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Our Ref: JR/26088/PJM

Public Prosecution Service
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Dear Sir

HUGH GILMOUR, DECEASED, 30 JANUARY 1972 – BLOODY SUNDAY

We represent the family of Hugh Gilmour, who was shot dead on Bloody Sunday, Derry, 1972.

Hugh was seventeen years old when he was shot near the main doors of Block 1 of the Rossville Street Flats.

He sustained two gunshot wounds to the trunk, and two further gunshot wounds to the left forearm as he ran away in a southerly direction, from soldiers who were positioned further north along Rossville Street. There is some difference of opinion in the expert evidence of Dr Carson, who performed the autopsy in 1972, and the Inquiry's own experts, as to whether Hugh was struck by one or two bullets. The Tribunal believe that it is more than likely that the wounds sustained to the trunk and left forearm were caused by the same bullet.

We would refer you in particular to Chapter 86.60 to Chapter 86.156 (Volume V) of the Report of the Bloody Sunday Inquiry, in which the Tribunal review *inter alia* the medical and scientific evidence, photographic, and the evidence of civilian eye-witnesses concerning Hugh's death.

The area of the Bogside in which the shootings occurred on Bloody Sunday was divided by the Inquiry into five broad areas, known as sectors.

The western side of Block 1 of the Rossville Street Flats, where Hugh Gilmour was shot, is in Sector 3.

The Tribunal are sure that Hugh Gilmour was shot by Private U, a member of the Mortar Platoon of Support Company of 1 Para.¹

¹ Para 89.44

Private U made two statements to the Royal Military Police, (at 0040 hours on 31st January 1972 and later on 4 February 1972), one statement for the purposes of the Widgery Inquiry and he also gave oral evidence to that Inquiry.

Private U's evidence contained in his first statement to the RMP, was that he disembarked from Sergeant O's APC on the waste ground on Rossville Street and immediately became involved in the arrest of a civilian. He then moved near to the north western corner of Block 1 of the Rossville Flats, a little way down the western side of Block 1, where he claims to have come under fire from the area of the waste ground at the far end of the Rossville Flats. Private U claims to have heard thirty shots whilst at this position but could not tell where they were coming from.

He further claims to have witnessed a man, about 150 metres from his position standing in the middle of approximately five other men, wearing a light coloured anorak, holding a pistol in his right hand. He witnessed this man fire two shots at other members of his unit who were on the opposite side of the road from him. From a standing aiming position, Private U fired one aimed shot at this man and saw that the shot struck him in the stomach, and the man jerked and fell. He also claims to have witnessed a man behind the man that he shot, fall to the ground clutching his head, and other rioters in the area drop to the ground.

In his statement to the RMP made four days later, Private U refers for the first time to a gunman at the door of Block 1 of the Rossville Flats firing two shots.

In the third statement provided by Soldier U, that for the Widgery Inquiry, Private U for the first time referred to witnessing soldiers at the entrance to the forecourt of the flats firing at a gunman he could see in the far corner of the forecourt.

Private U further claimed to have witnessed four or five automatic shots landing near the Company Commander's vehicle. Five or six men walked across from Glenfada Park towards the Rossville Flats. One of these men, wearing a light blue anorak, had a pistol and fired two shots in quick succession towards soldiers on the opposite end of Rossville Street. Private U then states that he aimed for the centre of the man's body and shot the man. He reported this shot to his Company Sergeant Major.

The Tribunal have reached the following significant conclusions:

1. The Tribunal have no reason to doubt that Private U fired from the position he had indicated i.e. the north western corner of Block 1 of the Rossville Flats
2. There is no evidence that any other soldier fired his rifle from that position into Sector 3
3. There is no evidence that Private U fired more than one shot
4. Private U's Company Sergeant Major does not recall any report by Private U that he fired his weapon at a target
5. Apart from Private U's account, there is **no evidence** from any source that suggests that anyone was shot in the position that Private U gives for the man at whom he fired
6. The Tribunal **find it beyond belief** that a man, in full view of a number of soldiers in the area, and away from any cover, should produce a pistol and fire it at soldiers
7. The Tribunal find that having listened to Private U they formed the view that **he had seen and remembered much more of what occurred on and near the rubble barricade than he was prepared to admit** to the Tribunal

8. The Tribunal **reject** Private U's account of firing at a gunman
9. The only reason Private U put forward an account of firing at a gunman was, in the Tribunal's view, **a knowingly false account** of his firing, namely that he wished to **conceal the fact that it was unjustified**
10. Private U **did not fire in a state of fear or panic**, without giving proper thought to whether or not he was justified in doing so, since the Tribunal have found nothing that suggests to it that this may have been the case
11. The Tribunal consider that Private U did not fire because he mistakenly thought that his target was or might be about to shoot at him or his colleagues since, had that been the case, Private U would have had no reason to **invent** an account of shooting someone some distance from where he had in fact shot Hugh Gilmour.
12. The Tribunal have **no doubt** that Private U shot Hugh Gilmour either in the belief that Hugh Gilmour **was not posing a threat** of causing death or serious injury, or **not caring** whether or not he was posing such a threat.

In our view, the foregoing conclusions reached by the Tribunal point unmistakably towards the evidential test for a successful prosecution being satisfied concerning the murder of Hugh Gilmour on Bloody Sunday.

In circumstances where the State, by its agents, are responsible for the death of one of its citizens (in this case, an unarmed fleeing youth) by the use of lethal force, clearly the public interest limb for bringing a prosecution has also been met.

In addition, it is clear that the evidential and public interest test is satisfied to prosecute Private U for perjury in respect of the untruthful evidence he gave on oath to the Bloody Sunday Inquiry, and for withholding information in respect of the Tribunal's conclusion that Private U had seen and remembered much more than he was prepared to give in evidence.

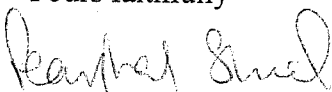
Accordingly, we should be grateful if you would consider the contents of this correspondence, submitted on behalf of the family of Hugh Gilmour, in advance of issuing a direction in respect of the prosecution of Private U for his murder of Hugh Gilmour, perjury in relation to his sworn evidence and withholding information in choosing not to give evidence on matters which he had witnessed and remembered.

It is the belief of Hugh Gilmour's family, that Private U should be prosecuted for their brother's murder, and for his subsequent conduct before the Tribunal.

In the event that you decide not to prosecute Private U, we should be grateful if you would provide your substantive written reasons for your decision.

We await hearing from you by return.

Yours faithfully



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