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Our Ref: JR/26088/PJM/FJS

Public Prosecution Service
Belfast Chambers
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Dear Sir

PATRICK DOHERTY, DECEASED ON 30 JANUARY 1972 – BLOODY SUNDAY

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

Patrick Doherty was 32 years old when he was shot in the area of the front of Block 2 of the Rossville Flats, on its southern side, towards Joseph Place. He sustained a gunshot wound to the right buttock which passed through his trunk and exited the left side of his chest. It is probable that he was on 'all fours', or bending forwards, when he was shot from behind.

Patrick Doherty was married with six young children.

We would refer you in particular to Chapter 118.116 to Chapter 118.204 (Volume VII) 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 and media eye-witnesses concerning Patrick Doherty'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 area south of Block 2 of the Rossville Flats, where Patrick Doherty was shot and mortally wounded is in Sector 5.

The Tribunal are in no doubt that Patrick Doherty was shot by a soldier.¹

The only soldier to admit firing shots into Sector 5, is Lance Corporal F, from the Anti-Tank Platoon of Support Company of 1 Para.

Lance Corporal F made a number of statements about the events of Bloody Sunday. Not until his fifth statement, made to Lieutenant Colonel Overbury of Army Legal Services on 19 February 1972, did he make any admission to firing shots in Sector 5.

In that statement he described firing his two rounds at an alleged nail bomber in Glenfada Park. Immediately after this he ran along the "eastern" wall of Glenfada Park to the corner. As he did so he heard pistol shots coming from the area of the wall at the far end of the Rossville Flats. He shouted "there's a gunman" and he dropped to one knee and took an aim position. He saw a man near the wall facing his direction who turned as if to run. He saw he had an object in his hand. This man was the only person in the area from which gunfire had come. The object in his hand was large and black like an automatic pistol. He fired two rounds at the man and he fell to the ground.

His statements to the RMP and subsequently were utterly dishonest and designed to disguise the amount and the location of his firing on the day. He had already made four statements to the RMP² before he admitted to firing any shots behind block 2 of the Rossville Flats. This is utterly inexplicable except on the basis that up to that point Lance Corporal F had concealed his shooting in anticipation of not having to account for it. At a very early stage the army must have been in possession of the information that two persons had been shot dead behind the flats and others wounded in that area. It would not have taken long by a process of elimination and a serious investigation that the soldiers likely to have fired in that area included Lance Corporal F. The first RMP statements of Soldiers 134³, 227⁴, and 040⁵ were

¹ Chapter 118.139 (Volume VII)

² He had also made a statement to the RUC on issues arising out of arrests on 15 February 1972

³ Chapter 120.15 (Volume VII) See also Chapter 119.97 to Chapter 119.122

⁴ Chapter 119.57-119.82

⁵ Chapter 119.83-119.96

all made by 3 February 1972 presenting clear information of a Paratrooper firing in the area of the rear of the Rossville Flats. It appears that in spite of making four RMP statements between 30 January and 19 February 1972 Lance Corporal F had still not been made to commit his actions to paper until 19 February 1972.

The Tribunal conclude that even with Lance Corporal F's belated admission of firing two shots into Sector 5, he continued to fail to account truthfully for six of the thirteen rounds he had fired on Bloody Sunday because the Tribunal reject his account of firing eight shots at a flat on Block 1 of the Rossville Flats, concluding instead that he fired only two such shots.⁶

In the Tribunal's view, Lance Corporal F is probably responsible for all four casualties in Sector 5 – Patrick Campbell, Danny McGowan, Patrick Doherty and Bernard McGuigan.⁷

The Tribunal have reached the following significant conclusions:

1. The Tribunal are sure that the casualties in Sector 5 were neither armed nor carrying anything that could have led Lance Corporal F to believe, albeit mistakenly, that they were armed.
2. Patrick Doherty was in a crawling posture when he was shot, though the Tribunal do not know whether or not he was moving at the moment he was shot.⁸
3. Patrick Doherty was not doing anything that justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.⁹
4. The Tribunal have considered the trajectory photograph of Lance Corporal F's shooting into Sector 5. It passes close to where the Tribunal are sure that Patrick Doherty was shot. Given the general unreliability of Lance Corporal F's evidence, it is necessary to treat that trajectory photograph with particular caution.¹⁰
5. Had Lance Corporal F fired, as belatedly asserted, at a man with a pistol, or a man who had fired a pistol, there was no reason for him to conceal this from the Royal Military Police, whereas if he had knowingly fired at targets that were not posing a

⁶ Chapter 119.185 (Volume VII)

⁷ Chapter 120.6 (Volume VII)

⁸ Chapter 118.198 (Volume VII)

⁹ Chapter 118.198 (Volume VII)

¹⁰ Chapter 120.16 – Chapter 120.17

threat of causing death or serious injury, there was every reason for him to conceal this and to make up false accounts of firing elsewhere.

6. The Tribunal reject as untrue Lance Corporal F's explanation to the Widgery Inquiry that his shooting of a man in Sector 5 had "*slipped my mind*"
7. Lance Corporal F did not suggest anyone else was firing when he was firing into Sector 5
8. Lance Corporal F admitted (eventually) that he fired two shots into Sector 5, though he concealed other shots that the Tribunal believe he fired into Sector 5
9. Even if another soldier did fire into Sector 5, the Tribunal are sure that Lance Corporal F shot Patrick Doherty
10. The Tribunal are sure that Lance Corporal F did not fire into Sector 5 in a state of fear or panic.
11. The Tribunal are sure that Lance Corporal F fired either in the belief that no-one in the area into which he fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.¹¹
12. Lance Corporal F initially concealed any firing into Sector 5 at all, then made up a false account of firing at a man armed with (or armed and firing) a pistol, and continued to conceal that he had fired more than two rounds into Sector 5

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 Patrick Doherty on Bloody Sunday.

In circumstances where the State, by its agents, are responsible for the murder of one of its citizens (in this case, a 32 years old father of six children) 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 met to prosecute Lance Corporal F for perjury in respect of the untruthful evidence he gave on oath to the Bloody Sunday Inquiry and for perverting the course of justice in respect of the evidence that he deliberately concealed.

¹¹ Chapter 120.20 (Volume VII)

On behalf of Patrick Doherty's family, we would invite the Public Prosecution Service to determine whether, upon consideration of the evidence available, there is sufficient evidence to provide a reasonable prospect of conviction of Lance Corporal F for the offence, and to direct accordingly.

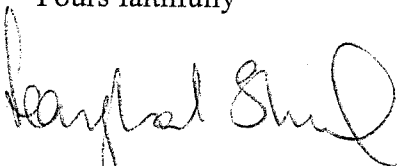
Accordingly, we should be grateful if you would consider the contents of this correspondence, submitted on behalf of the family of Patrick Doherty, in advance of issuing a direction in respect of the prosecution of Lance Corporal F for his murder of Patrick Doherty, perjury in relation to his sworn evidence, and for perverting the course of justice concerning the evidence he deliberately concealed.

In addition, we should be grateful if in advance of issuing a direction in respect of the prosecution of Lance Corporal F for the murder of Patrick Doherty and his perjury on oath, and for perverting the course of justice, that you take into account the Tribunal's conclusions (and our submissions) in respect of the shooting of Michael Kelly, William McKinney, Joe Mahon, Joe Friel, Danny McGowan and Patrick Campbell and its conclusions in respect of the shooting of Bernard McGuigan.

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

We await hearing from you by return.

Yours faithfully



Peter Madden

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