

Our Ref: JR/26088/PJM

Public Prosecution Service  
Belfast Chambers  
Chichester Street  
Belfast  
BT1 3JR

Dear Sir

**JACKIE DUDDY (DECEASED 30 JANUARY 1972) - BLOODY SUNDAY**

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

Jackie was seventeen years old when he was shot in the car park of the Rossville Street Flats. He sustained a single gunshot wound to the upper chest as he ran away from soldiers.

We would refer you in particular to Chapter 55.2 to Chapter 55.80 (Volume IV) of the report of the Bloody Sunday Inquiry, in which the Tribunal review *inter alia* the medical and scientific evidence, and the evidence of civilian and media eye witnesses concerning Jackie's death.

As you will be aware from your consideration of the Report, the area of the Bogside in which the shootings occurred on Bloody Sunday was divided into five broad geographical areas, known as Sectors.

The Rossville Flats car park is in Sector 2.

---

It is common case that the military evidence suggests that the only soldiers to fire live rounds in Sector 2 were Lieutenant N, Sergeant O, Private Q, Private R, Private S, Private T and Lance Corporal V. Each of these soldiers were members of the Mortar Platoon of Support Company, 1 Para.

We note the Tribunal's conclusions that Jackie was "probably" shot by Private R (Chapter 64.62).

However, it is apparent from Chapter 64.66 that the Tribunal have expressly discounted the possibility that any other soldier who fired live rounds on Bloody Sunday, other than Private R, could have been responsible for shooting Jackie Duddy. It would appear therefore that the Tribunal are in no doubt that Private R is responsible for shooting Jackie Duddy.

Private R's evidence to the Inquiry was that he had disembarked from an Armoured Personnel Carrier on waste ground on Rossville Street. He described shooting a man in the car park of the Rossville Flats who he said was about to throw a bomb. On his evidence, he fired a shot at the alleged bomber. He later admits firing shots in a south westerly direction across the car park.

The Tribunal have reached the following significant relevant conclusions:

1. No nail or other bombs exploded in Sector 2
  2. Furthermore, no bombs were thrown or exploded in any of the sectors on Bloody Sunday
  3. The Tribunal note that Private R may have heard shooting from other soldiers, notably Lieutenant N and Corporal P (in Sector 3) and thereby putting him on high alert
  4. Jackie Duddy did not have a smoking object in either hand
  5. The Tribunal **do not accept** that Private R could have believed that he had [a smoking object] and **reject** his evidence on this point
-

---

6. The Tribunal are **sure** that Private R **invented** this detail in order to justify his shot

7. The Tribunal **did not believe** Private R's evidence that he did not see Jackie Duddy's body being carried across the car park, seeking to dissociate himself from the person he knew he probably shot

8. Even if Private R believed that Jackie Duddy might have been about to throw a bomb, and shot him for this reason, he could not have been sufficiently confident about this to conclude that he was justified in firing

9. In view of what the Tribunal describe as his "**untruthful account**" of the circumstances in which he probably shot Jackie Duddy, the Tribunal place no reliance on his accounts of seeing gunmen

10. Private R gave a **false** account of seeing a pistol man shot and fall in order to support the account given by Sergeant O about his firing in the car park

11. Private R fired further shots in the car park in order to frighten people or drive them away

In our view, the foregoing conclusions reached by the Tribunal point unmistakably towards the evidential test for a successful prosecution being met concerning the murder of Jackie Duddy 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 satisfied.

In addition, it is clear that the evidential and public interest test is met to prosecute Private R for perjury in respect of the untruthful and false evidence he gave on oath to the Bloody Sunday Inquiry.

On behalf of the family of Jackie Duddy we would invite you to prosecute Private R for murder and for perjury in respect of his false evidence given on oath to the Tribunal.

---

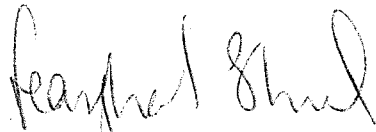
---

Accordingly, we should be grateful if you would consider the contents of this correspondence, submitted on behalf of the family of Jackie Duddy, in advance of issuing a direction in respect of the prosecution of Private R for murdering Jackie Duddy, and for perjury in relation to his sworn evidence.

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

We await hearing from you by return.

Yours faithfully



11 Peter Madden

**Madden & Finucane**

pjm@madden-finucane.com