; C2033.2; Day 352/114-118; Day 352/120; Day 386/154-156

The production of radio logs

185.14 The Army's monitoring of its communications involved the use of two types of written log. The first was the log kept by a signaller as part of the process of ensuring that the communication system he was manning was working properly. The second was the log kept for operational purposes. Both types of log were maintained from the level of battalion up. However, during an operation of the sort which occurred on Bloody Sunday, it seems that a written log of the communications at company level would not have been kept.¹

¹ Day 324/39

185.15 The only example of a signaller's log we have is that kept by Lance Corporal INQ 1508 during his shift in the radio room at Ebrington Barracks, and to which we have already referred. This log, also described as a radio room log, was provided to the Inquiry in typescript form.¹ We were unable to trace the manuscript version. According to Lieutenant INQ 2090, it was very unusual for a signaller's log to be produced in

typed form. The logs were usually retained for a few weeks and then destroyed. Lieutenant INQ 2090 speculated that the log might have been typed up because of the significance of Bloody Sunday.²

¹ W61

² Day 242/129-133

185.16 It was the usual practice for the operations log to be typed up. Lieutenant INQ 2090 accepted that one of the functions of log-keeping was to enable those in operational control to provide accurate information to those who might be required to take action. The aim therefore was to produce a record of all the information that came into the Operations Room. That included the information received not only on the Brigade net but also by other means including telephone. As well as the watchkeepers, the Operations Officer and other staff officers might record (or cause to be recorded) information in the manuscript log. For example, the evidence of Lieutenant INQ 2086 was that it was not unusual for the Brigade Major, Colonel Steele, to come into the Operations Room and ask for something to be recorded in the log. In the Operations Room at 8th Infantry Brigade Headquarters, information was recorded in pencil on pro forma log sheets. Once a log sheet had been filled, it would be taken away immediately to be typed up by a clerk. The typed sheet would then be compared with the manuscript original for accuracy, significant errors corrected and copies distributed. The log was available to personnel in the Operations Room as an update of the progress of an operation.¹

¹ Day 241/33; Day 242/147; Day 244/39-40; C1901.2; Day 261/84-87; C1770.4; C1770.5; C2086.5

185.17 It was not always possible for a typescript version of the log kept at a battalion Tac HQ to be produced immediately. This was the case even for 22 Lt AD Regt, whose Tac HQ on Bloody Sunday was located at its permanent base at Victoria Barracks. Its Operations Officer, Captain INQ 406, told us that 22 Lt AD Regt had fewer clerks than 8th Infantry Brigade. His recollection was that the typed log (a compilation of the manuscript logs of the transmissions on the brigade and battalion nets, together with information received from other sources such as the RUC) would be prepared overnight.¹ For those battalions with a mobile Tac HQ it was inevitable that their operations logs could not be typed up immediately.

¹ C406.11; Day 274/48-50

185.18 In January 1972, Sergeant INQ 2006 was a member of the 1 PARA Signal Platoon.¹ He explained that in the Gin Palace the signallers each maintained a log in an A4-size book. These would not be typed up but retained until no longer required and then destroyed. The Operations Officers (Captain INQ 2033 and Captain INQ 1853) also maintained a log, which Sergeant INQ 2006 called a "battle log". His recollection was that this was also

a bound book in landscape format. However, the recollection of Captain INQ 1853 was that he and Captain INQ 2003 had separate blank pads on which they recorded information. The Gin Palace also used message pads known as “F Sigs 266”. These were used to contribute to the battle log information that reached the Gin Palace via other means. Following an operation, the manuscript logs compiled by the Operation Officers, together with the message pads, were handed to the battalion’s Intelligence Section to be typed up. The resulting typed log was an amalgam of this information.²

¹ C2006.1

² C2006.5-8; Day 386/157-161; C720.2; C720.3; C1853.3; C1853.4

185.19 We do not have any manuscript version of either the signallers’ logs or the operations logs relating to Bloody Sunday. The Inquiry was, however, provided with a number of logs in typescript form. These were:

- a) the operations room log for HQNI dated 22nd January 1972;¹
- b) the operations room log for HQNI dated 30th January 1972;²
- c) the operations room log for 8th Infantry Brigade dated 30th January 1972;³
- d) the radio room (signallers) log for 8th Infantry Brigade dated 30th January 1972;⁴
- e) the 1 PARA log dated 30th January 1972;⁵
- f) the 22 Lt AD Regt log dated 30th January 1972;⁶ and
- g) the 1 R ANGLIAN log dated 30th January 1972.⁷

¹ W1

⁵ W89

² W23

⁶ W93

³ W37

⁷ W100

⁴ W61

185.20 The typed versions of the operations logs were produced on sheets from a pro-forma pad. These all had the same format. An example – taken from the 8th Infantry Brigade log for 30th January 1972 – is shown below.¹ Each sheet is divided into columns. The first column (Serial) records the number for each entry in the log; the second (DTG or Date-time group) records the time. The third (To) and fourth (From) columns record who sent and who received the message. Where there is a blank, this indicates that the message was sent or received by 8th Infantry Brigade. The fifth column (Event) records the information received or transmitted by 8th Infantry Brigade. It is relevant here to highlight a common aspect of these logs. They were not verbatim transcripts of conversations on

a radio network. Rather, the watchkeeper sought to summarise the information being transmitted on the log sheet. The sixth column (Action) records any action taken as a result of an entry or entries in the log. For example, it can be seen at serials 79, 83 and 89 that information was passed to HQNI, Colonel Steele, the Brigade Major (abbreviated here to "BM") and Brigadier MacLellan (identified as "Comd"). The final column (Sign) records the initials of different individuals. Lieutenant INQ 2090 told us that the initials indicated the person responsible for the accompanying entry in the log,² a recollection with which Major INQ 1901 agreed.³ However, the top of each sheet has a space for the name of the log keeper. It may be therefore that these entries represent what another watchkeeper, Lieutenant INQ 1770, described as "*action taken as a result of an entry*" in the log.⁴ We note that there do not appear to be any entries in this final column in the various battalion logs available to us.

¹ W42

³ Day 261/87

² Day 244/40-41

⁴ C1770.4

LOG SHEET						
SECURITY CLASSIFICATION _____ (REPEAT AT BOTTOM OF PAGE) Form 152 of 30						
COPY NO 4 OF 8 COPIES						
Formation/Unit HQ 8 Inf Bde Date 30 Jan 72 Log Keeper(s) _____ Sheet No. SIX						
Serial	DTG	To	From	Event	Action	Sign
(a)	(b)	(c)	(d)	(e)	(f)	(g)
76	1429		61Y	600 people in field another 200 people on the way.		
77	1432		61Y	Ref Coaches. None arrived so far.		DD
78	1435		61Y	Funeral Procession in Rossville Rd 25 strong. Going up Westland St.		DD
79	1436		61Y	Crowd now 700 strong moving down Linsfort Drive, now in order to form up.	Passed to HQNI	
80	1439		61Y	They have an articulated lorry which they intend driving into the hollow square which they have formed to use it as a "speakers platform".		
81	1440		20D	Leaving now for city to relieve Q Harvey.		
82	1441		1CG	All road blocks now in.		
83	1445		1CG	2 occupied houses entered not searched; 15, Marlborough Rd. 37, Marlborough Av. Occupants complaining.	BH info'd.	DD X
84	1446		1RANG	At B'well 25 youths attacking. Baton rds used to keep them away.		
85	1447		61Y	800 crowd on Inniscain Rd leading SW.		
86	1448		61Y	Procession head at Rathlyn Drive, tail at Central Drive.		
87	1449			Head half way down Rathlyn Drive, tail still in Central Drive.		
88				T4 changes under command 1 CG to 22 Lt to 1450 hrs.		
89	1450		HJHI	Major Robin Alers-Camley shot in Derry 2½ months ago (283J) died in UK today for OLF and Comd.	Cond info'd.	DD
90	1454		61Y	Head of crowd entering Southway. Crowd now 1000. Tail of crowd leaving Linsfort Drive.		DD
91	1456		6UDR	Request to lift road blocks negative.		

185.21 With one exception, we have taken the timings recorded in the DTG column as recording when the entry was made; and have assumed that unless the message itself indicates otherwise, the entry was made as soon as the message in question was sent or received.

The exception is the 1 PARA log, the first page of which is shown below.¹ The first entry is timed at 1103 hours and the second at 1203 hours. Thereafter the timings on the log proceed in five minute blocks or larger; the larger blocks being multiples of five minutes. This approach seems to have been adopted for the rest of the log. When questioned about this, Captain INQ 1853 suggested that “*when things became busy either the times were blocked or they were blocked together and amalgamated by the person who typed the log sheet*”.²

¹ W89

² Day 255/146

SECURITY CLASSIFICATION RESTRICTED (REPEAT AT BOTTOM OF PAGE) Army Form 856 (Parts of 50)							
LOG SHEET							
Formation/Unit		1 PARA		Date		30 Jan 72	
				Log Keeper(s)		Sheet No. One	
Serial	DTG	To	From	Event	Action	Sign	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	1103	8 Bde	+	Bn now complete in base area (Drumahoe factory)			
2	1203	+	B30	At RV Comms good Route easy			
3	1240	+	B1	In Posn			
4	1245	+	B5	In Posn			
5	1250	+	B3	In Posn - All complete			
6	1320	+	B9	for Adjt ring Mr Piper Daily Mirror on Belfast 44251			
7	1345	All Sta	+	SITREP (1) Only reported sighting 50 pers Hamilton St/Anne St (2) No major incidents			
8	1345	+	B4	Have captured a wanted man	Info only		
9	1350	+	B4	Serials 2 - 17 complete except for closing ops.			
10	1400	All	+	Crowd moving along West Way about 500 strong and groups going to Blighs lane 4175664			
11	1415	BIC	+	Arrest Team at Fort George as planned			
12	1430	All	+	600 - 800 moving towards start of march at Bishops Field			
13	1440	All	+	700 moving to Linsford Drive 4117164 to playing fields			
14	1445	B9A	+	Watchdog Team at Fort George			
15	1450	All	+	Crowd between Linsford Dve/Southway heading South			
16	1500	All	+	41911577 head of crowd			
17	1500	All	+	200 past Blighs Lane down Lone Moor Road			
18	1500	+	8 Bde	Signal 301435Z Jan Conf			
19	1500	All	+	Crowd stopped at Junct Coach/Lone Moor Rd awaiting rest of of crowd. Crowd being addressed.			
20	1505	+	B9	Watchdog Team will be report to Tac and will stay here			

RESTRICTED

(1184) D4197912 20m 1/71 G.W.B.L.24

185.22 Some entries on the 1 PARA log were given the same time, as shown by serials 34 to 36 in the log extract below¹ – all timed at 1630 hours. The first of these transmissions is from the Gin Palace (identified with a plus sign) to 8th Infantry Brigade Headquarters (identified as Bde), while the remaining two are transmissions to the Gin Palace (again identified with a plus sign). These transmissions could not have been made at the same time. Captain INQ 1853 suggested that the first entry might have been timed at 1630 hours

“and then three or four serials later it might have been 1640 and they were just spaced out by the person who compiled the log in the end”. He suggested that it was unusual to give individual times to transmissions coming in at “slightly different times”.²

¹ W90

² Day 255/146-147

32	1615	1 & 5	+	Have we made any arrests	Yes a number
33	1615	+	B5	Gunman. Pistol. Returned fire	Passed Bde
34	1630	Bde	+	2 shot civilians in area Chamberlain St. Medic needed	
35	1630	+		B5, B5 Are secure in area William St. One cas for Sp Coy	Medic passed
36	1630	+		Bn released to our command	
37	1635	9	A	Taxi on way to pick up 2 bodies.	
38	1640	+		Bodies to go to hospital with RMO	

Chapter 186: Civilian monitoring of Army and Royal Ulster Constabulary radio transmissions on 30th January 1972

186.1 In his written statement to this Inquiry, William O’Connell, who in 1972 was a member of the Internees’ Dependants’ Fund, recalled that as “*a result of the events at Magilligan [on 22nd January 1972] there was a sense of misgiving or trepidation that seemed to permeate throughout the community in the run up to Sunday 30 January*”.¹ As a consequence the Fund set up two listening stations to record Army and police radio communications on the day. These stations were set up on the premises of James Porter in William Street and at a house in Jacqueline Way in the Bogside, and began monitoring security force communications from Friday 28th January.² However, when he gave oral evidence to us, William O’Connell rather resiled from the suggestion that the Fund had set up these listening stations, seeming to suggest only that he was present when the listening station in Jacqueline Way was set up.³ Furthermore, Dr Raymond McClean, then the Vice-Chairman of the Internees’ Dependants’ Fund, on being shown William O’Connell’s written evidence, told us that he had never before heard of the Fund setting up listening stations in the days preceding Bloody Sunday.⁴ In these circumstances, while we are sure that there were listening stations, whether they were set up by the Internees’ Dependants’ Fund remains in doubt.

¹ [AO7.1](#)

³ [Day 181/6-8](#)

² [AO7.2](#)

⁴ [Day 175/60-63](#)

186.2 Patrick Clarke, an electrical engineer, was the person who set up the listening station at Jacqueline Way. In his written statement to this Inquiry, he described the habit of civilians listening to police and Army transmissions as a “*national pastime*”. However, he had never taped radio transmissions before Bloody Sunday. His decision to do so was prompted by a conversation with James Porter, a lecturer at Londonderry Technical College where Patrick Clarke had studied, and who was planning to record the radio transmissions made by the security forces. We consider James Porter’s evidence below. Patrick Clarke was also motivated to make a recording by his apprehension, in light of the events at Magilligan which he had witnessed; because he thought it important to have a record of the day; and, since he was attending the march, because he wished to listen to the recordings later. He told us that he had not been asked to set up a listening station by the Internees’ Dependants’ Fund.¹

¹ [AC154.1; Day 204/57-60](#)

186.3 To describe Jacqueline Way as a listening station might be an exaggeration. Patrick Clarke tuned a radio to an Army frequency and then placed a tape recorder microphone in front of the radio speaker. He began listening to the transmissions on the evening of Friday 28th January 1972 but did not make any recordings until the day of the march itself. The transmissions were recorded in real time on ordinary analogue tapes, each side of which recorded 45 minutes of sound. Patrick Clarke attended the march and left it to his 12-year-old daughter to change over the tapes. The result was three or four tapes, only one of which apparently contained anything of relevance. Patrick Clarke's recollection was that, a month after Bloody Sunday, he passed that tape to James Porter. Unfortunately it was destroyed when James Porter's shop was firebombed in July 1972.¹

¹ [AC154.2](#); [AC154.5](#); [Day 181/40-41](#); [Day 204/55-56](#); [Day 204/60](#)

The Porter tapes and transcripts

186.4 In 1972 James Porter was, as he remained at the time of this Inquiry, a licensed radio amateur. A qualified electrical engineer, he ran an electrical and radio business with premises in William Street, as well as lecturing in electronics at Londonderry Technical College. James Porter's evidence was that he had begun to listen to police radio transmissions in 1968. Realising that the events occurring at that time in Northern Ireland were of historical interest, he decided to set up listening equipment and record the radio transmissions made by the security forces. Like William O'Connell and Patrick Clarke, to whose evidence we have referred above, James Porter was a member of the Derry Citizens' Central Council. In his written statement to this Inquiry, James Porter explained that part of his role on the Council was to record potentially historic events – as others involved with that body would have known. He provided tape recordings of the 1969 Battle of the Bogside, and gave evidence, to the Scarman Tribunal of Inquiry. A second reason given by James Porter for his listening to these transmissions was to have a "hotline" to alert him to potential riots in William Street, which might threaten his premises. James Porter told us that the police would normally telephone Protestant key holders "warning them there was a riot and get there to protect their premises if possible, but they never did it to any Catholic key holders. I happened to be a Catholic".¹

¹ [Day 181/38-39](#); [AP9.20.5](#); [AP9.18](#); [WT17.69](#)

186.5 By January 1972, James Porter was able to record police and Army transmissions simultaneously. Transmitted on different frequencies, these were recorded on two separate tape recorders, using receiving equipment built by James Porter himself. Working from the first floor of his shop at 38 William Street, James Porter recorded Army

radio transmissions on 28th, 29th and 30th January and 2nd February 1972, and RUC radio transmissions on 30th January 1972. The recording of the RUC transmissions was a continuous one. However, the tape recorder used to record the Army transmissions had “carrier control”, meaning that it recorded only actual transmissions. According to James Porter he was able to listen not only to the 8th Infantry Brigade net, but also to Army transmissions at battalion, company and platoon level.¹

¹ [Day 181/77](#); [AP9.39](#); [AP9.18](#); [AP9.20.3](#); [AP9.20.4](#); [AP9.20.14](#)

186.6 Shortly after Bloody Sunday, and having made copies of his recordings, James Porter sent his original tapes to a friend in the Republic of Ireland. It seems that they were not returned to him until 1992. In 1972, James Porter supplied copies of his recordings to John Hume, then the Member of Parliament for Foyle at the Stormont Parliament (though at the time of this Inquiry neither had a recollection of this happening) and to Radio Telefís Éireann (RTÉ) in the Republic of Ireland. James Porter’s evidence was that RTÉ then passed a copy of the Army recording to the Irish Department of Justice, which in turn supplied a transcript to the Widgery Inquiry.¹ That last detail would seem to be inaccurate. The Widgery Inquiry did have a transcript of the Army radio transmissions recorded by James Porter on Bloody Sunday, a copy of which was obtained by this Inquiry. However, it appears that this transcript was prepared on the instructions of the solicitor representing the families of the deceased at the Widgery Inquiry and submitted to that Inquiry by counsel instructed on behalf of the families of the deceased.² James Porter made a written statement for the Widgery Inquiry. He made his tape recordings available to that Inquiry but was not called to give oral evidence.³

¹ [AP9.18](#); [Day 180/18-19](#); [Day 181/92](#); [AP9.40](#); [AP9.72](#); [AP9.20.13](#)

³ [AP9.18](#); [WT17.64](#)

² [WT10.57](#); [WT11.24](#); [ED69.1](#)

186.7 James Porter provided this Inquiry with copies of all the recordings he made on Bloody Sunday, together with his available recordings made on 28th January, 29th January and 2nd February 1972.¹ From the beginning of the Inquiry these recordings were known as “the Porter tapes”. He also provided transcripts of the recordings of Army transmissions on 28th January and 29th January 1972 to Meredith Elliot, a solicitor with the Inquiry.² British Irish Rights Watch, a non-governmental organisation, provided the Inquiry with transcripts

of James Porter's recordings of Army and RUC transmissions on 30th January 1972. These transcripts, described in our proceedings as "the Porter transcripts" were checked against the recordings themselves by Inquiry staff and amended where necessary.³

¹ AP9.20.2

³ W152; W225

² W14; W21

186.8

It is useful here to explain the format of the Porter transcripts. The example below is the first page of the transcripts of James Porter's recording of Army transmissions on Bloody Sunday.¹ Broadly speaking, it follows the layout of the Army logs as already described. The first column (item) contains a series of serial numbers, which relate to this transcript alone. The next two columns indicate by whom the communication was made and to whom it was directed. The next column (Event) is the transcript of what was said. A task undertaken by the Inquiry's staff was to cross-reference, where possible, a verbatim entry in the Porter Transcript with a shorthand entry in the 8th Infantry Brigade log. The penultimate column on the sheet (Serial #), therefore, gives the serial number of the corresponding entry in the 8th Infantry Brigade log for 30th January 1972. The final column (DTG) shows the time of that corresponding entry in the 8th Infantry Brigade log. This provides a useful means by which the transmissions recorded by James Porter can be timed.

¹ W107

Audio Tape 6
Tape Counter

020
1.00

TRANSCRIPT OF MR PORTER'S TAPES OF ARMY RADIO TRANSMISSIONS ON
30 JANUARY 1972
WITH 8 INFANTRY BRIGADE LOG ENTRIES

MR PORTER'S ARMY RADIO TRANSMISSIONS				8 INFANTRY BRIGADE LOG	
Item	To	From	Event	Serial #	DTG
1			... will be complete in five minutes. Over.		
2			Zero. Roger. Out.		
3	0	90A	Hello, Zero, this is 90A. 1301 [phone?] ... wait ... out. A busload of people has just debussed at the junction Hamilton Street/Foyle Street and has now moved up Hamilton Street. Over.	43	1305
4	90A	0	Zero. Roger. Out.		
5	0	54A	Hello, Zero, this is 54A. Positions 18, 19, 20, 21, and 22 and 23 are now complete. 24 is in the position in ... Is in, ah, ah, being completed in about five minutes. Over.	44	1306
6	54A	0	Zero. Roger. Out.		
7	0	90A	Hello, Zero, this is 90A. The bang at 131 ... 1301 was in fact Felix blowing a lock to obtain entry in the derelict building. Over.		
8	90A	0	Zero. Roger. Out.		
9	0	90A	Hello, Zero, this is 90A. Serials 12 and 13 in position. Over.		
10	90A	0	Zero. Roger. Out.		
11	0	54A	Hello, Zero, this is 54A. Er, more stoning down at Brandywell at call sign Hotel 3's location, by about 15 chokos stoning OPs 2, 3 and 4. Baton rounds have been fired and a few hills scored. Over.	48	1318
12	54A	0	Zero. Roger. Out.		
13	0	54A	Hello, Zero, this is 54A. We've just stopped somebody at a VCP junction Abercorn Road/Maureen Avenue. Has a shotgun and some cartridges. He appears to have a current licence. We're checking this out now. Over.	51	1337
14	54A	0	Zero. Roger. Out.		

The Porter recording of the 8th Infantry Brigade net transmissions on 30th January 1972

186.9 There is no dispute that the Army transmissions recorded by James Porter on Bloody Sunday were on the 8th Infantry Brigade net. Aside from the fact that the transcript of these recordings can be cross-referred to entries in the 8th Infantry Brigade log, there is other evidence to support that conclusion:

- Lieutenant INQ 2090 listened to an extract from the recording of Army communications on Bloody Sunday and was able to identify a “*perceptible double click*” at the end of that particular transmission, which he described as a hallmark of the Pye Ulsternet system.¹
- Colonel Steele, the Brigade Major, was able to recognise his own voice on the Porter tape, as were other officers based in the 8th Infantry Brigade Operations Room on Bloody Sunday.²
- Both Captain INQ 2033 and Captain INQ 1853 were able to identify their own voices on the Porter recording.³ The voices of both officers were also identified by Sergeant INQ 2006.⁴
- Colonel Welsh confirmed that transmissions he made on the 8th Infantry Brigade net appeared on the Porter tape.⁵

¹ Day 242/169-170

² Day 267/30-31; C1901.6; C1770.6; C1770.7

³ C2033.1; C1853.8; Day 255/59-61; Day 255/89-90

⁴ C2006.22; C2006.23

⁵ B1340.003

Chapter 187: Call signs

Contents

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187.1 When using a radio network at any level, the Army identified each station on the network with a unique designation known as a call sign. In a reflection of the hierarchy of radio networks in use, the call sign allocated to a particular station was dependent on the network to which that station belonged. However, it was always the case that the control station in a network would be given the call sign zero.¹ When recorded on the log, the control station (usually the tactical headquarters (Tac HQ) for an operation) is sometimes identified with a plus sign or a blank.²

¹ [Day 244/15](#)

² [C2033.7](#)

The 8th Infantry Brigade net

187.2 On the 8th Infantry Brigade net it was usual to change the call signs on a daily basis as a security measure,¹ although the Signal Squadron had fixed call signs.² The majority of call signs allocated to the various stations on the 8th Infantry Brigade net on 30th January 1972 were in number format, with the operations room of 8th Infantry Brigade representing the control station. As discussed below, a minority were in the format digit–digit–letter. The call signs to be used on 30th January 1972 were distributed to all the battalions involved in Operation Forecast, including 1 PARA. They are listed in an annex to the 1 PARA signal instruction, which also shows that call signs used by 8th Infantry Brigade were changed on a daily basis.³ The details in this annex, together with a number of contemporaneous documents,⁴ form the basis of the table below, which lists the call signs used on the 8th Infantry Brigade net on 30th January 1972.

User	Call sign
8th Infantry Brigade HQ Operations Room	0 (Zero)
8th Infantry Brigade radio room	0C (Zero Charlie)
Major General Robert Ford, Commander Land Forces	74
Brigadier Patrick MacLellan, Commander, 8th Infantry Brigade	96
Helicopter carrying Lieutenant Colonel Peter Welsh	61 Yankee
Helicopter which replaced that carrying Colonel Welsh	61 Delta
Lieutenant Colonel Derek Wilford, Commanding Officer, 1 PARA	81
1 PARA Tac HQ	65
Lieutenant Colonel James Ferguson, Commanding Officer, 22 Lt AD Regt	79
22 Lt AD Regt Tac HQ	90
Lieutenant Colonel Roy Jackson, Commanding Officer, 1 R ANGLIAN	97
1 R ANGLIAN Tac HQ	54
1 R ANGLIAN – Strabane	54 Charlie
Commanding Officer, 2 RGJ	77
2 RGJ Tac HQ	94
2 RGJ – Magherafelt	94 Bravo
2 RGJ – Magilligan	94 Charlie
Lieutenant Colonel INQ 598, Commanding Officer, 1 CG	16
1 CG Tac HQ	76
Commanding Officer, 1 KOB	19
1 KOB Tac HQ	1
Commanding Officer, 3 RRF	26
3 RRF Tac HQ	38
30 FD SQN RE	93
EOD (Explosive Ordnance Disposal)	88
1 UDR (Ulster Defence Regiment)	68
5 UDR	17
General Officer Commanding	60

¹ C2086.4; Day 244/16

² Day 253/100-101

³ W292

⁴ W293; W294; W295; W296

187.3 It is useful to point out three features of this table:

- The call sign Zero Charlie (0C) identified the radio room at Ebrington Barracks.¹
- The table above does not list all those who would have had access to the 8th Infantry Brigade net. For example, General Ford's Royal Military Police escort also had a call sign on the 8th Infantry Brigade net.²
- In addition to the call signs listed above, each battalion on the 8th Infantry Brigade net had an Alpha call sign. For example, 22 Lt AD Regt had the call signs 90 and 90 Alpha (90A), while 1 PARA had the call signs 65 and 65A. The Tribunal heard evidence that the Alpha suffix was used to designate a shadow HQ, for example that operated by a second in command.³ Alpha could also be used to denote a forward or Tac HQ as distinguished from a battalion's main HQ.⁴ That seems to have been the case on 30th January 1972. Indeed, the annex to the 1 PARA signal instruction listing the call signs in use on that date identifies, for example, 90 and 54 as the call signs for the main headquarters of 22 Lt AD Regt and 1 R ANGLIAN respectively. The 8th Infantry Brigade order for Operation Forecast dated 27th January 1972, under the heading "*Tac Locations*", lists the positions of the Tac HQs of the various battalions deployed as part of the operation.⁵ At the time, the main headquarters of 1 R ANGLIAN was at Ebrington Barracks.⁶ This battalion had a box-bodied vehicle fitted out to be used as a Tac HQ.⁷ On 30th January 1972, this vehicle, parked at Craigavon Bridge, was used as the Tac HQ for 1 R ANGLIAN with the call sign 54 Alpha.⁸ 22 Lt AD Regt had been assigned the role of City Battalion in December 1971,⁹ with a Tac HQ located at Victoria Barracks.¹⁰ On 30th January 1972, the Tac HQ of 22 Lt AD Regt was at the same location and used the call sign 90 Alpha (90A).¹¹

¹ C1508.3

² C2.24-25

³ Day 244/17-18

⁴ Day 244/62

⁵ G95.575

⁶ CJ2.10

⁷ C1217.2

⁸ CJ2.10; W107 serial 5

⁹ G133.882

¹⁰ G133.883; C406.2

¹¹ W107 serial 7

187.4 It should be noted that 1 PARA's Tac HQ (often called the Gin Palace) used call sign 65 rather than 65 Alpha (65A).¹ The reason for this can be traced to the decision of Colonel Wilford to treat the Gin Palace as his main headquarters, with his own Rover Group (ie his vehicle) acting as the 1 PARA Tac HQ,² something which is reflected in the annex to the 1 PARA signal instruction.³

¹ W110 serial 62

² B1110.029

³ W292

Battalion and company level

187.5 At battalion level, the Army used a fixed call sign system, with the various companies in a battalion being identified by a call sign in the format letter–digit. The letters used, known as call sign prefixes or fixed unit indicators,¹ were standard and did not change. For example, all battalions in the Parachute Regiment used Bravo (B) as a fixed prefix.² Each company in a battalion would then be identified by a fixed number. To take the example of an infantry battalion, A Company would have the number 1, B Company, 2, C Company, 3 and so on. Again, the control station on a battalion net (typically the Tac HQ) would be designated as zero.

¹ [G89.548; W364](#)

² [B1621.001](#)

187.6 Platoons, communicating on a company net, had double-digit call signs. The first digit identified the company to which a platoon belonged and the second that particular platoon. To continue with the example in the preceding paragraph, if we assume that A Company of 1 PARA was made up of three platoons, then the company's tactical headquarters on its company net would be given the call sign 10, the first platoon would be given the call sign 11, the second the call sign 12 and the third the call sign 13.¹ If a platoon operated its own radio net, then the sections making up that platoon would be identified by call signs in the format digit–digit–letter, with the first digit denoting the company, the second the platoon, and the letter the section. The platoon numbers would have run in a single sequence through the company. So, while the first platoon of the three making up A Company would have been given the number 1, the first platoon of the three making up B Company would have been given the number 4, and the first platoon of the three making up C Company would have been given the number 7.

¹ [C709.3](#)

187.7 The tables below show the call signs for the all the battalions (except for 1 PARA) deployed in Londonderry, and their constituent companies.

22 Lt AD Regt (call sign prefix: Hotel (H))¹	
Call sign	User
Hotel 0 (H0)	Tac HQ, 22 Lt AD Regt
Hotel 1 (H1)	53 Battery, 22 Lt AD Regt
Hotel 2 (H2)	11 Battery, 22 Lt AD Regt
Hotel 3 (H3)	15 Missile Battery, 22 Lt AD Regt
Hotel 4 (H4)	42 Battery, 22 Lt AD Regt

2 RGJ (call sign prefix: November (N))²	
Call sign	User
November 0 (N0)	Tac HQ, 2 RGJ
November 1 (N1)	A Company, 2 RGJ
November 2 (N2)	B Company, 2 RGJ
November 3 (N3)	C Company, 2 RGJ
November 5 (N5)	Support Company, 2 RGJ

1 R ANGLIAN (call sign prefix: Quebec (Q))³	
Call sign	User
Quebec 0 (Q0)	Tac HQ, 1 R ANGLIAN
Quebec 1 (Q1)	A Company, 1 R ANGLIAN
Quebec 2 (Q2)	B Company, 1 R ANGLIAN
Quebec 3 (Q3)	C Company, 1 R ANGLIAN
Quebec 5 (Q5)	Support Company, 1 R ANGLIAN

1 CG (call sign prefix: Sierra (S))⁴	
Call sign	User
Sierra 0 (S0)	Tac HQ, 1CG
Sierra 1 (S1)	1 Company, 1 CG
Sierra 2 (S2)	2 Company, 1 CG
Sierra 3 (S3)	3 Company, 1 CG

1 KOB (call sign prefix: Yankee (Y))⁵	
Call sign	User
Yankee 0 (Y0)	Tac HQ, 1 KOB
Yankee 1 (Y1)	A Company, 1 KOB
Yankee 2 (Y2)	B Company, 1 KOB
Yankee 3 (Y3)	C Company, 1 KOB
Yankee 4 (Y4)	D Company, 1 KOB

3 RRF (call sign prefix: Foxtrot (F))⁶	
Call sign	User
Foxtrot 0 (F0)	Tac HQ, 3 RRF
Foxtrot 1 (F1)	A Company, 3 RRF
Foxtrot 5 (F5)	Support Company, 3 RRF

¹ G89.548; W295; Day 274/46; C1041.3

² G89.548; W295; W296

³ G89.548; W295; W296

⁴ G89.548; W296

⁵ G89.548; W295

⁶ G89.548; W295

1 PARA

187.8 Annexed to the 1 PARA signal instruction is a diagram showing the battalion's radio network for 30th January 1972. The stations are identified solely by call sign. The table below shows the units and individuals to whom these call signs were allocated. Mention should be made of the Recce Platoon, a distinct sub-unit, which in the Parachute Regiment had a separate reconnaissance and observation role. The evidence, however, is that 1 PARA did not have a recce platoon in January 1972.¹

1 PARA battalion net (call sign prefix: Bravo (B))²	
Call sign	User
Bravo 0 (B0)	Tac HQ, 1 PARA (the Gin Palace)
Bravo 1 (B1)	A Company, 1 PARA
Bravo 3 (B3)	C Company, 1 PARA
Bravo 4 (B4)	D Company, 1 PARA
Bravo 5 (B5)	Support Company, 1 PARA
Bravo 9 (B9)	Colonel Wilford's vehicle
Bravo 9A (B9A)	Major Nichols, second in command, 1 PARA
Bravo 60A (B60A)	Recce Platoon
Bravo 61A (B61A)	
Bravo 62A (B62A)	
Bravo 81 (B81)	Colonel Wilford (portable radio)
Bravo 83 (B83)	Medical Officer
Bravo 92 (B92)	Captain INQ 2033, Regimental Signal Officer, 1 PARA
Bravo 93 (B93)	Captain INQ 7, Intelligence Officer, 1 PARA

¹ [Day 386/15](#); [Day 324/43](#)

² [G89.548](#); [W291](#); [W295](#); [W296](#); [C2033.5](#); [W345](#); [B2022.057](#); [B2022.002](#)

187.9 Again, there are some general points to make concerning the use of call signs at battalion and company level:

- The Commanding Officer of a unit or sub-unit, be it a battalion, company or platoon, was always given the designation '9'. So, on the 1 PARA battalion net, Colonel Wilford's vehicle would have had the call sign Bravo 9 (B9).¹ His second in command had the call sign Bravo 9A (B9A).² The call sign of Major Loden, the Officer Commanding Support Company (call sign Bravo 5 (B5)), would have been Bravo 59 (B59).³
- A company attached to another battalion for the purpose of a particular operation would operate on that battalion's net but still retain its call sign.⁴ For example, and as discussed elsewhere, D Company of 1 PARA was attached to 22 Lt AD Regt as part of Operation Forecast, but retained its call sign Bravo 4 (B4).⁵

- In certain circumstances, it was necessary for the control station on a network to contact all the other stations at the same time. In those situations a collective call sign was used. A transmission from the control station to call sign Charlie Charlie (recorded as “CC” in a log) was intended for all Company Commanders. If the transmission was to “Charlie Charlie 1” (recorded as “CC1” in a log), the transmission was meant for all companies and units under command.⁶

¹ C2006.13

⁴ Day 274/44-47

² C2006.14; C1027.4; W90

⁵ W295

³ C2033.9

⁶ C2033.4; W289; Day 274/51

187.10 The proper use of the correct call sign ensured firstly that the station communicating on a particular radio network could easily be identified by all other stations on that network. When Colonel Wilford used the Ulsternet to communicate with the Gin Palace, he used his Ulsternet call sign, 81.¹ Second, it ensured that if information was being given up the chain of command about the deployment of a sub-unit, that sub-unit was clearly identified. On 30th January 1972, 15 Missile Battery of 22 Lt AD Regt was attached to 1 R ANGLIAN. When the 1 R ANGLIAN Tac HQ reported to 8th Infantry Brigade that shots had been fired at the 15 Missile Battery location, it identified this sub-unit using company call sign Hotel 3 (H3).² When 1 R ANGLIAN subsequently reported to 8th Infantry Brigade that shots had also been fired at one of its sub-units at another location, it was able to identify the unit with more precision, using the call sign Quebec 21 (Q21).³ Quebec would have identified the battalion as 1 R ANGLIAN, the first digit (2) would have identified the relevant company as B Company of 1 R ANGLIAN and the final digit (1) would have identified the first platoon of that company.

¹ W112 serial 90

³ W135 serial 492

² W134 serial 462

Chapter 188: Code words and nicknames

188.1 Hitherto, we have discussed the use of call signs consisting of number and letter combinations. The units deployed on 30th January 1972 would also have been provided with code words for use on their radio nets. These would have been used to impose, break or lift radio silence and would have been unique to each network. So the code words used on the 1 PARA battalion net¹ differed from those used on the 1 R ANGLIAN battalion net.²

¹ [W289](#)

² [W364](#)

188.2 More important to the understanding of the radio logs is an explanation of the various nicknames that were used to describe both entities such as the Royal Ulster Constabulary and the Royal Military Police and also objects such as the water cannon deployed by the Army on the day. By way of assistance the following table explains the nicknames to be found in the logs.¹

¹ [W289](#); [B1621.001](#); [C1027.4](#); [C2006.14](#); [C2033.6](#); [W89](#) serial 14; [C1853.6](#); [Day 285/62](#)

Nickname	Identity
Sunray	A commander (at any level)
Rover	A commander's vehicle
Seagull	8th Infantry Brigade Brigade Major (Colonel Steele)
Rucksack	Royal Ulster Constabulary
Watchdog	Royal Military Police
Neptune	Water cannon
Felix	Ammunition Technical Officer (ATO)
Holdfast	Royal Engineers

Chapter 189: The BID 150 radio link

189.1 The representatives of the majority of the families submitted that Colonel Wilford received no order to mount an arrest operation.¹ Within the context of this submission it was asserted that *“the question of whether 1 Para received an order at all rests entirely on the existence and use of a secure net. It is submitted that there was no secure net, and that even if there was, it was not used to convey any order to go in.”*²

¹ [FS1.885-904](#)

² [FS1.886](#)

189.2 For the reasons we gave when considering the events of Sector 1,¹ we have no doubt that Brigade did give orders to 1 PARA in the terms set out in the Brigade log, namely orders for one company to do a scoop-up operation through Barrier 14 and *“Not to conduct running battle down Rossville St.”*;² and that these orders were received by 1 PARA. Contrary to the assertion made in the submission noted above, the question whether 1 PARA received orders from Brigade does not rest on the existence and use of a secure net, but on the facts and matters to which we have drawn attention, including in particular the fact that radio messages sent after the arrest operation had been launched are only explicable on the basis that Brigade had given these orders.

¹ [Paragraphs 20.32–47](#)

² [W47](#) serial 159

189.3 Since we have concluded that these orders were sent and received, the means by which this was done becomes of secondary importance. Those concerned with sending and receiving the orders told us that the BID 150 secure radio link was used. Since in our view they told us the truth about the orders being given, received and recorded in the logs, these witnesses would have had no reason to lie about the means that were employed to send the orders.

189.4 The Porter tapes contain no record of the orders, which shows that the orders were not given over the open Brigade network. They must therefore have been given by other means.

189.5 While there is evidence in both oral testimony and in statements to the Inquiry that a BID 150 was available and used that day, there is no contemporary documentary evidence to show that it was either available or used that afternoon. There is no mention, for example, of a secure network either in the Brigade orders¹ or in the 1 PARA signals instruction.² The reason for this might well be the extreme secrecy surrounding this equipment, to which we have referred earlier.³

¹ [G95.564-G95.580](#)

³ [Paragraphs 183.9–10](#)

² [W287](#)

General Carver, but that it was in place by 30th January 1972.² Although he was certain there were secure links from Brigade to the resident battalions, he was not “*specifically aware*” that there was a link to 1 PARA, who would have had to be supplied with BID 150 cards containing the local codes.³

¹ C1903.1; C1903.2; Day 243/85; Day 253/88; Day 253/108 ³ Day 253/117-118

² Day 253/115-116

189.11 Colonel Steele told us that he gave the order for the arrest operation to 1 PARA over the BID 150 radio link¹ and that, to ensure surprise, only two BID 150 sets were used that day.² He said that the BID 150 equipment was in a Land Rover outside the building with a lead through a window to a handset in his office, from where he gave the order.³

¹ B1315.009

³ Day 267/8

² B1315.006; Day 367/14-16

189.12 Major INQ 1900, the Deputy Assistant Adjutant and Quartermaster General, who had recently returned to the Operations Room, did not recall hearing the order to commence the arrest operation being given, but recalls Major INQ 1901, the Operations Officer, ordering the Assistant Watchkeeper to record the order in the log, where it appears as serial 159.¹ Major INQ 1900 said that either Brigadier MacLellan or Colonel Steele “*would*” have given the order to the Commanding Officer of 1 PARA on the secure link.² Major INQ 1901, who was “*almost*” certain that there was a secure link from 8th Infantry Brigade to 1 PARA,³ did not recall telling a watchkeeper to record the message recorded at serial 159, although it was “*Entirely possible*” that he did.⁴

¹ W47; C1900.3

³ Day 261/90

² Day 241/40

⁴ Day 261/93

189.13 Lieutenant INQ 1770, who was in the Operations Room, told us that a secure radio and telephone link were both available¹ but that he did not recall hearing the order being recorded in the Brigade log.²

¹ C1770.4

² C1770.5-6

189.14 Lieutenant INQ 2090 was the Commander of A Troop of the 8th Infantry Brigade Signal Squadron, which was responsible for running the radio room and manning the radio equipment. He told this Inquiry that on Bloody Sunday there was a secure radio network that used BID 150 equipment, although he could not recall whether it was held in a parked Land Rover or in the Operations Room.¹ He told us he would “*guess*” that 1 PARA would have picked up a BID 150 from 8th Infantry Brigade.²

¹ C2090.3; Day 242/113

² Day 242/115

- 189.21** Captain INQ 1853, a watchkeeper, told us that there was a secure link from the Gin Palace to 8th Infantry Brigade by means of a BID 150, the only secure link available to the battalion that day.¹ He said he did not remember the order being given,² perhaps because he had left the Gin Palace at the time when this occurred.³
- ¹ C1853.4; Day 255/69 ³ C1853.4-5
² Day 255/92-94
- 189.22** Sergeant INQ 720, a signals Sergeant, told us that the Gin Palace was equipped with a BID 150¹, but had “*no memory*” of what he saw or heard during the day.²
- ¹ C720.2 ² C720.2-3
- 189.23** There are differing views among soldiers of the resident battalions on the day about whether BID 150s were in use that day. Captain INQ 406, the Operations Officer for 22 Lt AD Regt, is “*absolutely clear*” that his unit had a switched-on BID 150 set on the day,¹ while Lieutenant Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN, told us that his battalion did not have access to a secure link on the day or at any time during his command.²
- ¹ C406.5-6; Day 274/36-37 ² CJ2.10; Day 285/64; Day 287/31-32
- 189.24** Somewhat similarly, Lance Corporal INQ 245, a radio operator with 1 CG, thought that the battalion had a BID 150¹ while Lieutenant Colonel INQ 598, the Commanding Officer of 1 CG, had no recollection of the battalion having a secure link by means of a BID 150.²
- ¹ C245.2 ² Day 272/46-47
- 189.25** Lieutenant INQ 1217, the Signals Officer for 1 R ANGLIAN, could not recall whether the battalion had a BID 150, but told us he would be amazed if it did not.¹
- ¹ C1217.2
- 189.26** In addition to the evidence mentioned above, there are numerous messages between 8th Infantry Brigade and 1 PARA recorded in the Porter tapes that refer to “*secure*” or “*other*” means.¹ Some at least of these seem to us to be references to the BID 150 radio link. There are also references in the Porter tapes to “*other*” means in messages between 8th Infantry Brigade and other units,² though whether any of these are references to the BID 150 radio link remains in doubt.
- ¹ W132 serials 442 and 444; W133 serial 452; W150 serial 770; W151 serials 806, 809 and 811; W152 serial 831 ² W120 serial 235; W147 serials 702 and 719; W149 serial 748

- 189.27** While it remains in doubt whether other units had or used a BID 150 radio link on 30th January 1972, we consider that the weight of the evidence does establish that there was such a link between 8th Infantry Brigade and 1 PARA on the day. We do not know why the link was not used for at least some of the messages from 1 PARA to Brigade before the arrest operation was launched, but we are unpersuaded that this demonstrates that there was no such link.
- 189.28** It follows in our view that, as those who gave and received the orders for an arrest operation told us was the case, it was by means of the BID 150 link that the orders for the arrest operation were transmitted by Brigade to 1 PARA.

Chapter 190: Other means of communication used by the Army

190.1 The evidence from both Lieutenants INQ 2090 and INQ 2091 was that the non-secure nature of the Ulsternet meant that Headquarters Northern Ireland (HQNI) used it, not as a means of communicating with individual Brigade Headquarters, but rather to listen in to brigade transmissions. This meant, in effect, that HQNI could adopt the status of an observer on the 8th Infantry Brigade net where necessary. The preferred means of communication between HQNI and the three Brigade Headquarters was by way of a secure landline teleprinter. This link was used to provide classified situation reports (sitreps) to HQNI.¹ At 8th Infantry Brigade, the task of preparing sitreps was given to the junior watchkeepers. These were prepared from the Operations Room log and sitreps received from the battalions under the Brigade's command. Lieutenant INQ 2091 told us that he and Lieutenant INQ 2086 prepared the nightly sitrep to HQNI on the evening of 30th January 1972.² As a back-up to the secure teleprinter, 8th Infantry Brigade also had a high frequency radio link with HQNI. This used a D11 Larkspur radio (so large it was housed in an Army lorry) with a BID 610 encryption unit attached.³

¹ C2090.1; C2090.16; Day 242/108-109; C2091.1; C2091.9; ³ W302; Day 242/121-123
Day 244/8

² Day 244/41-43; G98.591

190.2 Lieutenant INQ 2091 explained to us that the secure teleprinter link to HQNI was used for classified information and a telephone was used for a "*normal sitrep*" to HQNI.¹ The evidence of Major INQ 1901, the 8th Infantry Brigade Operations Officer, was that he sent regular sitreps to HQNI during the course of 30th January 1972. It was a routine responsibility for him to keep the operations room at HQNI informed and this he would do using by "*normal*" (ie insecure) telephone.² This recollection was supported by the evidence of his colleague Major INQ 1900.³ Major INQ 1901 did not think that there was a secure telephone link between HQNI and 8th Infantry Brigade at the time of Bloody Sunday. It is unlikely that there was such a link. The Historical Record of the 8th Infantry Brigade Headquarters and Signal Squadron shows a secure telephone link between 8th Infantry Brigade and HQNI was installed on 4th February 1972.⁴ A teleprinter link between 8th Infantry Brigade and each of the four battalions resident in Londonderry would also have existed. We do not know if these were also secure links. The teleprinters and BID 610 system would have been housed in the Communications Centre, with the D11 radio located in a truck outside the building. Members of Bravo Troop of the 8th

Infantry Brigade Signal Squadron would have manned them. These signallers maintained a log which recorded the teleprinter messages sent and received by the 8th Infantry Brigade Communications Centre.⁵

¹ Day 244/8

⁴ W349

² Day 261/88-90; Day 261/125-126

⁵ C2090.10; W348; Day 242/125; Day 242/131

³ Day 241/78

190.3

The battalions resident in Londonderry in January 1972 were able to make use of the civilian and military telephone systems. These were provided and maintained by the General Post Office, then the public body responsible for operating the telephone network throughout the United Kingdom.¹ Although 1 PARA was not a resident battalion, it seems from the evidence that there was a telephone link between the 1 PARA Tactical HQ (the Gin Palace) and 8th Infantry Brigade headquarters. This was established by 1 PARA simply tapping into the civilian telephone system. Sergeant INQ 2006, one of two sergeants in the Signal Platoon, HQ Company of 1 PARA, told us that it was possible to link the Gin Palace to both the telephone network and electricity supply.² Captain INQ 1853, who on Bloody Sunday was a watchkeeper in the Gin Palace, told us that it would have been “*normal practice to try and establish a telephone link as a reserve link of one type or another*”.³ Indeed, Sergeant INQ 720, the other sergeant in the 1 PARA Signal Platoon, recalled tapping into the Foyle College telephone system on Bloody Sunday.⁴

¹ G20.149; W349

³ Day 255/77

² C2006.4

⁴ C720.2

190.4

That such a telephone link was established is also supported by an entry in the 8th Infantry Brigade log, timed at 1312 hours. Recorded as a message from 1 PARA, it reads: “*1 PARA have broken lock into Foyle College to connect wires to telephone No 2118. Will secure prior to departure.*”¹ It is likely that this information came to 8th Infantry Brigade via a brief telephone call made by Captain INQ 2033, the Regimental Signals Officer (RSO) of 1 PARA to, we believe, 8th Infantry Brigade. That conversation was one of a number recorded by a telephone tap of civilian telephone lines in Londonderry made by the Provisional IRA. It seems this tap was in place before Bloody Sunday and continued well into 1972 and possibly even 1973. We discuss this telephone tap in more detail below.² A transcript of the telephone call made by Captain INQ 2033 is available.³ It records Captain INQ 2033 explaining that 1 PARA had “*managed to link up with a civilian phone from the school*”. They had broken through a door and “*linked up ... a couple of wires*” to the telephone. Captain INQ 2033 gave the number of that telephone

as Londonderry 2118 and confirmed that they would “*fix it up properly before we go so there’ll be no problem*”.

¹ W40 serial 46

³ X2.25.114-116

² Chapter 191

190.5 We have already referred above to the operational directive issued by Brigadier MacLellan in November 1971.¹ There he placed restrictions on the use of “*Ordinary telephones*” and also “*privacy telephones*”. In relation to the latter, Brigadier MacLellan directed that they were “*only to be used for confidential administrative matters, and are NOT to be used for future operational intentions*”. On the available evidence the distinction between ordinary telephones and privacy telephones is unclear. It might simply be, as suggested by a reading of the Historical Record of the 8th Infantry Brigade Headquarters and Signal Squadron, that privacy telephones were simply the direct lines of senior members of the command staff at 8th Infantry Brigade.² Alternatively, the term might be a reference to those telephones which Lieutenant INQ 2091 described as having a “*speech inversion capability*”. The effect was that speech “*sounded a bit Mickey Mouseish clear*”. Lieutenant INQ 2091 described these telephones as “*less than secure*”.³ Importantly, the injunction against privacy telephones being used to discuss operational matters indicates that they were not completely secure, ie the lines could be tapped.

¹ G27.207

³ Day 244/7-8

² W361

190.6 We do not know if, at the time of Bloody Sunday, completely secure telephone lines were available to allow 8th Infantry Brigade to communicate with the battalions (including 1 PARA) under its command. During the course of his oral evidence both to the Widgery Inquiry and to us, Brigadier MacLellan suggested that 1 PARA might have communicated with 8th Infantry Brigade by secure telephone.¹ Colonel Steele could not remember if the telephone connection with 1 PARA was a secure one. However, he confirmed that “*secure*” would refer to a military telephone line.² Given, as we have considered above, that telephone conversations involving the RSO of 1 PARA were recorded by republican paramilitaries on Bloody Sunday, it would seem that 1 PARA did not have access to a secure telephone line on that day.

¹ WT11.29; Day 263/20-21

² Day 267/23-34

190.7 The result, as Colonel Steele acknowledged in his oral evidence to us, was that Brigadier MacLellan’s injunction against discussing operational matters on an insecure telephone line was breached on Bloody Sunday. Colonel Steele recalled receiving situation reports

from 1 PARA over the telephone, which were recorded in the 8th Infantry Brigade log.¹ That 1 PARA did use the telephone to communicate with 8th Infantry Brigade is demonstrated by the following extract from the Porter transcripts, which records an exchange of messages on the 8th Infantry Brigade net between the Gin Palace (call sign 65) and the operations room at 8th Infantry Brigade (call sign zero).²

¹ Day 267/25-29

² W146 serials 685-689

Audio
Tape
counter

21⁰⁰
(8)

22⁰⁰
(8)

			Bogside Inn. Can you see what sort of people they are, whether they are youngsters or middle-aged people? Over.		
678.	90A	0	90, wait. Out.		
679.	0	90A	Hello, 90 Alpha to Zero. Reference the crowd outside the Bogside Inn. It's now down to about ten and they're described as men, not yobbos but men. Over.	244	1828
680.	90A	0	Zero. Roger. Out.		
681.	16	0C	Zero Charlie, this is 16. I'm now back at my location. Permission to close down. Over.		
682.	0C	16	Zero Charlie. Wait. Out.		
683.	16	0C	16, this is Zero Charlie. Close down. Over.		
684.	0C	16	16. Wilco. Out.		
685.	65	0	Hello, 65, this is Zero. Grateful if you'd telephone me on the civil line when you are finished with it. Over.		
686.	0	65	Zero, wilco. Out.		
687.	65	0	Hello 65, this is Zero. Reference my last message. It is a matter of priority now that you contact Seagull as soon as possible. Over.		
688.	0	65	65. Roger. We're trying ring you, but the number's engaged at the moment. We'll keep trying. Out.		
689.	65	0	Zero. Roger. Out.		
690.	0	54	Hello, Zero, this is 54. Another ambulance has just crossed the bridge from the city to Waterside. Over.	2507	18417
691.	54	0	Zero. Roger. Out.		
692.	?	0	Zero. Roger. Out.		
693.	?	0	Unknown station, say again. Over.		
694.	0	0C	Zero Charlie. Roger. Out.		
695.	74A	55	Hello, 74 Alpha, this is 55. Over.		
696.	0 and 74A	55	Zero and 74 Alpha, this is 55. Over.		
697.	74A	55	74 Alpha, this is 55. Can you hear us? Out.		
698.	0 and 74A	55	Zero and 74 Alpha, this is 55. Over.		
699.	0 and 74A	55	Zero and 74 Alpha, this is 55. Over.		
700.	74a	55	74 Alpha, this is 55. Nothing heard. Out.		
701.	0	61D	Hello, Zero, this is 61 Delta. Landing your location six		

Chapter 191: Interception of Army communications recorded on Bloody Sunday

191.1 The concern that telephone lines used by the Army might be bugged was justified. On 16th September 1973, a front-page story in the *News of the World* newspaper reported a press conference held by Provisional Sinn Féin at its headquarters in Dublin. This event was timed to coincide with the visit of Prime Minister Edward Heath to the Republic of Ireland. An audiotape was played at that conference which, it was said, contained recordings of telephone conversations that took place on Bloody Sunday, including conversations between members of the Army. This recording was apparently the product of a “*phone-tapping operation*” at Victoria Barracks in Londonderry. According to the *News of the World* report, “*A Derry Republican said yesterday they had been phone tapping Victoria Barracks since before ‘Operation Motorman’ [which took place in July 1972]. They had not released the tape at the time, he said, because they felt it ‘more useful to keep the phone tapping operation’.*”¹ At the time of Bloody Sunday, Victoria Barracks served as the regimental headquarters for 22 Lt AD Regt. In the course of the Inquiry this recording was sometimes called “the IRA bug tape”.

¹ L221

191.2 Two separate sources provided the Inquiry with a cassette tape, which contained recordings of some of the telephone conversations played at the 1973 press conference.

191.3 In October 2000, the solicitor representing the Wray family provided the Inquiry with a cassette tape (a Philips CD Extra 90 tape) and a transcript, both of which had been sent to him anonymously.¹ At about the same time the *Derry Journal* newspaper published a transcript of the tape recording, which it too had received from an anonymous source.² The two transcripts corresponded to each other.

¹ X2.25.5

² X2.25.1A-4

191.4 The Inquiry handed this tape for analysis to Dr Peter French, a forensic consultant specialising in the analysis of tape recordings, speech and language samples. His report included the following observations about the tape:¹

- a) It contained approximately 28 minutes of recorded conversation – recorded on only one side of the tape.

- b) It included material from 19 different telephone conversations.
- c) It did not contain any original recordings. Rather it was a copy made on a cassette tape manufactured in January 2000.
- d) The possibility of “*selective copy editing*”, ie that the tape had been edited to omit some parts of a particular conversation, could not be excluded.
- e) The transcript that accompanied the tape could not have been prepared from it, given that a portion of the tape is so contaminated with electromagnetic leakage from a mobile telephone that the recorded speech cannot be heard.

¹ [E23.6-8](#); [E23.10-13](#)

191.5 A second cassette tape (a Philips C-60 tape) was provided to the Inquiry by An Garda Síochána on 27th November 2000. It had been in secure storage at Buncrana Garda Station since May 1976 when Garda officers seized it during a raid on the Bali-Sea public house in Bridgend, County Donegal. Those premises were by managed by James Ferry, a member of Provisional Sinn Féin.¹ When he gave oral evidence to this Inquiry, James Ferry told us that he had been provided with the tape recording because he was an organiser for Sinn Féin. He could not recall who had given him the cassette but suggested it might have been another member of Sinn Féin. He accepted that the cassette might have been provided to him at about the time Provisional Sinn Féin held its conference in September 1973.²

¹ [JM18A.1](#); [JM18A.3](#); [JL2A.1](#); [AF13.3](#)

² [Day 179/1-8](#)

191.6 Dr French was also asked to examine this second tape. His conclusions included the following:¹

- a) The tape was recorded on both sides.
- b) The running time of side A of the tape was approximately 28 minutes; that of side B was some 30 minutes.
- c) Side A of the tape contained material from 25 separate telephone conversations. Side B of the tape contained material from 23 conversations.
- d) Many of the conversations on this tape also appeared on the tape provided by the solicitor representing the Wray family.
- e) The tape was not an original.

- f) The possibility of “*selective copy editing*” could not be excluded.
- g) The transcript supplied to the Inquiry by the solicitor to the Wray family could not have been prepared from this tape since the tape contained recordings of conversations that do not appear on that transcript.

¹ E23.8-10; E23.11-13

191.7 Dr French concluded that the telephone conversations on both tapes had “*originally been recorded from a telephone line via an intercept facility*”.¹ His analysis showed that material found on one tape was omitted from the other and vice versa, although many conversations appear on both tapes.² Dr French prepared transcripts of the recordings on both tapes.³ The Police Service of Northern Ireland also provided us with a transcript.⁴ This corresponded to the contents of the tape provided by An Garda Síochána.

¹ E23.13

³ X2.25.31-227; X2.25.228-320

² E23.9; E23.11; X2.25.32; X2.25.130; X2.25.229

⁴ X2.25.31; X.25.355

191.8 We have listened to both cassette tapes and considered the various transcripts available. Having done so, we consider that these tapes do, in greater part, contain recordings of conversations that took place shortly before or on Bloody Sunday. By way of example we refer to three conversations between the press and members of the Army:

- a) Both cassette tapes contain a recording of a telephone conversation between Captain 028, Press Officer of 22 Lt AD Regt, and Patrick Clancy, a London-based reporter with the *Daily Telegraph* newspaper.¹ The transcripts of that conversation show that Patrick Clancy was seeking information on the number of fatal casualties on Bloody Sunday. He was referred by Captain 028 to 8th Infantry Brigade.² As Patrick Clancy told Captain 028 in that conversation, and confirmed to us in his evidence, he had been sent to Londonderry to assist his colleague Nigel Wade. Patrick Clancy confirmed that his voice appeared on the tape and recalled making a telephone call from the City Hotel to the Army Press Office at Ebrington Barracks on the evening of Bloody Sunday.³

¹ Day 192/57

³ M15.4

² X2.25.146-153

- b) The cassette tape seized by An Garda Síochána contains a recording of a conversation between Colonel Steele (the Brigade Major of 8th Infantry Brigade)¹ and a journalist he called “*brigadier*”.² In the course of the conversation, the latter mentioned that he must have been staying at the City Hotel in Londonderry. Colonel Steele arranged for the journalist to spend time with 22 Lt AD Regt. This journalist

must have been Brigadier William Thompson, the military correspondent for the *Daily Telegraph*. Brigadier Thompson's Widgery Inquiry statement recorded that on 30th January he visited the Regimental Headquarters of 22 Lt AD Regt and was booked into the City Hotel.³ Indeed, Captain INQ 406, the 22 Lt AD Regt Operations Officer, recalled Brigadier Thompson visiting his unit's Operations Room that day.⁴ The conversation between Colonel Steele and Brigadier Thompson is therefore likely to have taken place on the morning of Bloody Sunday.

¹ B1296

³ M78.1

² X2.25.71-88

⁴ C406.5

- c) Both cassette tapes also contain a recording of a conversation between an Army press spokesman and a journalist identified only as "Harry". Early on in the conversation it emerged that "Harry" was at the City Hotel together with a number of other journalists, including Brian Cashinella and John Cooke, then reporting for the *Times* newspaper and the Press Association respectively.¹ In our view "Harry" was Harry Arnold, then a staff reporter with the *Sun* newspaper, who told the Widgery Inquiry that he was in Londonderry on 30th January 1972 and based at the City Hotel.² Both Brian Cashinella and John Cooke gave evidence to us. Their own evidence puts them in the City Hotel.³ In the course of the telephone conversation between the Army press spokesman and Harry Arnold, the former read out a prepared statement summarising the Army's knowledge of events at that time. The content of that statement corresponds to one recorded in an entry in a log which seems to have been maintained by the Press Room at HQNI. That log indicates that between 1808 hours and 1954 hours on Bloody Sunday the statement was communicated to a number of media organisations (including the *Daily Mail*, the *Guardian*, Raidió Teilifís Éireann and the *Glasgow Herald*) and the Ministry of Defence.⁴

¹ X2.25.170-193

³ M1.1; M11.8; Day 110/33; M16.1; M16.6; M16.8

² M1.1; M1.2

⁴ G102B615.4

191.9 The last two examples above reflect one other feature of the IRA bug tape. The conversations recorded were not limited to telephone calls made to Victoria Barracks, but included calls (such as the one made by Brigadier Thompson) made to 8th Infantry Brigade Headquarters at Ebrington Barracks.

191.10 We should also refer to a conversation between two officers in 22 Lt AD Regt, which is found on both audiotapes and which concern comments said to be made by General Ford.¹ One of the officers involved was Captain INQ 1814 of 11 Battery, 22 Lt AD Regt. In his written statement to this Inquiry, Captain INQ 1814 told us that he had been a

Battery Commander in 22 Lt AD Regt at the time of Bloody Sunday. On that day he was in the 11 Battery Operations Room in Strand Barracks, very near to, but in a separate building from, the Regimental Operations Room in Victoria Barracks.² Captain INQ 1814 confirmed that his voice could be heard on the IRA bug tape. He had little recollection of Bloody Sunday and could not confirm that the conversation in which he was involved had occurred on that day. Captain INQ 1814 suggested that, if the conversation did happen on Bloody Sunday, then it involved a telephone call between the 11 Battery Operations Room in Strand Barracks and the 22 Lt AD Regt Operations Room in Victoria Barracks. He commented that the tape might not have been complete in parts.³ The identity of the other officer involved in the conversation remains uncertain. Given that the conversation referred, for example, to the presence of General Ford in Londonderry at the time the Parachute Regiment was deployed and to people being shot in the area of the Rossville Flats, it seems to us that this conversation did indeed take place on Bloody Sunday. We discuss the comments said to be made by General Ford elsewhere in this report.⁴

¹ X2.25.6; X2.25.136; X2.25.234; X2.25.337

² C1814.3

³ C1814.3-5

⁴ Paragraphs 169.15–19

Chapter 192: Royal Ulster Constabulary communications

192.1 The Royal Ulster Constabulary (RUC) operated its own radio network, distinct from those used by the Army. This utilised commercially purchased equipment. The RUC Operation Order for 30th January 1972, signed by Assistant Chief Constable David Corbett, shows that RUC personnel carriers were to carry Pye Bantam radio sets. Indeed, the evidence suggests that many, if not all, of the vehicles used by RUC personnel on Bloody Sunday were equipped with this radio. Operating on the VHF band, the Bantam was, as its name suggests, smaller than the Pye Westminster sets used by the Army and, it seems, portable.¹

¹ G80A.506.3; JM29.1; Day 209/11-12; Day 209/41-42

192.2 In addition, senior police officers, including Chief Superintendent Frank Lagan, and police officers in command, from Superintendents to Inspectors or Sergeants in charge of a section of men (who were described as a Serial), were equipped with Pye Pocketfones. These were hand-held radios operating on the UHF band. The RUC Operation Order shows that 60 Pocketfones were brought from the RUC Communications Headquarters in Belfast to be used in Londonderry. The Pocketfones operated on a different frequency to the Pye Bantam radio.¹ Pocketfones were also distributed to members of the RUC's Special Branch and officers tasked with specific roles. One example of the latter was Detective Constable McNulty, who was ordered to report from the City Walls on the route being taken by the marchers.²

¹ G80A.506.3; G80A.506.4; WT17.19; JD2.1; JK3.1; JI2.1; ² JM40.1
JJ2.1; JM12.1

192.3 The communications centre for the RUC (known as the Control Room) was located at Strand Road RUC Station (also referred to as Victoria Police Station as it was attached to Victoria Barracks). This was the equivalent of an Operations Room.¹ We know that among those present in the Control Room on Bloody Sunday were Assistant Chief Constable Corbett, and Chief Inspector Ming, who seems to have been the most senior officer from Victoria Police Station present.² The radio in the Control Room was manned by two police officers who maintained a log (described as an incident book) of the transmissions to and from the control room. The contemporaneous typescript version of that log was obtained by this Inquiry.³

¹ C406.5

² JC14.1; JM47.1

³ W155; W156; W157-164

192.4 Also present in the Control Room were Superintendent Cushley, the Communications Officer at RUC Headquarters in Belfast, and his assistant Sergeant Thompson. Together they spent some time visiting various locations at which RUC officers were deployed, checking and assisting in the use of Pocketfones. On their return, Sergeant Thompson supervised the installation of a tape recorder to record the transmissions to and from the Control Room on the frequency used for Pocketfones.¹ A transcript prepared in 1972 from the recording made under the supervision of Sergeant Thompson has been made available to this Inquiry.²

¹ JC30.1; JT4.1

² W226; W227-258

192.5 As we have already noted, James Porter recorded the radio transmissions made by the RUC on Bloody Sunday. We have a transcript of the RUC recordings, which, in its format, is similar to the transcript of the Army transmissions prepared for the Widgery Inquiry.¹ It is possible that this too was prepared on the instructions of the solicitor representing the families of the deceased at the Widgery Inquiry. We also have a transcript of the RUC radio transmissions prepared for this Inquiry. As we have mentioned, this was provided by British Irish Rights Watch, compared by Inquiry staff with the recording provided by James Porter and corrected where necessary. The format of the resulting transcript is very similar to that of the Army transmissions, an example of which was shown above.² From a comparison of the relevant transcripts it is clear that James Porter must have been recording RUC transmissions on the frequency allocated to Pocketfones.

¹ W259-285

² W165-225

192.6 There is no evidence to indicate that the RUC Control Room at Victoria Police Station had the means to monitor transmissions on the 8th Infantry Brigade net directly. However, they did receive reports transmitted from Ebrington Barracks by Superintendent J Johnston. He had been given the role of "*Liaison Officer between [8th Infantry] Brigade Headquarters and Communications Centre, R.U.C. Londonderry*". Superintendent Johnston was equipped with a Pocketfone and used the call sign Delta 7. A number of transmissions in the relevant Porter transcript show, for example, that Superintendent Johnston updated the Control Room with information as to the progress of the march, including the confrontation at Barrier 14.¹

¹ JJ3.1; W167 serial 46; W169 serial 83; W170 serial 109

192.7 It is not possible to provide a definitive list of the call signs allocated to RUC personnel on the day. We know that all transmissions had to go through the Control Room, which used the call sign November. The transcript of RUC communications shows transmissions from personnel identified by the call sign Serial followed by a number. From the evidence, it appears that these call signs were allocated to a section of men under the command of an Inspector or Sergeant. The section commanded by Inspector Manson, for example, used the call sign Serial 36. This section was positioned at the railway station in Duke Street. In his contemporaneous RUC statement, Inspector Manson recalled a number of ambulances passing his location from about 1615 hours. The Porter tapes record transmissions from Serial 36 to the Control Room concerning the movement of ambulances.¹ Individual officers supplied with a Pocketfone were given a call sign in the format letter–number. We have already mentioned Superintendent Johnston, who was allocated the call sign Delta 7. Other examples include Detective Constable McNulty whose evidence we have touched upon, and who was given the call sign Delta 24; and Chief Inspector Irwin, who was in command of the police officers deployed at Barrier 14 and in Waterloo Place, and who was allocated the call sign Charlie 2.

¹ [JM6.1](#); [W193](#) serial 486; [W195](#) serial 498; [W205](#) serial 595

The Constitutional and Legal Position of the Army in Northern Ireland

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Chapter 193: The constitutional position of the Army in Northern Ireland

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Constitutional responsibilities

193.1 The circumstances in which in August 1969 the Northern Ireland Government sought and obtained the permission of the United Kingdom Government to bring in the Army as an aid to the civil power are considered earlier in this report¹ and set out in detail in the Scarman Report.² It is not necessary to repeat them here. Soldiers arrived on the streets of Londonderry on 14th August 1969.

¹ [Chapter 7](#)

² Scarman Report, *Report of the Tribunal of Inquiry into Violence and Civil Disturbance in Northern Ireland in 1969*, Cmnd 566, Belfast: HMSO, 1972.

193.2 As appears from the Scarman Report, there was at the time concern that the use of British troops to quell disturbances in Northern Ireland would lead either to direct rule from Westminster or at least to a consideration of Northern Ireland's constitutional position.¹

¹ Scarman Report, paras 20.1–20.4.

193.3 Nonetheless, throughout the period with which this report is concerned, the Northern Ireland Government retained responsibility for security policy in Northern Ireland. From August 1969, it was able to call upon the Army in order to assist in the exercise of this duty. However, the Army remained, constitutionally, the responsibility of the United Kingdom Ministry of Defence (MoD) in London and, through the MoD, the responsibility of the Government and Parliament at Westminster, and ultimately the Crown.

193.4 The basis for this division of responsibility lay in the Government of Ireland Act 1920, the constitutional statute passed by the Westminster Parliament that established the Parliament of Northern Ireland and regulated the affairs of the Northern Ireland Government. The Act, which is discussed in its historical context elsewhere in this report,¹ empowered the Parliament of Northern Ireland “to make laws for the peace, order and good government” of Northern Ireland.² However, the Act specifically excluded the Parliament of Northern Ireland from legislating in respect of a number of matters, including the Armed Forces and defence issues.³ Westminster retained the sole authority to pass laws in these areas.

¹ [Chapter 7](#)

³ Government of Ireland Act 1920, s4(1).

² Government of Ireland Act 1920, s4(1).

193.5 A summary of the legal and constitutional position of soldiers deployed in Northern Ireland was set out in a letter dated 12th May 1971 from Arthur Hockaday, an MoD official, to David West, the Civil Adviser to the General Officer Commanding (GOC) Northern Ireland, the most senior Army officer in Northern Ireland:¹

“(a) Legal Responsibility

The soldier’s responsibility for his actions under the civil law, whether Common Law or statute ... is to the Courts of Northern Ireland.

(b) Executive Responsibility

The soldier acts under higher military authority up the chain of command as far as the Defence Council and ultimately Her Majesty. The Secretary of State [for Defence] is the Minister responsible to Her Majesty for everything connected with the performance of their military duties by the Armed Forces of the Crown.

(c) Parliamentary Responsibility

The Secretary of State is responsible to the Westminster Parliament for all matters relating to the Armed Forces of the Crown as at (b) above.

The soldier has no responsibility to the Stormont Government, nor has the Stormont Government any responsibility for his actions. This is not affected by the fact that the Northern Ireland Government is the civil power (responsible for the peace, order, and good government of Northern Ireland) which may call upon the Armed Forces for assistance.”

¹ [LAW13.1-2](#)

193.6 Although there was a clear constitutional division of responsibility, in practice the relationships between the Governments of the United Kingdom and of Northern Ireland, between these Governments and the Army, and between the Army and the other branches of the security forces, especially the Royal Ulster Constabulary (RUC), were more complex. In the following paragraphs we examine these relationships.

The policy-making process on security matters in Northern Ireland

193.7 Within the Northern Ireland Government, departmental responsibility for security policy lay with the Ministry of Home Affairs. The gravity of the security situation led both Major James Chichester-Clark and his successor as Prime Minister, Brian Faulkner, to combine the post with that of Minister of Home Affairs.

193.8 Earlier in this report, when discussing the background to Bloody Sunday, we gave details of the Northern Ireland Joint Security Committee (JSC). It is convenient to set these out again here.

193.9 The Northern Ireland Prime Minister chaired the JSC, which in the months before Bloody Sunday comprised:

- Prime Minister of Northern Ireland: Rt Hon Brian Faulkner MP;
- Minister of State at the Ministry of Home Affairs: Rt Hon John Taylor MP;
- Senior Parliamentary Secretary at the Ministry of Home Affairs: Commander Albert Anderson MP;
- General Officer Commanding Northern Ireland (British Army): General Sir Harry Tuzo;
- Chief Constable of the RUC: Sir Graham Shillington;
- Secretary to the Northern Ireland Cabinet: Sir Harold Black;
- Government Security Adviser: William Stout; and
- United Kingdom Government Representative: Howard Smith.

193.10 Other prominent figures received the minutes of the meetings, and attended from time to time.

193.11 The JSC had a somewhat ill-defined function, and witnesses to this Inquiry have given differing accounts of its precise role. To some in London it was the body that was responsible for taking executive decisions on security matters within Northern Ireland.¹ However, the evidence to this Inquiry of many of those who prepared or participated in the meetings suggests that the committee did not so much make decisions as approve them. The JSC provided a forum for discussion, debate and the exchange of information between politicians, officials and the security forces and as such it played an important role in the governance of Northern Ireland. However, on significant operational matters the committee seems to have accepted recommendations that had emerged from earlier meetings between the GOC, the Chief Constable and the Prime Minister. In effect, JSC ratification was the last stage in the security policy process, but as such it was often the only part seen by those, such as politicians and civil servants in London, who had not been directly involved.²

¹ [KC8.7](#) Statement to this Inquiry of General Sir Michael Carver; [KC10.2](#) Statement to this Inquiry of Lord Crawford; [G74.457](#) "Proposed March in Londonderry", Submission of Anthony Stephens to the Secretary of State for Defence, 26th January 1972 (but see [KS3.111-112](#) Statement to this Inquiry of Anthony Stephens, and [Day 273/13-14](#) Oral evidence to this Inquiry of Anthony Stephens).

² [KK3.2](#) Statement to this Inquiry of John Taylor; [Day 196/14-17](#) Oral evidence to this Inquiry of John Taylor; [KB1.3](#) Statement to this Inquiry of Kenneth Bloomfield; [Day 216/46-47](#) Oral evidence to this Inquiry of Kenneth Bloomfield; [KR1.5](#) Statement to this Inquiry of Dr Robert Ramsay; [Day 215/13-14](#); [Day 215/96-99](#); [Day 215/128](#) Oral evidence to this Inquiry of Dr Robert Ramsay; [KC15.10-11](#) Statement to this Inquiry of Brian Cummings; [Day 253/14-16](#) Oral evidence to this Inquiry of Major General Robert Ford.

193.12 The United Kingdom Government's interest in and influence over security policy in Northern Ireland increased on the deployment of the Army. On 19th August 1969 the Prime Ministers of the United Kingdom and of Northern Ireland met, together with senior ministers, in London in circumstances that we have discussed elsewhere in this report.¹ The two Governments agreed the Downing Street Declaration, which included the following statements:²

"The United Kingdom Government have ultimate responsibility for the protection of those who live in Northern Ireland when, as in the past week, a breakdown of law and order has occurred. In this spirit, the United Kingdom responded to the requests of the Northern Ireland Government for military assistance in Londonderry and Belfast in order to restore law and order. They emphasise again that troops will be withdrawn when law and order has been restored.

The Northern Ireland Government have been informed that troops have been provided on a temporary basis in accordance with the United Kingdom's ultimate responsibility. In the context of the commitment of these troops, the Northern Ireland Government have reaffirmed their intention to take into the fullest account at all times the views of Her Majesty's Government in the United Kingdom, especially in relation to matters affecting the status of citizens of that part of the United Kingdom and their equal rights and protection under the law."

¹ Paragraph 7.73

² G0.12

- 193.13** Kenneth Bloomfield was present at this meeting in his capacity as Deputy Secretary to the Northern Ireland Cabinet, a position that he continued to hold at the time of Bloody Sunday. He told this Inquiry that the Downing Street Declaration and the accompanying reform of the post of GOC, which is discussed below, had the following effect on the relationship between the Governments of the United Kingdom and Northern Ireland:¹

"In a sense, the centre of gravity of coping with the security situation, the Executive centre of gravity, if one might put it in that way, had shifted at that stage from Belfast to London. That was not to say, of course, that the local politicians would not have continuing views to express about it."

¹ Day 216/33

- 193.14** Edward Heath, the United Kingdom Prime Minister at the time of Bloody Sunday, gave the following evidence in his written statement to this Inquiry about the effect of the deployment of the Army in Northern Ireland on the relationship between Stormont and Westminster:¹

"From the beginning of the 'troubles' in Northern Ireland in 1969, it had been clear that the Royal Ulster Constabulary (RUC) would not be able to contain violence and maintain civil order in the Province without the support of the army, and when the Government of which I was Prime Minister took office in June 1970 we inherited a situation in which the army had been called in and continued to be required to act as necessary in support of the civil power.

Since this support required a substantial commitment of manpower and resources from the British armed forces, Her Majesty's Government was bound to take a close interest in the security policies pursued in Northern Ireland, and had and exercised a right to take part in the process of reaching decisions on those policies. It was always

clear, however, that responsibility for the conduct of operations in pursuit of those policies rested with the Chief Constable of the RUC and the General Officer Commanding (GOC) the British Forces in Northern Ireland, which remained under the ultimate command and control of Her Majesty's Government at Westminster."

¹ KH4.2

193.15 The United Kingdom Government had various means of exercising what Edward Heath termed its right to take part in the process of reaching decisions on security policy in Northern Ireland. Influence was exerted through prime ministerial, ministerial or official meetings and other contacts, many of which are discussed elsewhere in this report.¹ The talks in August 1969 that culminated in the Downing Street Declaration also resulted in the Northern Ireland Government agreeing to two senior United Kingdom civil servants being stationed in Belfast *"to represent the increased concern which the United Kingdom Government had necessarily acquired in Northern Ireland affairs through the commitment of the Armed Forces in the present conditions"*.²

¹ Chapters 8 and 9

² G0.11

193.16 One of the posts created was that of the United Kingdom Representative, who generally reported to the United Kingdom Home Secretary. The role has been described in various ways at this Inquiry by former ministers and civil servants in the Northern Ireland Government at the time of Bloody Sunday: John Taylor, then the Minister of State for Home Affairs, said that the United Kingdom Representative was *"light heartedly referred to as the British spy"*;¹ Dr Robert Ramsay, Brian Faulkner's Principal Private Secretary, thought the post *"a constitutional enormity – an embassy to part of one's own country"*;² Kenneth Bloomfield considered the United Kingdom Representative to be London's *"eyes and ears on the ground, if you can without discomfort have your eyes and ears on the ground"*.³ Significantly, as noted above, the United Kingdom Representative sat on the JSC in Northern Ireland.

¹ KK3.2; Day 197/88-89

³ Day 216/67

² KR1.7

193.17 Still more significant for United Kingdom influence on the Northern Ireland Government was the position of the GOC. As the most senior military officer in Northern Ireland, in his role as Director of Operations (which is discussed more fully below), and as a member of the JSC, the GOC was central to Stormont's decision-making process on security matters. However, he was appointed by and was answerable to the United Kingdom Government.

193.18 The Directive that defined the GOC's role as Director of Operations in Northern Ireland at the time of Bloody Sunday set out his political responsibilities in the following terms:¹

"4. You are responsible to the Chief of the Defence Staff as Chairman of the Chiefs of Staff Committee, but will work in the closest co-operation with the Northern Ireland Government. You will be a member of the Northern Ireland Government Joint Security Committee. In the event of any disagreement with the Northern Ireland Government you are at once to refer the matter to the Ministry of Defence.

5. You are to keep the Chief of the General Staff, on behalf of the Chief of the Defence Staff, informed on all major issues. You will also, unless urgent operational considerations make this impossible, obtain guidance from the Ministry of Defence on any matters which, in your opinion or that of Her Majesty's Government's representatives in Northern Ireland, have political implications of concern to HMG or which concern any major redeployment of your forces."

¹ [G1AAB.19.1.1.8-9](#)

193.19 John Taylor, the Minister of State for Home Affairs and a member of the JSC at the time of Bloody Sunday, gave the following oral evidence to this Inquiry about the position of the GOC in practice:¹

"Q. It is a very broad and general question: but how much influence in practice could the Joint Security Committee or the Government of Northern Ireland, how much influence could they exert on the Army and in particular the GOC at the top of it?

A. My understanding and experience of the Joint Security Committee was that it was a very useful institution to feed into both the police and to the Army, especially the Chief Constable and the General Officer Commanding, what politicians felt was happening on the ground in Northern Ireland politically and, likewise, they would feed to us what they understood to be the security situation on the ground. Therefore, it is natural that the politicians would have had some influence on those in charge of security and, likewise, those in charge of security would have had some influence on those of us who were politicians. We influenced each other, but at the end of the day it was always clear that the GOC, if he was influenced perhaps, but he made it clear that he was answerable to London, that they at the end of the day gave him approval or otherwise.

Q. Is this fair: you sought as much influence as you could exert?

A. That is natural, yes, that is what politicians are like.

Q. I did not expect the answer to be 'no', but whether you succeeded was in the end a matter for General Tuzo and others?

A. General Tuzo always made it clear that his line of command was to London and not to Belfast.”

¹ [Day 196/21-22](#)

- 193.20** An assessment and overview of the respective roles of the United Kingdom Government, the Northern Ireland Government, the Armed Forces and the police in security policy in Northern Ireland was provided by the United Kingdom Home Secretary, Reginald Maudling, during a parliamentary debate at Westminster in February 1971:¹

“The position is that the Northern Ireland Government are responsible for law and order. The British troops there are acting in support of the civil power, and they are acting under the authority of my right hon. Friend the Secretary of State for Defence and, therefore, of the Government responsible to this House. So we have in a sense, formally speaking, a dichotomy which cannot be avoided, because the Stormont Parliament has its responsibility as we here have ours.

In practice, however, it works perfectly well because both sides know exactly what their responsibilities are, and because through the machinery of the Joint Security Committee liaison has been established between the Northern Ireland Government, our Government here in London, the police and the Armed Forces, with everyone working together in harmony with the same objective in view, and any attempt to institutionalise things and put one in control of the others would raise constitutional issues in one Parliament or another which would do no good to anyone and might cause considerable confusion.”

¹ [LAW13.0.1](#)

- 193.21** In February 1972 there was the following exchange in the United Kingdom Parliament:¹

“**Mr. Cronin** asked the Minister of State for Defence if he will make a statement on the arrangements by which the Government of Northern Ireland indicate to the British Army in Northern Ireland the tactical objectives which they wish it to pursue.

The Minister of State for Defence (Lord Balniel): The tactical objectives of the Army in Northern Ireland are a matter for the General Office Commanding, who is responsible to the Ministry of Defence. He works in the closest co-operation with the Northern Ireland Government through the Joint Security Committee.

Mr. Cronin: In spite of that rather vague answer, is not the British Army in Northern Ireland in effect the agent of the Stormont Government? While we feel nothing but admiration for the restraint and discipline of the British Army generally, is it not an intolerable situation that, whatever the provocation, they should be killing, wounding and generally harassing the Catholic population, under the direction of the highly partisan Protestant Stormont Government? Is it not now urgent that responsibility for security should be transferred to Westminster?

Lord Balniel: I must repudiate some of the contents of the question. The Army is acting in support of the constitutional civil authority. The Northern Ireland Government are constitutionally responsible for law and order in the Province. However, the GOC has overall responsibility for security operations, and he exercises this responsibility to the Defence Department, which is answerable to this House.”

¹ [V58](#)

- 193.22** Colonel David Ramsbotham, the Military Assistant to the Chief of the General Staff (CGS) at the time of Bloody Sunday, described the situation in his written evidence to this Inquiry, in terms rather different from those used by Reginald Maudling:¹

“The problem with Northern Ireland at the time was that political affairs were directed by the Northern Ireland Government, the GOC having to deal with the Prime Minister [of Northern Ireland], to whom the RUC reports. The army came under the Prime Minister in London, to whom the CGS reports. Operations were directed from Belfast/Lisburn. Resources were controlled from London. The CGS acted as intermediary. The situation was not resolved until after direct rule. The confusion in Northern Ireland was that you had a situation where the army had been sent in, although it was not clear how they fitted into the picture and who they were properly subordinate to.”

¹ [KR2.2](#)

- 193.23** We should note that in his oral evidence to this Inquiry, and in seeming contrast to his written statement, Edward Heath expressed the view that the United Kingdom Government was not responsible for the handling of the security situation in Northern Ireland, which was the exclusive responsibility of the Northern Ireland Government; and that the Army, insofar as it was engaged in security in Northern Ireland, was under the

control of the Northern Ireland Government.¹ However, Edward Heath did not accept that the Northern Ireland Government had been given the Army “*to do with as it would*”.²

¹ Day 285/108; Day 285/118; Day 287/112; Day 289/95-98; ² Day 289/126
Day 289/124

193.24 In our view Edward Heath was correct in not accepting that the Northern Ireland Government could “*do ... as it would*” with the Army. Although constitutionally the Northern Ireland Government was responsible for security, putting the GOC in charge of security operations meant that the MoD in London, to which the GOC was responsible, was necessarily closely involved. What in our view Edward Heath was emphasising in his oral evidence was the formal constitutional position;¹ and he was not asserting that the way the soldiers were used in Northern Ireland was simply left to the Northern Ireland Government.

¹ Day 294/28

The relationship between the Army and the Royal Ulster Constabulary

193.25 The relationship between the Army and the RUC was addressed at the meeting between the Prime Ministers and senior ministers of the two Governments on 19th August 1969. In the communiqué that accompanied the Downing Street Declaration, the following reforms to the GOC’s role were announced:¹

“It was agreed that the GOC Northern Ireland will with immediate effect assume **overall responsibility for security operations** [emphasis added]. He will continue to be responsible directly to the Ministry of Defence but will work in the closest co-operation with the Northern Ireland Government and the Inspector-General of the Royal Ulster Constabulary [then the chief officer of the RUC]. **For all security operations the GOC will have full control of the deployment and tasks of the Royal Ulster Constabulary** [emphasis added]. For normal police duties outside the field of security the Royal Ulster Constabulary will remain answerable to the Inspector-General who will be responsible to the Northern Ireland Government.”

¹ G0.1-13; G37C.252.6 “Responsibility for Law and Order in Northern Ireland”, Note by the Chairman of the Official Committee, 10th December 1971.

193.26 In October 1969, as a result of representations by the then chief officer of the RUC, Sir Arthur Young, this arrangement was modified. The Directive that defined the GOC’s enhanced role as Director of Operations was amended so that he was made responsible,

not for full control, but for the “*co-ordination of the tasking of the RUC*” in relation to “*security operations*”.¹

¹ G37C.252.6

193.27 The responsibility of the GOC for such co-ordination was re-affirmed in a revised Directive issued by the Acting Chief of Defence Staff to the GOC in February 1971, which continued to have effect at the time of Bloody Sunday.¹

¹ G1AAB.19.1.1.8-10

193.28 This Directive repeated that the GOC, in his capacity as Director of Operations, had “*overall responsibility for security operations*”. It continued:

“In this context you will:

- a. Exercise operational command of all land forces including disembarked Royal Marine commando units and the Ulster Defence Regiment.
- b. Exercise operational control of naval forces stationed in or employed ashore in Northern Ireland.
- c. Exercise operational control of RAF helicopters and personnel stationed in Northern Ireland.
- d. Co-ordinate the tasking of the Royal Ulster Constabulary for security operations with other security forces.”

193.29 The Directive defined “*security operations*” as:

“relating to internal and external security and cover[ing]:

- a. The execution of operations necessary to counter action, whether cover or overt, aimed at subverting the security of the State.
- b. The action necessary for the protection of life and property in case of actual or apprehended civil commotion.”

193.30 Under the heading “*Relationships with the Royal Ulster Constabulary*”, the Directive provided that:

“In accordance with your overall responsibility as Director of Operations, you are to co-ordinate the tasking of the Royal Ulster Constabulary in relation to security operations. Outside the security field you will have no responsibility for normal police duties, for which the Chief Constable will remain responsible to the Northern Ireland Government.”

Submissions to this Inquiry

193.31 Under the heading “*Subversion of the Role of the Police by the Military*”, the representatives of the majority of the families submitted to this Inquiry that:¹

“Crucial to an understanding of why lethal force was used by the security forces against unarmed civilians on the streets of Derry in January 1972 was the erosion of the role of the police in security matters and the illegal transfer of control over the policing of security situations from the police to the military.”

¹ [FS1.633](#)

193.32 The same representatives further submitted that:¹

“In the period following Internment, by means of the Internal Security Instruction and with the collaboration of the RUC, the military demanded, and obtained, dominance over the police in security matters achieving *de facto* control.”

¹ [FS1.638](#)

193.33 This alleged *de facto* control was, these representatives submitted, illegal, as neither the United Kingdom nor Northern Ireland Government, nor the Chief Constable of the RUC, had any legal power or entitlement to delegate policing decisions to the military.¹

¹ [FS1.637](#)

193.34 The Internal Security Instruction referred to in these submissions was issued on 15th October 1971 by Major General Robert Ford, the Commander of Land Forces (CLF). The CLF had day-to-day responsibility for the conduct of the Army in Northern Ireland and was in effect the deputy to the GOC. The relevant part of the Internal Security Instruction of October 1971 was as follows:¹

“a. The General Officer Commanding NORTHERN IRELAND is the Director of Operations in NORTHERN IRELAND. As such, he is responsible for the control, tasks and deployment of all security forces in NORTHERN IRELAND. The control and tasking of the RUC is vested in the Chief Constable, although variations may be made when the situation dictates that the RUC come under the direct command of a military commander in certain areas.

b. ... (4) Divisional commanders of the RUC receive their orders from the Chief Constable, through the appropriate Assistant Chief Constable.

(5) All operations between the military and the RUC will be co-ordinated at police divisional level by joint consultation within area Security Committees ...”

¹ G20.142

193.35 In an interview with Desmond Hamill in 1984, General Ford commented on this instruction, when he gave this account:¹

“... not many months [after the introduction of internment in August 1971] ... the RUC became, for all practical purposes, under command of the Army. It did. I have an Operational Order Directive which actually said the police will do this and that. I had NO authority to do that at all but it was the only way to get things done. In fact the police were so tired at that stage that in general terms they were only too happy for someone else to take that decision – with a few exceptions. But this was absolutely wrong. The Army should never have been in charge. Never. But unless it was there wouldn't have been any action taken at all. It was frightful, but we really were in command – not at internment, but afterwards.”

¹ B1208.3.6-7; Day 258/84

193.36 General Ford told us, and we accept, that he gave this interview at short notice and relying on his memory.¹

¹ Day 253/11

193.37 During General Ford's oral evidence to this Inquiry he was asked about his interview with Desmond Hamill. There was this exchange:¹

“Q. The Chief Constable was supposed to hold his powers under the Police Act. Do you know of any provision which entitles a Chief Constable of police in the United Kingdom to pass over authority for areas in which he is responsible to the Army?

A. I do not know personally, no.

Q. In fact when you said it was 'wrong, completely wrong', that is what you meant?

A. Yes, what I was saying there was that in the normal course of events of a counter-insurgency campaign like this, that the police are always at the highest level in charge. Unfortunately because of the nature of the problem in Northern Ireland it had to operate, on occasions, the other way round. This was well-known in Whitehall and well-known at Stormont.

Q. Policies at a policy level could be made by the Chief Constable and GOC; that is right?

A. Yes, there was a certain amount of discussion about this, by the way, in fact right up to direct rule and afterwards, as to what the exact legal position was. I was not concerned in those discussions and certainly would not have been qualified to take part."

¹ [Day 258/84-85](#)

193.38 This Inquiry heard evidence from other witnesses concerning the de facto relationship between the Army and the RUC in Northern Ireland. Superintendent Patrick McCullagh was, from 1971 to 1973, deputy to Chief Superintendent Frank Lagan, the commander of the RUC's N Division, which included Londonderry.¹ In his written statement to this Inquiry, Superintendent McCullagh told us that "*there was very little we [the RUC] could do in terms of public order if the army did not agree with us*".² He also gave the following answers in the course of his oral evidence:³

"Q. One of the matters in relation to the Army was that the Army were absolutely responsible for all security?

A. Well, in 1969 the Army were placed in total command of all, we will call broadly security force action, which included police action.

...

Q: It [the use of coloured dye in water cannons to identify rioters on Bloody Sunday] was a matter that was discussed with the police, although under the control of the Army when it happened; that is right, is it not?

A: Yes, I think I made it clear that the Army were the main – they were in charge of security at the time. The police actually could not do anything of a major nature without the full consent of the Army because we had neither the men nor the equipment.”

¹ Day 231/99

³ Day 232/61-62; Day 232/137

² JM17.2

193.39 General Sir Michael Carver was the CGS, the professional head of the British Army, to whom the GOC was responsible throughout the period with which we are concerned. As we have discussed elsewhere in this report,¹ he wrote an “Appreciation of the Security Situation” for the Prime Minister’s attention in October 1971. As regards the RUC, General Carver wrote:²

“There remains the problem of the RUC. The general state of police morale is very low, and the Force is under strength. There is some confusion of aim, a lack of will and leadership – particularly at intermediate levels – and a tendency to rely too much on the Army. Its attitude is passive and its contribution to the security situation minimal. This does not apply at present to the Special Branch, but there are ominous signs of some weakening there. An urgent examination of ways and means to improve the effectiveness of the uniformed branch is necessary. Meanwhile the Army must continue to bear the brunt of the security burden until the RUC can play a more effective part, which may not be for some years.”

¹ Paragraphs 8.77–88

² G14B.86.11

193.40 Kenneth Bloomfield, the Deputy Secretary to the Northern Ireland Cabinet, described the relationship between the Army and the RUC in the following terms, during his oral evidence to this Inquiry:¹

“Q: Can you tell us what that meant in effect: did it mean that the RUC were subject to – I do not know what is the right word – supervision, control, whatever, of the GOC?

A. No, I think it was a more sophisticated situation than that. I think what it meant was that the Army would be in the lead in considering how to handle what you might describe as the security situation, but you know, they would try to treat the RUC as a reasonably equal partner. Clearly, they had a tremendous input to make into that sort of situation from their local knowledge, but at the end of the day it would be for the GOC ultimately, or for officers responsible, to say ‘look, we have listened to all of this, we have discussed all of this, now this is how we are going to handle it’.”

¹ Day 216/36

193.41 Kenneth Bloomfield went on to make the following observations:¹

“... I think that military aid to the civil power was by and large thought of historically in terms of a fairly quick, fairly limited in-and-out activity and you bring in, you know, a platoon of soldiers, you put them temporarily under the command, effectively, of the Chief Officer of police in Belfast; they deal with the immediate riot, and they are out again. Now this was, clearly, quite a different sort of situation where the Army intervention was on a much larger scale. Many people of course were saying ‘this is only an in-and-out operation’, although from the beginning there were sceptics about that, but it was different in degree from what had gone before. Can I add this, because I think it is important to say it: I think in the dialogue that went on occasions the RUC were rather overborne by the sophistication of the Army. Army officers, in my experience, were very well trained, they had been through staff college training, they were vigorous in debate, they were good at analysing problems, and I think sometimes perhaps that overbore the local knowledge of the RUC, who in those days were a less sophisticated force than their successors are today.”

¹ [Day 216/36-37](#)

193.42 On the basis of this evidence it appears that during the period in question the morale of the RUC was thought by Army commanders to be generally low; and it is clear that the RUC had neither the manpower nor the resources to deal with security situations of any magnitude (of which there were many), so that for these it can accurately be described as partly or even wholly dependent on the Army. As General Ford told us,¹ echoing what General Carver recorded in his Appreciation of the Security Situation in October 1971, the situation at that time was such that if law and order were effectively to be maintained in Northern Ireland, the main burden of security would fall on the Army.

¹ [B1208.021](#)

193.43 However, to our minds the fact that the main burden fell on the Army does not imply that the RUC had illegally delegated any of its policing duties relating to security, or that the Army had obtained “*dominance*” over the police in security matters, in the sense that they were able simply to override or ignore the views or advice of the RUC, as opposed to working with them on how best to deal with the security situation. In our view the situation was accurately described by Kenneth Bloomfield in the passages of his evidence quoted above, where he declined to accept that the RUC was under the control of the GOC. The decision-making process was, as he and John Taylor pointed out, a complex one in which various groups discussed the matter before decisions were taken in relation to

matters of internal security. In the circumstances described above, we are of the view that the fact that the Army played a prominent if not leading role in reaching these decisions does not indicate that they had eroded “*the role of the police in security matters*” or that there was any “*illegal transfer of control over the policing of security situations from the police to the military*”.¹

¹ FS1.633

193.44 We have borne in mind, of course, the fact that Chief Superintendent Frank Lagan (the senior police officer in Londonderry) expressed the view to Brigadier Patrick MacLellan that the civil rights march on 30th January 1972 should be allowed to reach Guildhall Square, rather than being stopped at Army barricades (as in the event it was), but Chief Superintendent Lagan was not part of the decision-making process, which was taking place at a higher level. At the JSC meeting of 13th January 1972, the Chief Constable himself had emphasised the importance of stopping marches decisively.¹ In his written evidence to this Inquiry, he told us, and we accept, that “*Frank’s [Chief Superintendent Lagan’s] views were taken into account at the Director of Operations meeting on 26 January 1972 but in the end the GOC and I both agreed that the march should be stopped at a point of our choosing*”.²

¹ G52.315

² JS8.11

193.45 As will have been noted, General Ford was relying on his memory in what he told Desmond Hamill. In view of General Ford’s oral evidence to this Inquiry and the other evidence to which we have referred, it seems to us that he was not expressing a view that the Army had illegally usurped the role of the RUC so far as security was concerned, but rather that he regretted that the situation was such that the Army had had to take the leading role. We do not accept that his account to Desmond Hamill shows that the Directive defining the role of the GOC as co-ordinating the tasking of the RUC was ignored in practice, or that his own Internal Security Instruction was somehow different from or subverted this Directive.

193.46 The question remains as to the extent to which the role of the Army in dealing with the security situation in Northern Ireland from August 1969 provides or helps to provide an explanation for the use of lethal force by soldiers of 1 PARA on Bloody Sunday.

193.47 The legal representatives of most of the families submitted that “*soldiers do not make good police officers*” and that “*the training and ethos of the military is such that their approach to the policing of civil disobedience created a significantly higher risk of the use of lethal force in circumstances where it was unjustified*”.¹ A comparison was drawn with

what was described as the “*vastly different*” approach of the police, who “*are not engaged in a military conflict with an ‘enemy’, rather they are trained to serve their community in circumstances where the use of force, whether lethal or non-lethal, ought to be [the] option of last resort*”.²

¹ FS1.639

² FS1.639-640

- 193.48** As we understand it, this submission is to the effect that the Army treated policing of civil disturbances in Northern Ireland as a military conflict with an enemy, whereas the police were trained to use force only as a last resort, with the result that where the Army were policing civil disturbances there was a significantly higher risk of the use of unjustified lethal force than would otherwise have been the case.
- 193.49** In our view this submission is so broadly stated that to consider it would have required a wide-ranging investigation into the conduct of soldiers and police in Northern Ireland in the period leading up to Bloody Sunday, a task that it was simply impracticable for us to undertake. We note, however, that the submission confines itself to civil disobedience; it does not appear to address or deal with the fact that by 1972 the problem facing the security forces was not just civil disobedience, but widespread civil disorder often accompanied or followed by lethal paramilitary activity.
- 193.50** The same representatives made further and more specific submissions in relation to the planning for the civil rights march in Londonderry on 30th January 1972. In this regard it was argued that “*the pre-eminence of the military over the police in the planning and control over the security operation at the NICRA march is crucial to an understanding of why unarmed civilians were killed*”.¹ The representatives highlighted in particular three “*cultural differences*” between the Army and the RUC:²

“(i) The military approached the march and the NICRA marchers in a confrontational manner ... [whereas] the approach of senior officers of the RUC in Derry was one where the primary objective was the maintenance of public order ...

(ii) ... The military, and in particular General Ford, equated unarmed teenage rioters with IRA gunmen and bombers and considered that the same military tactics could be applied to dealing with them. Senior officers in the RUC in Derry on the other hand appeared to understand and acknowledge the problem of hooliganism was more complex ...

(iii) The approach by the military and the police to the use of lethal force was also markedly different with senior police officers in Derry subscribing to the doctrine of minimum force.”

¹ FS1.640

² FS1.641-642

- 193.51** As we understand these submissions, they are to the effect that the Army, by its plan to stop the march from reaching its advertised destination and to mount an operation to arrest rioters, created or increased the risk that civilians would be subject to unjustified lethal force; a risk that would not have existed, or would only have existed to a much lesser or insignificant extent, had the Army adopted a non-confrontational approach, using only minimum force and then as a last resort, and exercising discretion rather than seeking, come what may, to enforce the law.
- 193.52** The first of the so-called “*cultural*” differences listed above ignores the fact that, as we have pointed out above, the Chief Constable did not follow the advice of Chief Superintendent Lagan but agreed that the march should be stopped. It also appears to assume that the decision to stop the march amounted to a “*confrontational*” approach that increased the risk of unjustified lethal gunfire. For reasons given elsewhere in this report,¹ the decision to stop the march was not, in our view, an unreasonable decision to take. The stopping of the march, as opposed to the arrest operation ordered by Colonel Wilford, did not lead to unjustified Army gunfire, nor, in our view, did it create or increase the risk of such gunfire.
- ¹ Chapter 9
- 193.53** The second alleged cultural difference does not accurately reflect the view of the Army at the time, as we have discussed elsewhere in this report.¹ If and to the extent that it relies on General Ford’s memorandum of 10th January 1972,² in which he expressed the view that the only way to deal with the rioting in Londonderry was to shoot selected ringleaders using .22in rifles, it ignores several facts, namely that General Ford acknowledged in the same memorandum that this method of riot control would require authorisation before it could be adopted; that such authorisation was not forthcoming; and that this suggestion was not adopted.
- ¹ Chapters 8 and 9
- ² G48.299
- 193.54** The third alleged cultural difference is unsupported by any evidence. To our minds it wrongly assumes that the Army plans contemplated the use of lethal force to control the march or to deal with rioters. In our view this was not the case.

193.55 We are not persuaded therefore that these suggested cultural differences provide any key to an understanding of the unjustified use of lethal force by soldiers on Bloody Sunday.

193.56 In the course of this report, we have examined in the greatest detail possible the circumstances in which soldiers of Support Company of 1 PARA fired their rifles on Bloody Sunday, killing and injuring civilians. For the reasons we have given, we take the view that soldiers did fire unjustifiably on that day. However, we have found nothing that suggests to us that the cause or a contributory cause of this happening was either the role of the Army in Northern Ireland at the time, the relationship of the Army with the RUC, or indeed the plans made for dealing with the civil rights march and any accompanying rioting on 30th January 1972. We consider below the further submission that there was a “*culture within which soldiers could shoot, and kill, with impunity*”, because they knew that their use of lethal force would not be subject to scrutiny.¹

¹ [FS1.554-559](#)

Chapter 194: The legal position of soldiers in Northern Ireland

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194.1 In this chapter of the report we comment on the general legal position of individual soldiers in Northern Ireland, and then consider the arrangements that were in place at the time of Bloody Sunday for the investigation of alleged criminal offences by members of the Armed Forces. The question of soldiers' powers of arrest is discussed in a later chapter.¹

¹ [Chapter 196](#)

The legal position of individual soldiers

194.2 The *Manual of Military Law* (Ninth Edition 1968, Part II, Section V) provided that “*when called to the aid of the civil power soldiers in no way differ in the eyes of the law from other citizens, although, by reason of their organisation and equipment, there is always a danger that their employment in aid of the civil power may in itself constitute more force than is necessary*”.¹

¹ [LAW12.2](#)

194.3 Set out in an appendix to this part of the *Manual* was the Opinion of the Law Officers (dated 18th August 1911) on the duty of soldiers called upon to assist the police:¹

“A soldier differs from the ordinary citizen in being armed and subject to discipline; but his rights and duties in dealing with crime are precisely the same as those of the ordinary citizen. If the aid of the military has been invoked by the police, and the soldiers find that a situation arises in which prompt action is required, although neither Magistrates nor Police are present or available for consultation, they must act on their own responsibility. They are bound to use such force as is reasonably necessary to

protect premises over which they are watching, and to prevent serious crime or riot. But they must not use lethal weapons to prevent or suppress minor disorder or offences of a less serious character, and in no case should they do so if less extreme measures will suffice. Should it be necessary for them to use extreme measures they should, whenever possible, give sufficient warning of their intention.”

¹ LAW12.12

194.4 The legal position of individual soldiers who used lethal force while on duty in Northern Ireland was addressed by the House of Lords in the case of *R v Clegg*.¹ The case arose from an incident in which the passenger of a stolen car was shot and killed by a soldier in West Belfast. The House of Lords was asked to rule on the question of whether an on-duty soldier who killed a person with the requisite intention for the crime of murder (ie an intention to kill or cause serious bodily harm), but who would have been entitled to rely on self-defence (or other associated defences) had he not used excessive force, was guilty of murder or of manslaughter. Their Lordships held unanimously that in such instances the soldier would be guilty of murder.

¹ [1995] 1 AC 482

194.5 In his leading speech, Lord Lloyd of Berwick discussed the “*special position of the soldier in Northern Ireland*”,¹ and quoted the following passage from Lord Diplock’s judgment in *Attorney-General for Northern Ireland’s Reference (No.1 of 1975)*:²

“There is little authority in English law concerning the rights and duties of a member of the armed forces of the Crown when acting in aid of the civil power; and what little authority there is relates almost entirely to the duties of soldiers when troops are called upon to assist in controlling a riotous assembly. Where used for such temporary purposes it may not be inaccurate to describe the legal rights and duties of a soldier as being no more than those of an ordinary citizen in uniform. But such a description is in my view misleading in the circumstances in which the army is currently employed in aid of the civil power in Northern Ireland ... In theory it may be the duty of every citizen when an arrestable offence is about to be committed in his presence to take whatever reasonable measures are available to him to prevent the commission of the crime; but the duty is one of imperfect obligation and does not place him under any obligation to do anything by which he would expose himself to risk of personal injury, nor is he under any duty to search for criminals or seek out crime. In contrast to this a soldier who is employed in aid of the civil power in Northern Ireland is under a duty, enforceable under military law, to search for criminals if so ordered by his superior

officer and to risk his own life should this be necessary in preventing terrorist acts. For the performance of this duty he is armed with a firearm, a self-loading rifle, from which a bullet, if it hits the human body, is almost certain to cause serious injury if not death.”

¹ [1995] 1 AC 482, at 497

² [1977] AC 105, at 136-137

194.6 Lord Lloyd continued:¹

“I would particularly emphasise the last sentence in the above quotation. In most cases of a person acting in self-defence, or a police officer arresting an offender, there is a choice as to the degree of force to be used, even if it is a choice which has to be exercised on the spur of the moment, without time for measured reflection. But in the case of a soldier in Northern Ireland, in the circumstances in which Private Clegg found himself, there is no scope for graduated force. The only choice lay between firing a high velocity rifle which, if aimed accurately, was almost certain to kill or injure, and doing nothing at all.

It should be noticed that the point at issue here is not whether [the soldier in the case] was entitled to be acquitted altogether, on the ground that he was acting in obedience to superior orders. There is no such general defence known to English law, nor was any such defence raised at the trial. The point is rather whether the offence in such a case should, because of the strong mitigating circumstances, be regarded as manslaughter rather than murder ... I regret that under existing law, on the facts found by the trial judge, he had no alternative but to convict of murder.”

¹ [1995] 1 AC 482, at 497-498

194.7 Private Clegg was later acquitted of murder at a retrial where fresh forensic evidence was adduced.¹

¹ David McKittrick et al, *Lost Lives*, Edinburgh: Mainstream Publishing, 2001, pp1209–10.

194.8 For the reasons given in one of the rulings we made during the course of this Inquiry,¹ it is not within the scope or power of this Tribunal to decide whether or not soldiers committed criminal offences on Bloody Sunday. This part of this chapter simply emphasises that, bearing in mind the observations expressed by Lord Diplock and Lord Lloyd, the soldier is in the same position as the private citizen so far as the commission of criminal offences is concerned.

¹ Ruling dated 11th October 2004 on the standard of proof, [A2.41](#).

The investigation of allegations of criminal offences committed by soldiers in Northern Ireland

- 194.9** In addition to the general division of responsibilities between the Army and the Royal Ulster Constabulary (RUC) that we have discussed above, there is another aspect to the relationship between the police and the military in Northern Ireland at the time of Bloody Sunday to which we should draw attention. This is the investigation of criminal offences alleged to have been committed by soldiers, and in particular the respective roles played in such investigations by the RUC and the Army's own police force, the Royal Military Police (RMP).
- 194.10** At the time of Bloody Sunday, Major INQ 3, who was an officer in the RMP, held the post of Deputy Assistant Provost Marshal (Special Duties).¹ He told us that his role in this post expanded his duties as the senior Special Investigation Branch (SIB) officer in order to cover investigations of complaints and litigation directed against the British Army.² The SIB was the equivalent of the criminal investigation division of a civilian police force. Major INQ 3 attached to his written statement to this Inquiry³ the notes that he prepared for a lecture that he delivered in November 1973. The relevant part of these notes was as follows:⁴

“Back in 1970 a decision was reached between the GOC and the Chief Constable whereby RMP would tend [sic] to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic to the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances. However in March 1972, following the imposition of direct rule from Westminster, a Director of Public Prosecutions was appointed for Northern Ireland and he soon made it clear that the existing standards were far from satisfactory. In November 1972 he revoked the RUC's discretionary powers in these matters, ordering all allegations made against the security forces to be passed to him for examination. The honeymoon period was over.”

¹ C3.1

² Day 256/154-155

³ C3.1; Day 256/154-155

⁴ C3.10-11

194.11 In his oral evidence to this Inquiry, Major INQ 3 told us that the revoked discretionary powers to which he was referring were those of the RUC to decide whether or not to institute criminal proceedings against an individual soldier.¹

¹ [Day 256/161](#)

194.12 The understanding between the RUC and the RMP described by Major INQ 3 was considered by the Northern Ireland Court of Criminal Appeal in the case of *R v Foxford*, a successful appeal against conviction by a soldier who had been found guilty of the manslaughter of a 12-year-old boy in Newry.¹ In his judgment, Sir Robert (later Lord) Lowry, the Lord Chief Justice of Northern Ireland, said:²

“We learnt that from September 1970 an RUC Force Order was in operation whereby if an offence against the ordinary criminal law was alleged against military personnel in Northern Ireland the interviewing of military witnesses and of the alleged offender himself was conducted exclusively by military investigation.”

¹ [1974] NI 181; [OS1.734-750](#)

² [1974] NI 181 at 200; [OS1.744](#)

194.13 Sir Robert Lowry went on to condemn this practice, stating that “*we deprecate this curtailment of the function of the police and hope that the practice will not be revived*”.¹

¹ [1974] NI 181 at 200; [OS1.744](#)

194.14 Michael O’Connell in his book *Truth – The First Casualty* referred to this RUC Force Order being in force from September 1970 to September 1973.¹

¹ Michael O’Connell, *Truth – The First Casualty*, Eire: Riverstone, 1993.

194.15 We consider the role played by the RMP in taking statements from soldiers in the aftermath of Bloody Sunday elsewhere in this report,¹ where we consider in detail submissions made by interested parties to this Inquiry on this and allied matters. However, here we should draw attention to the submissions made by representatives of the majority of the families to the effect that the agreement between the GOC and the Chief Constable “*removed soldiers from the normal operation of the criminal justice system and involved the establishment of an alternative structure operated and controlled by the military*”, which in turn meant that “*the soldier was operating in an environment designed to assist him in protecting himself from the threat of criminal sanction*”, and that this contributed significantly “*to a culture within which soldiers could shoot, and kill, with impunity*”, because they knew that their use of lethal force would not be subject to scrutiny.²

¹ [Chapter 173](#)

² [FS1.554-559](#)

194.16 Any attempt to establish whether there was in the period leading up to Bloody Sunday a culture among soldiers which led them to believe that they could shoot with impunity would have required a detailed investigation into the previous incidents of shooting by soldiers, apart from those on Bloody Sunday itself, and consideration of whether these incidents demonstrated that soldiers were using lethal force with impunity, without paying any or any proper regard to whether they were justified in firing. Such an investigation would have necessarily taken a great deal of time and in our view was, in the context of what was already a very large inquiry, a wholly impracticable course to take. In these circumstances, we are not in a position to express a view either as to whether or not such a culture existed among soldiers before Bloody Sunday or, if it did, as to whether it had any influence on those who fired unjustifiably on that day.

Chapter 195: The validity of regulations concerning soldiers made under the Northern Ireland Special Powers legislation

195.1 Earlier in this report¹ we referred to an operation mounted in August 1971 by the Army in Londonderry (code-named “Operation Huntsman”) to draw out and engage IRA gunmen, arrest rioters and remove the barricades that had been erected in the Bogside and the Creggan.² During the course of this operation soldiers encountered a crowd sitting on the ground in an attempt to prevent the further removal of barriers.³ The crowd included the Northern Ireland MPs John Hume and Ivan Cooper, who were arrested with others for remaining in an assembly of more than three persons after being ordered to disperse by an Army officer, contrary to Regulation 38(1) of the regulations made under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 (the Special Powers Act), passed by the Northern Ireland Parliament.⁴ Soldiers made these arrests. On 8th September 1971 John Hume, Ivan Cooper, Michael Canavan, Hugh Logue and William Gallagher were convicted and each fined £20.⁵

¹ Paragraphs 8.54–55

⁴ LAW11.5-6

² G8B.63.5; G3C.48.14-15; G9C.66.14

⁵ LAW11.5-6

³ Niall Ó Dochartaigh, *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, Basingstoke: Palgrave Macmillan, 2005, first published 1997, pp238–39.

195.2 Under section 1(3) of the Special Powers Act, the Northern Ireland Minister of Home Affairs was given power to make regulations “*for making further provision for the preservation of the peace and maintenance of order*”.¹ Regulation 38(1), which had first been introduced in 1966² and was subsequently replaced with a new regulation in 1970,³ was one such provision. It provided, among other matters, that:⁴

“... any commissioned officer of Her Majesty’s Forces on duty who suspected that any assembly of three or more persons might lead to a breach of the peace or serious public disorder or make undue demands upon the police force or upon Her Majesty’s Forces, then such commissioned officer, or any member of the Royal Ulster Constabulary or Her Majesty’s Forces on duty acting in his behalf, might order the persons constituting the assembly to disperse forthwith, and any person who thereafter joined or remained in the assembly or otherwise failed to comply with such order should be guilty of an offence against the regulations.”

¹ [LAW2.3](#)

² Statutory Rules and Orders (Northern Ireland) 1966 No. 173

³ Statutory Rules and Orders (Northern Ireland) 1966 No. 214

⁴ [LAW11.2](#)

195.3 John Hume, Ivan Cooper, Michael Canavan, Hugh Logue and William Gallagher applied to the High Court of Northern Ireland for orders of certiorari to quash their convictions. One of the grounds of their application was that Regulation 38(1) was contrary to section 4(1)(3) of the Government of Ireland Act 1920, which prohibited the Parliament of Northern Ireland from having any powers to make laws in respect of the Armed Forces.¹ Such legislation remained within the sole jurisdiction of the United Kingdom Parliament at Westminster. As a result, it was argued, the Parliament of Northern Ireland had no power to authorise the Minister of Home Affairs to make regulations, such as Regulation 38(1), that purported to confer powers on members of the Armed Forces, and the Minister had acted outside his lawful powers in so doing.

¹ [LAW11.3](#); [LAW1.10](#)

195.4 The application was heard by the Lord Chief Justice of Northern Ireland, Sir Robert Lowry (later Lord Lowry), Mr Justice Gibson and Mr Justice O’Donnell on 11th and 12th January 1972, and the judgment was delivered on 23rd February 1972, a little over three weeks after Bloody Sunday.¹ The court upheld the argument outlined above and quashed the convictions.² This judgment had potentially far-reaching consequences as it brought into question legislative provisions, including those in the Special Powers Act, that had been passed by the Parliament of Northern Ireland and that purported to affect the powers of members of the Armed Forces.

¹ *R (Hume) v Londonderry Justices* [1972] NI 91; [LAW11.1-28](#) ² [LAW11.3](#)

195.5 At a meeting on 22nd February 1972 the United Kingdom Cabinet, having been informed that the judgment due the following day was likely to be adverse to the Crown, discussed its response. The Prime Minister noted that since 1969 “*the Army had relied heavily upon powers conferred upon them by the [Special Powers Act]*”, and that the effect of the

judgment “*might therefore be to invalidate all actions taken by the Army by virtue of those powers*”.¹ The Attorney General, Sir Peter Rawlinson, warned that:²

“... the Army would therefore be exposed to writs of habeas corpus and to accusations of wrongful arrest, unlawful entering of premises and, probably, assault. Moreover, individuals would be entirely within their legal rights in refusing to obey orders given by members of the Forces under powers conferred by the Special Powers Act.”

¹ [G124A.831.3](#)

² [G124A.831.4](#)

195.6 The Prime Minister told the Cabinet that the Government had two options: either to appeal to the House of Lords, or to rush retrospective legislation through the Westminster Parliament to validate action previously taken by the Armed Forces under the Special Powers Act. Following discussion, it was agreed that the latter course should be taken.¹ The resulting Northern Ireland Act 1972 (the 1972 Act) received Royal Assent on 24th February 1972.²

¹ [G124A.831.3-7](#)

² [LAW9.2](#)

195.7 Had it not been for this piece of retrospective legislation, and had the decision of the Northern Ireland High Court been upheld or remained unchallenged, the legality of the arrests of civilians by soldiers on Bloody Sunday could not in our view have been justified under the Special Powers Act alone.

195.8 It is relevant to note that in October 1972 the United Kingdom Attorney General gave an undertaking that the 1972 Act would not be applied retrospectively so as to charge demonstrators who had been arrested on Bloody Sunday, or other occasions, with failing to comply with orders from members of the United Kingdom Armed Forces. This undertaking was given in response to an inter-state case challenging the compatibility of the 1972 Act with the European Convention on Human Rights, which was brought before the European Commission on Human Rights by the Republic of Ireland.¹

¹ [FS10.395](#); [CS2.43-44](#)

195.9 A number of submissions were made to this Inquiry by the representatives of the Northern Ireland Civil Rights Association (NICRA), criticising both the 1972 Act and the administrative processes that led to it. Before addressing these, it is necessary to consider what was known and when by the authorities in London and Stormont regarding the legal position of provisions made under the Special Powers Act that purported to affect the powers of the Armed Forces.

195.10 Professor Claire Palley, who at the time of Bloody Sunday was Professor of Public Law and Dean of the Law Faculty at Queen's University Belfast, gave written evidence to this Inquiry.¹ In her statement she told us that from 1968 she had given constitutional law lectures on this aspect of the Special Powers Act, and noted that academic and professional discussion on this point became sharper in the later 1960s and early 1970s. Professor Palley also wrote a number of articles on the topic in the *Times* from 1971.²

¹ KP2.1

² KP2.1-2

195.11 During this Inquiry Professor Palley was shown a number of official documents from the period between November 1971 and February 1972 concerning these matters. Having considered these, she stated:¹

"I believe that the Government of Northern Ireland and its lawyers, and through them the UK Government, knew that there was considerable doubt as to the lawfulness of the Parliament of Northern Ireland legislating to confer powers on the Army, Navy or Air Force or on any other naval military or air force matter. There had been debate about the dubious legality of any such conferment of power on the Army prior to the enactment of the regulations, which were applied in relation to Mr. Hume's arrest. After enactment of the regulations, those involved must have been even more aware of doubts being expressed by the legal profession and about likely challenges in the courts in Northern Ireland."

¹ KP2.9

195.12 There is evidence before this Inquiry to show that officials at the United Kingdom Home Office (then the department responsible for Northern Ireland) were aware of arguments surrounding the conferral of powers on the military under the Special Powers Act at least as early as November 1971. In a note dated 25th February 1972 (and hence written after the judgment in the Hume case and the enactment of the 1972 Act) Sir Kenneth Jones, then Legal Adviser to the Home Office, wrote the following to Graham Angel, then Private Secretary to the Home Secretary:¹

“While this note was being dictated, the Northern Ireland Department have looked into Professor Palley’s assertion [in an article in the *Times* of 25th February 1972] that the Home Office was warned of the ‘probable invalidity of the regulations’. The Home Office were aware that the conferring of these powers on the military was under attack since we knew that they were being challenged by Mr Hume and others. The point was also raised in a general way by Mr Garrett, a Northern Ireland solicitor and a friend of Professor Palley, who had a meeting in November with Home Office officials in his capacity as Policy Chairman of the Northern Ireland Labour Party.”

¹ KP2.32-33

- 195.13** Although officials might have been aware of a challenge in this area, it does not follow that they necessarily thought that it would be successful. Speaking in the House of Commons on 23rd February 1972, in response to the delivery of Lord Chief Justice Lowry’s judgment in the Hume case, Harold Wilson, then Leader of the Opposition, but the Prime Minister at the point when troops had been deployed to Northern Ireland, said:¹

“Both Governments – I emphasise, both Governments – which have been responsible for the use of British troops to preserve peace in Northern Ireland had assumed on the best legal advice available, to us and to the recent Government, that our action in putting troops in and with the powers which they were given – for example, to deal with search of vehicles suspected of carrying gelignite or action to deal with snipers – was legal. This was the view of the then Government – and of the present Government – when we put in the troops in 1969 and, indeed, when we gave them supreme control of security in Northern Ireland. The view of both Governments seemed to have been confirmed by the decision of the British High Court in the judgment of Mr. Justice Ackner last September.”

¹ House of Commons Debates, 1972, vol 831, 23 February, col 1286.

- 195.14** The judgment of Mr Justice Ackner (later Lord Ackner) to which Harold Wilson referred was given in the English High Court in September 1971 in the case of *Re Keenan*.¹ The judge had been asked to consider a writ of habeas corpus on behalf of two applicants who had been arrested by soldiers in Northern Ireland. One of the issues he addressed was whether the Parliament of Northern Ireland had the power to authorise members of the Armed Forces to make arrests under Regulation 11(1) of the Civil Authorities (Special Powers) Act (Amending) Regulations (Northern Ireland) 1956. Mr Justice Ackner, after deciding that he had jurisdiction to hear the case, held that the Parliament of Northern Ireland had not exceeded its powers in passing the regulation in question and that the

applicants had failed to establish any case for saying that no valid powers existed for their arrest and detention. Later in September 1971 the case went to the Court of Appeal, which dismissed the appeal on the basis that the English and Welsh courts had no powers to issue a writ of habeas corpus in respect of persons detained in Northern Ireland. The Court of Appeal was not, therefore, concerned with the validity of the regulation or the legality of arrests made by soldiers in Northern Ireland.²

¹ LAW11.29-35

² *Re Keenan* [1972] 1 QB 533

195.15 At this Inquiry, the representatives of NICRA made submissions criticising the purported failure of the Governments of the United Kingdom and Northern Ireland to obtain or update legal advice concerning the powers of arrest of members of the Armed Forces in Northern Ireland, in the light of the debate about the validity of such powers, and in particular the ongoing Hume case.¹ In conclusion, they submitted that:²

“The absence of any legal advice to the relevant authorities in the days immediately preceding Bloody Sunday constituted a failure to act administratively in an appropriate manner. In terms of ombudsmanry, this was, classically, an act of maladministration.”

¹ FS10.376-392

² FS10.392

195.16 These submissions only have direct relevance to the present Inquiry if, assuming legal advice had been obtained immediately after the hearing in the Hume case but before the judgment, there would or should have been some significant change to the plans to deploy soldiers to control the march that was to take place on 30th January 1972; and in particular, to the plan to use soldiers to arrest rioters.

195.17 In these circumstances, the question arises as to what advice would have been given had it been sought at that time. The decision of Mr Justice Ackner in *Re Keenan*, and the advice to which Harold Wilson referred in his parliamentary statement, both suggest that there was a school of thought that the conferment of powers on members of the Armed Forces under the Special Powers Act was valid. Professor Palley told this Inquiry that while that had not been her own view, it was one that tended to be held by one of her colleagues, Harry Calvert.¹ John MacDermott QC, who at the time of the Hume case was the Legal Adviser to the (Northern Ireland) Minister of Home Affairs, told this Inquiry that the case caused great interest at the Bar of Northern Ireland and that “*both sides were confident of success*”.²

¹ KP2.1

² KM1.2

- 195.18** To our minds, in view of the matters considered in the previous paragraphs, we consider that any advice tendered before Bloody Sunday could only, at the highest, have been to the effect that there was a serious risk that the High Court of Northern Ireland would hold that the regulations under which John Hume and others were arrested, and by extension other similar provisions made under the Special Powers Act, were invalid.
- 195.19** Had such advice been given, the authorities (ultimately the United Kingdom Government), would have been faced with a number of choices. They could have waited for the judgment and then, if it was adverse, sought to appeal to the House of Lords. They could, pending the decision of the High Court of Northern Ireland, have ceased to use members of the Armed Forces in aid of the civil power in Northern Ireland, at least in circumstances where such use depended upon the validity of the regulations. They could have rushed through legislation validating the regulations, as indeed they were to do in the aftermath of the decision in the Hume case.
- 195.20** The first of these choices, an appeal to the House of Lords, which in any event might have been unsuccessful, would have taken time, and in the period between the High Court decision and the conclusion of the appeal the Armed Forces could hardly have been permitted to act as though the impugned regulations were valid. The second choice would have meant that the same situation would have arisen even before the High Court of Northern Ireland had ruled. In the situation as it obtained in Northern Ireland at the time, the result in either of these cases would have been that the Armed Forces would have been substantially hampered in their task of aiding the civil power in Northern Ireland. To our minds it would not have been unreasonable for the relevant decision makers to conclude that this would amount to an unacceptable state of affairs that precluded the adoption of either of these two approaches.
- 195.21** There is evidence that in early February 1972, before the judgment in the Hume case but after Bloody Sunday, officials in both Stormont and Westminster had these considerations in mind. On 10th February 1972, John MacDermott QC wrote the following letter to Tony Hetherington, the Legal Secretary to the United Kingdom Government Law Officers:¹

“10th February, 1972

Dear Tony,

I hesitate to bother you again about our problems. I have just heard on the grape-vine that Judgment in the Hume Certiorari case may be delivered next week. If it goes against the Crown – and I fear it will – the Army is going to be out on a limb. Powers of arrest, search and anything of a quasi police nature will probably be unlawful: in short the Army becomes impotent as an aid to the civil authority.

It may be that the necessary contingency plans exist though the only sure action is Westminster legislation. I wonder therefore if you could sound a word of warning or concern with Ministry of Defence or take some other action as you think fit.

It may be that it is thought that nothing need be done until the H. of L. determines the matter. I don't think the Army's role can be left uncertain for a period of months. It also occurs to me that an Imperial Act of indemnity may be a real necessity.

If I can elaborate on my anxieties or take any steps at this end do let me know.

All best wishes

Yours sincerely

(sgd) John MacDermott”

¹ KM1.6

195.22 This letter was sent by Tony Hetherington to Sir Kenneth Jones, the Legal Adviser to the (United Kingdom) Home Office, who copied it to his Permanent Secretary Sir Philip Allen.¹ In an accompanying note,² dated 14th February 1972, Sir Kenneth wrote:³

“It is to be hoped that Mr. MacDermott is being unduly pessimistic. Certainly, one would think that the judges of the N.I. Divisional Court would hesitate at the present juncture to pronounce as invalid regulations which have been in force for so long, unless they were convinced that there were compelling legal reasons for doing so. But, in the face of the view expressed by this practising Silk, we cannot rely upon the court upholding the legality of the regulations.

While the prosecution would seek to appeal to the House of Lords against the adverse judgment, the army could hardly continue to exercise these essential powers pending the determination of the appeal, which the respondents would have no incentive to expedite. There would be likely to be a flood of habeas corpus applications of arrested persons.

A validating Westminster Bill, with retrospective effect, would therefore seem to be necessary. A Bill of this kind to deal with this isolated point would raise the whole question of the continued exercise by Stormont of the law and order and Special Powers Act functions and would no doubt lead to renewed demands for the transfer of the powers to London.

If a contingency validating Bill is to be drafted, we shall clearly need to act quickly.”

¹ KM1.3

³ KM1.5

² KM1.3-5

- 195.23** In these circumstances it seems to us that if the matter had been addressed in January rather than February 1972, the same conclusions would have been reached, namely to enact legislation in the event of an adverse decision in the High Court of Northern Ireland, but meanwhile to proceed on the basis, which had some existing legal support, that the regulations were valid. In our view this would not have been an unlawful or unreasonable course to take. It follows that even if it could be said that the Governments could and should have addressed the matter earlier, we consider that this would not have made any difference to the plans as to how to use soldiers on 30th January 1972.
- 195.24** The representatives of NICRA also made submissions attacking the 1972 Act itself. In particular they suggested that it was “*a piece of retroactive penal legislation and hence constitutionally impermissible*”.¹
- ¹ FS10.381
- 195.25** In our view that is not an accurate description of this legislation. The 1972 Act was retroactive but did not create an offence where none had existed. It was not, in the area with which we are concerned, a penal provision, nor to our minds constitutionally impermissible. Its effect was to give lawful operation to an exercise of power by a

member of Her Majesty's Forces. If an arrest was on other grounds unlawful, it remained so. In the Westminster Parliament the Lord Chancellor described the proposed legislation as follows:¹

"We are not validating anything which was not invalidated this morning. If any acts were done illegally outside the powers conferred upon them by the Minister, they are still illegal and they would still give rise to an action in the courts: they would still give rise to an action for civil damages, where civil damages are proper, and they would still give rise to criminal proceedings if a criminal offence is committed. Nothing of that kind is validated. Secondly, the particular convictions which were quashed by the High Court will remain quashed if this legislation is passed. This is because, although leave to appeal was obtained, we shall abandon our appeal if this Bill is given legislative force. Therefore those who gained the advantage of the judgment this morning will be allowed to keep it for all time without interference."

¹ House of Lords Debates, 1972, vol 328, 23 February, col 624.

195.26 The representatives of NICRA also questioned whether this Act was compatible with Article 7 of the European Convention on Human Rights. It will be borne in mind that at the time this Convention was not part of the municipal law of the United Kingdom. These representatives acknowledged that this question "*might reasonably have not occurred to legal authorities in 1971/2*".¹ The question, though interesting, is one that to our minds not only would require much fuller argument before we could express a view, but also seems to us hardly to fall within our terms of reference.

¹ [FS10.389](#)

195.27 It remains to note that in the circumstances we do not accept the further submissions of these representatives, that General Ford was in breach of a duty of care in failing to obtain an assurance that the arrests he contemplated would be lawful; and that the failure of ministers or civil servants to remedy or clarify the law might have amounted to an act of maladministration or, at worst, evidence of misfeasance in office.¹

¹ [FS10.405-406](#)

Chapter 196: The lawfulness of the arrests on Bloody Sunday

- 196.1** Quite apart from the question of the invalidity of the Special Powers Act regulations in relation to soldiers and their retrospective validation by the 1972 Act, discussed above, a further question arose as to whether the arresting soldiers adopted the required procedures for making arrests.
- 196.2** Neither the evidence of the arresting soldiers nor the evidence of those arrested throw any light on what powers of arrest the soldiers were seeking to exercise. The arrest report forms do not record anything on this topic, though under the heading “ARREST DETAILS” the alleged offence was usually specified, in the majority of cases, as riotous behaviour.
- 196.3** On the face of it (and assuming its validity as regards soldiers) Regulation 11 in the Schedule to the Special Powers Act would be applicable. There is evidence in the military papers in the period leading up to Bloody Sunday that suggests that the Army commanders intended, or at least would have intended had they applied their minds to the question, that any arrests made during the operation would be made under Regulation 11 in the Schedule to the Special Powers Act. Regulation 11, among other matters, empowered a member of Her Majesty’s Forces on duty to arrest without warrant any person whom he suspected of acting or of having acted or of being about to act in a manner prejudicial to the preservation of the peace or maintenance of order, or of having committed an offence against any of the regulations contained in the Schedule to the Special Powers Act.¹
- ¹ [LAW2.11-12](#)
- 196.4** In the instructions issued on behalf of Major General Ford on 19th January 1972, concerning the renewed ban on processions under section 2 of the Public Order Act (Northern Ireland) 1951,¹ it was provided that, in the event that the ban was defied, an order to disperse would be given to those taking part, failure to comply with which would constitute an offence under Regulation 38 in the Schedule to the Special Powers Act. If practicable, the Royal Ulster Constabulary would make arrests under the 1951 Act. However, should it be necessary for soldiers to make arrests, they would do so under

Regulation 11 in the Schedule to the Special Powers Act, on suspicion that the person arrested was acting or had acted in a manner prejudicial to the peace or had committed an offence against the regulations.

¹ [G59.361-363](#)

196.5 The Brigade Operational Order for Operation Forecast¹ stipulated that if arrests became necessary after an assembly of three or more persons had been ordered to disperse, the soldiers making the arrests should use the words “*I arrest you for having committed acts prejudicial to the peace*”. Although no statutory provision was mentioned, the prescribed wording appears to us to indicate that it was envisaged that these arrests would be made under Regulation 11.

¹ [ED25.10](#)

196.6 There is, however, some evidence to suggest that the arrests made on Bloody Sunday were not made, or were not thought to have been made, under the Special Powers Act.

196.7 Major INQ 1900 was, at the time of Bloody Sunday, the Deputy Assistant Adjutant and Quartermaster General (DQ) of 8th Infantry Brigade in Londonderry. He attached to his written statement to this Inquiry¹ a copy of a table, which he had compiled several months after Bloody Sunday, in which information was recorded about the numbers of incidents of various kinds that had occurred in the 8th Infantry Brigade area during certain periods.²

¹ [C1900.1](#)

² [C1900.60](#)

196.8 According to the table, during the period from 8th December 1971 to 30th January 1972, 21 arrests were made under the 1922 Act in the City of Londonderry, and 25 in County Londonderry, whereas 136 other arrests were made in the 8th Infantry Brigade area, including 43 on 30th January 1972.

196.9 Elsewhere in this report¹ we consider the arrests made on Bloody Sunday. It appears that soldiers of 1 PARA made 55 arrests on Bloody Sunday and soldiers of 1 R ANGLIAN a further seven. Two of those arrested by soldiers of 1 PARA were released in William Street. Forty-four of the remaining 53 cases were later treated as cases of riotous behaviour, but one of these had originally been treated as a case of assault. Hence a contemporaneous Army list records 43 cases of riotous behaviour.

¹ [Chapters 155–164](#)

- 196.10** It is impossible to tell whether these 43 cases correspond to the 43 arrests recorded in Major INQ 1900's table, nor is it clear whether or in which category the remaining arrests made on Bloody Sunday have been counted in his table. On any view, however, his table treats the majority of the arrests on Bloody Sunday as not having been made under the 1922 Act. It does not automatically follow that his categorisation is correct or that the soldiers would not have relied upon Regulation 11 if they had been required to justify the arrests that they had made. But the table does suggest that it should not be assumed that the powers under the 1922 Act were routinely invoked whenever soldiers on duty made arrests.
- 196.11** On the other hand, apart from the powers under the Special Powers Act, the soldiers' powers of arrest were limited. Under section 2 of the Criminal Law Act (Northern Ireland) 1967,¹ any person was empowered to arrest anyone in the act of committing an arrestable offence, or whom he reasonably suspected to be in the act of committing an arrestable offence, or anyone guilty, or whom he reasonably suspected to be guilty, of an arrestable offence already committed. But "arrestable offence" was defined in the same section as meaning an offence carrying a mandatory sentence of death, life imprisonment or detention during the pleasure of the Governor of Northern Ireland, or an offence for which an adult with no previous convictions might be sentenced under any enactment to imprisonment for five years. It does not appear that any of the offences for which civilians were arrested on Bloody Sunday was an arrestable offence. Under section 9 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, riotous behaviour carried a maximum sentence of six months' imprisonment (which was made mandatory by later legislation).
- 196.12** There is power in any citizen at common law to arrest without warrant for breach of the peace or conduct likely to cause a breach of the peace.¹ Although there is no evidence that the soldiers thought that they were exercising this power, it is possible that they might have relied upon it had they been required to justify some of the arrests that they had made.

¹ [LAW4.2](#)

¹ *R v Howell* [1982] QB 416; *Bibby v Chief Constable of Essex Police* [2000] EWCA Civ 113.

196.13 It was held in *R v Howell*¹ that the common law power of arrest for breach of the peace arises where “(1) a breach of the peace is committed in the presence of the person making the arrest or (2) the arrestor reasonably believes that such a breach will be committed in the immediate future by the person arrested although he has not yet committed any breach or (3) where a breach has been committed and it is reasonably believed that a renewal of it is threatened”. Hence a soldier would only have been entitled to arrest under this power if a breach of the peace had in fact been committed in his presence, or if he held a reasonable belief either that a breach of the peace was about to be committed or that a renewed breach of the peace was threatened.

¹ [1982] QB 416

196.14 In contrast, as regards the powers of arrest conferred by Regulation 11, it was held in *In re McElduff*¹ that an honest suspicion, even though not reasonable, was sufficient for the purposes of Regulation 11. Hence a soldier was entitled to make an arrest under this regulation on a suspicion, whether reasonable or not, that the person arrested was acting or had acted or was about to act in a manner prejudicial to the preservation of the peace or the maintenance of order.

¹ [1972] NI 1 [LAW10.1](#)

196.15 We should note at this point that section 7 of the Special Powers Act provided as follows:¹

“Any person authorised by the civil authority, or any police constable, or any member of His Majesty’s Forces on duty may, where it is necessary for the purpose of effecting an arrest in respect of any crime or any offence against the regulations, exercise the like powers as may be exercised by a police constable in effecting arrest in a case where an arrestable offence has been committed.”

¹ [LAW2.6](#)

196.16 In *In re McElduff*,¹ McGonigal J treated this section as creating a power of arrest distinct from the power under Regulation 11. Despite this, and although the sidenote to the section reads “Power of arrest”, we are doubtful whether it should be construed as creating such a power at all. To say that a power of arrest may be exercised “*where it is necessary for the purpose of effecting an arrest*” invites the question: when could such a power ever not be necessary for that purpose? Instead it seems to us that the section presupposes the existence of a power of arrest, and that its purpose was to equip

authorised persons, constables and members of HM Forces on duty, in circumstances in which they already had such a power, with ancillary powers of entry and search, which would otherwise have been available only to constables in an arrestable offence case.

¹ [1972] NI 1 [LAW10.1](#)

196.17 Those ancillary powers were set out in section 2(6) of the Criminal Law Act (Northern Ireland) 1967,¹ which provided as follows: “*For the purpose of arresting a person under any power conferred by this section a constable may enter (if need be, by force) and search any place where that person is or where the constable, with reasonable cause, suspects him to be.*” The ancillary powers are here appropriately described as to be exercised “*for the purpose of*” making an arrest. The objection to construing section 7 of the 1922 Act as having created a separate power of arrest is strengthened by the consideration that, on that construction, soldiers on duty would have been entitled to enter and search houses in order to arrest people on suspicion of minor road traffic offences. It seems most unlikely that even the Special Powers Act was intended to have such consequences.

¹ [LAW4.3](#)

196.18 It was also held in *In re McElduff*¹ that, for an arrest under any of the powers in the 1922 Act or regulations to be valid, it was necessary for the arrested person to be informed at the time of his arrest, or at the very earliest opportunity thereafter, under what power he had been arrested, and the general nature of the suspicion leading to his arrest. The decision in *In re McElduff* was in part an application of the general principle stated in *Christie v Leachinsky*,² that an arrest without warrant is unlawful unless the arrested person is informed at the time of the ground upon which he is being detained. In *R v Howell*³ it was held that in the case of the common law power to arrest for breach of the peace it is sufficient for the person making the arrest to say “*I am arresting you for a breach of the peace*”.

¹ [1972] NI 1 [LAW10.1](#)

³ [1982] QB 416

² [1947] AC 573

196.19 Instructions sent by signal from the headquarters of the British Army in Northern Ireland to all Brigades on 13th October 1971,¹ and reiterated on 17th December 1971,² had set out the procedure for making arrests under Regulation 11, including an appropriate form of words to be used.³

“THE SOLDIER MAKING THE ARREST UNDER REGULATION 11 SHOULD SAY QUOTE I AM ARRESTING YOU UNDER REGULATION 11 OF THE CIVIL AUTHORITIES (SPECIAL POWERS) ACT ON THE GROUND THAT I SUSPECT (AS APPROPRIATE):

(1) YOU OF HAVING ACTED IN A MANNER PREJUDICIAL TO THE PRESERVATION OF PEACE (.)

(2) YOU OF BEING ABOUT TO ACT IN A MANNER PREJUDICIAL TO THE PRESERVATION OF PEACE (.)

(3) YOU OF BEING A MEMBER OF THE IRA, UVF, ETC (.)

(4) THAT THIS ARTICLE IN YOUR POSSESSION IN INTENDED TO BE USED FOR A PURPOSE PREJUDICIAL TO THE PRESERVATION OF PEACE.”

¹ G18B.136.5-8

³ G42C.277.10-11

² G42C.277.8-11

196.20 However, it is highly doubtful whether these instructions were followed on Bloody Sunday or that those arrested on Bloody Sunday were told either under what power they were being arrested or on what grounds the arrest was being made. In the course of the oral evidence to this Inquiry of Warrant Officer Class II Lewis (the Company Sergeant Major of Support Company, 1 PARA), there was this exchange:¹

“Q. The next heading in your statement is ‘Moving to the north side of Rossville Flats Block 1,’ and you describe how that came about. Could we move on, please, to B2111.018 and paragraph 116, where you say: ‘While in the lee of Block 1 I was not in a position to see the direct actions of soldiers as they were making arrests, although I knew that arrests were still being made. I saw nothing untoward. In Northern Ireland ...’ should that say ‘there were proper arrest procedures and we had to conform to these’?”

A. No, sir, ‘These were proper arrest procedures and we had to conform to these’.

Q. 'These were proper arrest procedures ...'

A. Yes.

Q. What were the proper procedures that had to be followed when making an arrest in Northern Ireland?

A. To grasp the arrestee, sir, and take him as quickly as possible to the holding area with – using minimum force.

Q. That was all that the procedure involved?

A. Yes, sir.

Q. Were the soldiers expected to tell the person concerned that he was being arrested?

A. Not to my knowledge, sir, not to my recollection.

Q. Or to explain why he was being –

A. No, sir.

Q. – arrested or anything like that?

A. No, sir.

Q. Or under what legal power he was being arrested?

A. No, sir.”

¹ [Day 373/68-70](#)

196.21 In the light of this evidence it appears doubtful, either as a matter of common law or on the basis of the retrospective validation of the regulations relating to soldiers under the Special Powers Act, that the arrests made on Bloody Sunday were lawfully made. We consider elsewhere in this report¹ the question whether arrests were made in good faith.

¹ [Chapters 155–164](#)