

# BLOODY SUNDAY INQUIRY

WEEK 1

27 - 30 MARCH 2000



This is the first of what is intended to be a weekly report summarising the proceedings of the Bloody Sunday inquiry. We would like to thank the Joseph Rowntree Charitable Trust for providing the, money to send a full-time observer, Catherine McKenna, to the Inquiry. A full transcript of the hearings is available on the Inquiry's web-site at

<http://www.bloody-sunday-inquiry.org>

The Bloody Sunday Inquiry (BSI) opened this week in the Guildhall, Derry. The first week has involved a presentation by Counsel for the Inquiry, Christopher Clarke QC. He has broken his presentation into the following categories:

1. The historical background to Bloody Sunday.
2. The military and political planning of 'Operation Forecast' (the code name given to the plan for the army to enter the Bogside).
3. The position of the IRA
4. What happened the day before the army entered the Bogside.
5. Events in sector 1 (everything that happened before the soldiers entered the Bogside).
6. Orders given to the 1<sup>st</sup> Battalion Parachute Regiment (1 Para) on their re-entry to the Bogside.
7. Events in sector 2 (mortar platoon in carpark of Rossville Street)
8. Events in sector 3 (anti-tank platoon and composite platoon in Rossville Street).
9. Events in sector 4 (anti-tank platoon in Glenfada Park).
10. The question of whether Joseph Friel admitted to carrying a firearm and how Gerard Donaghey came to have four nail bombs on him.
11. Events in sector 5 (deaths of Patrick Doherty and Bernard McGuigan).
12. Events in Free Derry Corner and firing from the Derry Walls.
13. Brief examination of what various people said to the press and public soon after events in statements put out by the Army, groups of priests, politicians and IRA.
14. Brief examination of investigations by The Sunday Times which were conducted in parallel with the Widgery Inquiry and a look at what has been discovered by the more recent research of journalists.
15. Looking at and listening to significant audio-visual or audio material.

Mr Clarke spent the first week covering the first two of these categories. He criticised the Widgery Inquiry for causing offence to the families of the dead and the wounded. He said that the speed which the Widgery Report had been compiled had contributed to its 'inability to establish the truth...'

1400 witnesses have been interviewed by the Inquiry. 950 statements have been signed and 450 are still to be returned. The BSI has gathered the following evidence:

1. Oral evidence given to Widgery by civilians, members of the army and the RUC in 1972 (although the model of Derry that was used in the Widgery Inquiry, to which much of this evidence referred, has been destroyed)
2. Statements taken by members of the Northern Ireland Civil Rights Association (NICRA) after the civil rights march.
3. Photographs, documents and audio or visual material.
4. Material gathered after 1972 by journalists.
5. Statements taken for the BSI.
6. Expert evidence.

Mr Clarke explained that he wanted to use the opening statement to establish the basic shapes of the evidence. He is reviewing and partially analysing the evidence he has received so far. He said that he would be giving what he called an 'working opening.' In other words it was showing where the Inquiry was up to. He stressed that it was simply a framework and that just because he referred to a particular piece of evidence did not mean that the Inquiry would attach more importance to that than to other evidence. The BSI will not make any findings until the end of the Inquiry.

What follows is our summary of what Mr Clarke said about the historical background to Bloody Sunday and the military and political planning. Although we have not commented on his statements, it should be borne in mind that they reflect his views and are not necessarily accepted by everyone.

## **1. AN OVERVIEW OF THE HISTORICAL BACKGROUND TO BLOODY SUNDAY**

Derry in the late 1960s and early 1970s was divided between Catholic nationalists and Protestant unionists. Discrimination against Catholics in housing and employment were 'facts of life'. The local electoral system had been gerrymandered in 1936 to secure Protestant political control over the majority Catholic population. The local government franchise was also weighted against a disadvantaged Catholic population.

Civil unrest in Northern Ireland has existed since 1968. A Royal Commission by Lord Cameron found that the unrest was caused by a widespread sense of political and social grievance that had been ignored by the government of Northern Ireland. The civil rights movement in Derry developed from these unrecognised grievances.

Lord Cameron looked at events following a Peoples Democracy march in January 1968. The marchers had been attacked outside Derry and this resulted in riots. It concluded that when the police invaded the predominantly Catholic Bogside during this disturbance they had been guilty of misconduct involving assault, battery and malicious damage to the streets.

The police behaved so badly that the report concluded the citizens of the Bogside had reasonable grounds to fear for their personal safety. In turn this led to the creation of a 'no-go' area in the Bogside area of Derry. Local youths kept the police out of this area and it became known as Free Derry.

British troops were deployed in the Bogside for the first time on 14 August 1969. Relations between the Catholic community and the army were initially good but by July 1970 they were seen as an 'instrument of the Stormont government.' The first British soldier to be killed in the troubles was shot during disturbances in Belfast on 6 February 1971. On the 8 July 1971, two young Catholic men, Seamus Cusack and Desmond Beatty were shot dead by the army in Derry. The circumstances surrounding the shootings were controversial but the government refused calls for an inquiry. The IRA stepped up its campaign.

In August 1971 the British government agreed to Unionist demands for internment without trial provided that marches were also banned. By the end of that month an inquiry was opened into allegations of brutality against internees. By this stage the Catholic community had lost all faith in the Stormont Government's intention to deliver reforms.

## **2. THE MILITARY AND POLITICAL PLANNING OF 'OPERATION FORECAST'**

### **2.1 SECURITY FORCES COMMAND STRUCTURE, MEETINGS AND PERSONNEL**

#### **2.1.1. Command Structure**

Mr Clarke described the relationship between the Royal Ulster Constabulary and the British Army as 'imprecise', meaning that it is not entirely clear who had the final say in decision making. The Northern Ireland government in Stormont was supposed to have overall responsibility for security but the military would take their orders from the Ministry of Defence in London.

#### **2.1.2 Meetings**

The Joint Security Council (JSC) was responsible for security in Northern Ireland and was the forum for the army and RUC to work together. It held weekly meetings in Northern Ireland where Special Branch assessments of the security situation were discussed. The Northern Ireland Prime Minister, Brian Faulkner, the Chief Constable of the RUC and head of the military attended these meetings.

The group that put the JSC's decisions into action was the Director of Operations Committee. It agreed security operations at meetings attended by Sir Harry Tuzo, General Ford, the Chief Constable of the RUC and Special Branch.

GEN 47 was the name for the Cabinet Committee for Northern Ireland. It held its meetings in London, which were attended by the Prime Minister, Edward Heath.

### 2.1.3 Personnel

The General Officer Commanding (GOC), Sir Harry Tuzo was in overall charge of the military. His deputy was the Commander of Land Forces (CLF), Major General Ford. The 8<sup>th</sup> Infantry Brigade was based in Derry and was under the command of Brigadier Andrew McClelland who took over from Brigadier Alan Cowan on 27 October 1971. The RUC was under the control of the Chief Constable, Sir Graham Shillington. Chief Superintendent Frank Lagan had responsibility for the RUC division, which covered Derry.

## 2.2 THE SECURITY SITUATION IN DERRY FROM JULY TO NOVEMBER 1971

Documents called 'directives' or 'orders' which were issued from the headquarters of 8<sup>th</sup> Infantry Brigade show the military's view of the security situation.

### 2.2.1 'No-Go' Area established

The IRA mounted a campaign in Derry on 4 July, which aimed to disrupt life in the city so that the Apprentice Boys' annual celebrations on August 12 would have to be cancelled. Following four nights of rioting, Seamus Cusack and Desmond Beatty were shot dead by the army. This was a turning point in the history of Derry as it led to the creation of Free Derry. Neither the RUC nor the military had any control over these areas. The security forces regarded it as an area where law and order could not be maintained.

The introduction of internment and allegations of torture inside detention camps added to the Catholic community's loss of faith in the Stormont government. The army came to be seen as an instrument of Stormont. A directive of 2 July 1971, showed that the military believed the street disorders in Derry were started by the Provisional IRA who wanted to draw the security forces into the Bogside.

### 2.2.2 Ideas on how to deal with the 'No-Go' area

By 2 September the JSC had two proposals for dealing with the 'no-go' area;

- To restrict military action in the Bogside and the Creggan in the hope that conditions would improve.
- To refuse to accept that any part of Derry should be, or appear to be, a 'no-go' area and take whatever action is necessary to prevent that happening.

At a meeting on 30 September Brigadier Cowan recommended that the military presence be increased from three battalions to six. The minutes record his view:

'In my opinion this can only be achieved properly, quickly, smoothly and with minimum confrontation with the green community by a full-scale coverage of the whole area.'

Downing Street did not want to see Brian Faulkner fall from power, as this would mean direct rule from Westminster. In a meeting with Mr Faulkner on 7 October, Edward Heath outlined his priorities in Northern Ireland:

'the first priority should be the defeat of the gunman using military means and that in achieving this we should have to accept whatever political penalties were inevitable.'

### **2.2.3 Growing Concerns about the 'No-Go' Area**

Riots around the junction of William Street and Rossville Street in the Bogside were now so regular that it had become known as 'Aggro Corner.' Unwritten rules of conduct had developed between soldiers and the young men who would stone military checkpoints. The security forces felt that the 'hooligan' gangs were acting as agents of the gunmen.

On 26 October 1971 General Ford issued a directive which gave the 8<sup>th</sup> Infantry Brigade the following advice:

'Be prepared to occupy and dominate the Creggan and Bogside when sufficient forces are provided.'

## **2.3 DEVELOPMENTS IN POLICY FROM DECEMBER 1971**

### **2.3.1 A Tougher Stance**

By December 1971, General Ford believed that the IRA had increased their hold on the Catholic community and were recruiting and training more volunteers. He recommended stronger military action to establish control and stability and enable the political situation to evolve. He saw three ways of achieving this;

1. To revert to the previous policy of containment of the Creggan and Bogside from the periphery, but to adopt a much more offensive attitude than in previous months.
2. To continue the present policy of undertaking major operations within the Creggan and Bogside but without providing a permanent presence in these areas.
3. To establish on a permanent basis, a full-scale military presence in the Creggan and Bogside.

Whilst he believed the third option was the best military solution, it was seen as having too many political repercussions. Instead option one was adopted which still marked a tougher stance by the military.

### **2.3.2 General Ford's Visit to the Strand Road Traders**

On Friday 5th January 1972, General Ford, the CLF visited Derry to meet representatives of the Strand Traders Association who were worried about the effect of the security situation on their business. The gangs of young men who were stoning the military checkpoints were seen as a serious handicap in dealing with the more serious threat of gunmen. He believed that CS gas and baton rounds (rubber bullets) would not work against the 'Derry Young Hooligans' (DYH) and wrote the following memorandum to General Tuzo:

'I am coming to the conclusion that the minimum force necessary to achieve a restoration of law and order is to shoot selective ring leaders amongst the DYH, after clear warnings have been issued...I believe we would be justified in using 7.62 millimetre (7.62 millimetre bullets) but in view of the devastating effects of this weapon ...I believe we must consider using rifles adapted to HV .22 inch ammunition...to enable ring leaders to be engaged with less lethal ammunition. 30 of these weapons have been sent to 8<sup>th</sup> Brigade this weekend for zeroing and familiarisation training. They will not be used operationally without authorisation.'

The BSI asked General Ford to explain what he meant by this recommendation. He said that a .22 round was less likely to kill a rioter as it was a lower velocity bullet than a 7.62. When he said shoot the rioters he meant incapacitate rather than kill.

Brigadier MacLellan and General Jackson (then Captain Jackson, the adjutant of 1 Para) have told the BSI that they did not see this memorandum. Lord Carrington, the Secretary of State for Defence at that time said that he does not believe General Ford would agree to action that involved the deliberate loss of life.

## **2.4 THE BLOODY SUNDAY MARCH**

The Bloody Sunday march was organised by the Derry Civil Rights Association, a regional branch of the Northern Ireland Civil Rights Association (NICRA). The organisers intended to march from the Creggan to the Guildhall Square.

### **2.4.1 Initial Security Assessment**

Security forces knew about the march and had already started discussing methods of dealing with it by 10 January. A memorandum of that date says that the march would have to be halted as hooligan violence would be inevitable and bombing and shooting attacks might intensify.

The march was discussed again at a meeting of the Joint Security Committee held on 20 January. The Special Branch assessment said 'no trouble anticipated'. This view was revised in an operational summary dated 21 January. It believed the march had become a 'serious security problem' because of the new momentum given to the anti-internment campaign.

### **2.4.2 Magilligan Internment Camp**

A new internment camp had opened at Magilligan, ten miles outside Derry. It had taken its first group of internees on Monday 17 January. A demonstration took place outside the camp on Saturday 22 January where reporters saw Paras club demonstrators and fire rubber bullets at point blank range. Nigel Wade from the Sunday Telegraph said that he had seen soldiers drive the marchers into the sea and that the Regiments NCOs had used riot sticks to try to control their own soldiers.

### 2.4.3 Military planning in the week leading up to the march

Frank Lagan, the Chief Superintendent of the RUC in Derry believed there would be violence if the NICRA march was stopped and advised that it be allowed to go ahead with photographs taken on the day to prosecute the marchers later. He discussed this with Brigadier MacLellan and believed that his advice had been accepted.

Brigadier MacLellan sent a report of Mr Lagan's view to General Ford on 24 January and followed it up with a telephone conversation on 25 January. By this stage the advice may have been too late. Colonel Wilford, Commander of 1 Para told the Widgery Inquiry that he had been told his soldiers would be needed for an operation on Monday 24 January.

### 2.4.4 'Operation Forecast'

General Ford instructed Brigadier MacLellan to contain the Creggan and Bogside and allotted 1 Para as reinforcement to 8<sup>th</sup> Infantry Brigade. In evidence to the Widgery Inquiry, General Ford said that he believed the IRA and 'hooligans' would take over control of the NICRA march. He wanted the Brigade Commander to arrest as many of the hooligans as possible.

Details of the plan were decided on 26 and 27 January at a meeting of the Director of Operations Committee. Marchers were to be prevented from leaving the Creggan and Bogside by placing barriers around this area. General Ford approved the plan, code-named 'Operation Forecast' and he spelled out its aim

'...to prevent any illegal march taking place from the Creggan and to contain it together with any accompanying rioting within the Bogside and the Creggan areas of the city. It is also to disperse illegal marches from other parts of the city and is to prevent damage to rioters and bombers to business, shopping and Protestant areas of Londonderry.'

1 Para were given the task of maintaining a Brigade arrest force and conducting a "scoop-up operation" of as many hooligans and rioters as possible.' The plan specified the methods and weapons to be used and was then sent to London.

Water cannon, which fire dyed water were to be used and the use of CS gas was restricted.

A briefing session was held on 28 January, attended by the commander of 1 Para, Colonel Wilford, Chief Superintendent Lagan, Brigadier MacLellan and twenty others. Chief Superintendent Lagan was stunned when Brigadier MacLellan mentioned the target of 500 arrests. A source for the Sunday Times attended this meeting and said:

'The mood of the meeting was one of complete determination that this really big arrest operation should go through. The risk of firing was discussed and quite clearly accepted. Even if this meant shooting, everyone wanted to show that the 8<sup>th</sup> Infantry Brigade knew how to go after hooligans.'

The Commanding Officer of the Royal Anglians was unhappy with the plan. He was surprised that 1 Para had been nominated to be in reserve when the 'scoop-up' operation was to be conducted on foot for two reasons. Firstly 1 Para did not know Derry as they were normally stationed in Belfast. Secondly they had a reputation for tough action. He said:

' I just wondered who had thought out this deployment: it reflected a change in policy and emphasis on future operations in Londonderry.'

He explained these concerns about the suitability of 1 Para to Brigadier MacLellan but was told that the decision to use 1 Para had been made 'at the highest level' and he was not in a position to change anything.

#### **2.4.5 Hidden Plans**

Mr Clarke said that none of the secret government and military documents the BSI had looked at had referred to a plan to draw the IRA out of the 'no-go' areas to engage with them or to teach the citizens of Bogside a lesson. This type of plan would have needed Cabinet approval and military planning. Mr Clarke said that the documents show that the planning of this operation was taking place in the context of a contemplated political initiative in February 1972.

However, a view had emerged that it was time to deal with the DYHs with greater firmness, to 'sort them out.' A whole battalion had been set aside for the 'scoop-up' operation because 450 DHY were expected. General Ford is recorded as saying:

'The main object of the operation was to stop the NICRA march. The Army hoped to take advantage of the anticipated action by the hooligans to seize them as well. It was also agreed that one thing that should not happen was for 1 Para to take on the march. The hooligans and marchers would have to be separated.'

#### **2.4.6 Intelligence on the plans of the IRA for the NICRA march**

Mr Clarke said that a number of intelligence reports suggest that the IRA intended to use the crowds of marchers to provide an opportunity to attack the Security Forces. The Director of Intelligence for Northern Ireland, responsible for co-ordinating intelligence in Northern Ireland could not remember any intelligence specific to this march. He said:

'...but I do remember that it was endemic at that time that the IRA would join marches, demonstrations and any civil disturbances to exploit opportunities to cause trouble to the Security Forces.'

The BSI has not received any primary evidence on intelligence. However someone who may be one of the sources of intelligence claims to have seen IRA auxiliaries (assistants rather than members) drilling in Glenfada Park on 25 January.

An intelligence officer for the 8<sup>th</sup> Infantry Brigade attended the briefing meeting of Operation Forecast. He could not recall any intelligence

suggesting the IRA would exploit the march discussed at this meeting. However he felt that it would have been assumed as 'it was a commonplace IRA tactic at that time.'

Lord Gifford, acting for the next of kin of James Wray, asked whether the BSI would make further inquiries about intelligence as he would be disappointed if it was left at this level. Mr Clarke did not give a direct answer and simply said that two of the intelligence officers are dead and the other two are about to return their signed statements.

#### **2.4.7 Rising Tension and Other Incidents in Derry**

Two RUC men were shot dead in Derry on 27 January. A Special Branch Assessment of the situation recorded 36 incidents during the week compared with a weekly average of 23.

A tape recording was played that James Porter, a Derry shop-owner, had made on 28 January (2 days before the march). It is a recording of an Army Radio transmission and reveals that a nail bomber in William Street was nearly killed on the orders of an officer even though he appeared to have nothing in his hands. The officer asks the soldier if he is absolutely sure that the man he could see was a nail bomber. When the soldier says yes, the officer replies 'shoot him dead'. The soldier misses the man by two inches and the officer responds 'bad shooting'.

#### **2.4.8 Further Military Plans**

As at 29 January, the military did not know the exact route of the march and the plan was still fluid. General Ford left the details of the operation to Brigadier MacLellan who in turn left them to Colonel Wilford. The arrest operation was only to be launched if violence was used against the Security Forces or there was an attempt to break through the barricades.

#### **2.4.9 The Paras**

1 Para were normally stationed in Belfast and had been to Derry once before for an operation in July 1971, which had been aborted. Notes from the Sunday Times Insight team describe a discussion with Captain Jackson about this operation:

'He confirmed that the idea was to get the yobbos and gunmen into the streets by provocative searches, but that the IRA would not play and went on R&R (rest and recreation). Jackson said that the bloody thing never got off the ground and that since then the 1<sup>st</sup> Battalion had always wanted to sweep through the 'no-go' areas of Derry.'

In a statement for the BSI, General Jackson said that he could not recall saying this although he remembers the feeling of frustration that they had travelled all the way to Derry and returned 'for nothing.' He said that 1 Para had an

'...unequalled experience and record in Belfast...(they were)  
'prepared to go in hard and ready. The idea was to inflict casualties,

never to receive them, and this was possible due to the Battalion's aggressive posture in always seizing the initiative. He felt that the 1<sup>st</sup> Battalion had helped to ensure that there were no 'no-go' areas in Belfast, and that a certain contempt was felt for such areas existing elsewhere in the Province.'

1 Para had a reputation for brutality and other army units had complained about the damage they had on community relations. Colonel Wilford was asked about the reports of brutality at the Magilligan demonstration, the week before the Derry march. He admitted that one of his soldiers had kicked a man on the ground 'but the circumstances were such that he might easily and justifiably have lost his temper.'

A senior officer in the Ardoyne area of Belfast told a member of the Insight team that one visit by the Paras 'takes us six weeks to repair the damage to community relations.'

#### **2.4.10 Outstanding Questions**

Mr Clarke said that the BSI want to ask the following questions in the planning and execution of Operation Forecast.

- What assessment was made of the risk to the civilian population in embarking on the arrest operation?
- Should the order to launch the operation only be provided if it was necessary to avoid a serious riot?
- Was it appropriate for the arrest operation to be launched when there was sufficient separation between the marchers and the hooligans?
- Did Brigadier MacLellan have enough information to decide whether it was appropriate to launch the arrest operation?
- Should the 8<sup>th</sup> Infantry Brigade have had more involvement in the planning particularly as 1 Para were unfamiliar with Derry?

#### **2.5 The Yellow Card**

The rules relating to the use of force were contained in the Yellow Card. It provides a guide to soldiers on when they can open fire and each soldier would carry a copy of the Card. It had last been revised in November 1971. The rules allow a soldier to proceed on the basis of circumstances, as he believed them to be. The rules do not allow firing above the heads of a hostile crowd.

#### **2.6 PHOTO-COVERAGE OF OPERATION FORECAST**

Ten photographers and one cine-camera team were assigned to cover the Derry march for intelligence gathering. They were positioned at what were considered to be likely flashpoints around the city. The cine-camera team was to cover the march from a helicopter.

Mr Clarke said that the amount of films obtained from the military for the BSI was much smaller than he would expect from the original plan. The Public

Records Acts does not cover photographs and there is no guarantee that the photographs taken by the military that day still exist.

The cine-film of the march was shown and Lord Gifford asked why there was a gap in the film. Mr Clarke said that he could not answer that as he is still waiting for the statements from the soldiers involved. He said that the recollection of the man who took the helicopter film is 'practically non-existent'.

Mr Clarke listed the Inquiry's attempts to discover the survival and whereabouts of photographic and film coverage relating to Bloody Sunday. In a statement for the Inquiry the solicitor responsible for tracing this evidence concluded that he believed most of the material was destroyed because there was no formal procedure in place to guarantee its survival. He said that the correspondence relating to the Inquiry's search for this evidence 'suggests that very little help has been forthcoming' from the organisations and Army witnesses approached.

## **2.7 THE SEARCH FOR RIFLES**

28 soldiers admitted to firing live rounds at the Widgery Inquiry. 29 rifles were taken to the Department of Industrial and Forensic Science for examination. They were submitted in batches over three days. There are no definitive records of which soldier used which rifle. The Inquiry is still conducting investigations into the files from the Special Investigations Branch who handed the weapons over for examination.

A question hangs over how many rifles were submitted as one document refers to 31 Army files, which would suggest 31, rather than 29 rifles had been handed in for examination.

This topic will be continued next week.