

BLOODY SUNDAY INQUIRY

WEEK 10

19 – 22 JUNE 2000



This week, Christopher Clarke QC, moved to three new categories in his opening statement. He dealt with what happened to Joseph Friel and Gerard Donaghy after they were shot. He covered evidence relating to the deaths of Patrick Doherty and Bernard McGuigan. Mr Clarke also started the topic of firing from the city walls. A full transcript of the proceedings can be found at <http://www.bloody-sunday-inquiry.org.uk>. A timetable showing which day Mr Clarke dealt with each topic has been given at the end of this report.

10. WHAT HAPPENED TO GERARD DONAGHY AND JOSEPH FRIEL AFTER THEY HAD BEEN SHOT

Gerard Donaghy and Joseph Friel were driven in two Ford Cortinas from the Bogside towards Altnagelvin hospital. Both cars were stopped at barrier 20 in Barrack Street. The barrier was manned by members of the 7th Platoon of B Company of the 1st Royal Anglians.

The BSI will need to consider whether Joseph Friel admitted to carrying a gun and how Gerard Donaghy came to have four nailbombs on him.

10.1 WHETHER JOSEPH FRIEL ADMITTED TO CARRYING A GUN

Joseph Friel was shot in the chest in Glenfada Park North. He was taken to 23 Lisfannon Park and then James Deehan, Manus Morrisson and Eugene O'Donnell drove him in a Cortina towards the hospital.

Mr Clarke considered witness statements from the civilians, soldiers and RUC officers involved.

10.1.1 James Deehan

James Deehan drove the Cortina. When they were stopped by the Army, Mr Deehan said that he was pulled out of the car and hit with the butt of a rifle. He was told to keep his hands over his head and was struck again with the rifle. He was led away and put up against the wall. Mr Deehan was told that if he turned around he would be shot. He did not see who drove the car away and he was taken the Army barracks at Foyle Road.

10.1.2 Eugene O'Donnell

Eugene O'Donnell saw Manus Morrisson get out of the car but he did not see him again. Both Mr O'Donnell and Mr Deehan were pulled out of the car by

soldiers. Mr O'Donnell was taken to a side street where there were eight or ten civilians lined up facing the wall with their hands over their heads.

One of the soldiers put the barrel of his rifle against Mr O'Donnell's head and said 'Another stiff will make no difference to me'.

After about ten or twenty minutes he and the other civilians were loaded into some Army Land Rovers. They were driven to the Army barracks in Foyle Road where Mr O'Donnell was questioned.

10.1.3 Manus Morrisson

Manus Morrisson was the front seat passenger in the car. He said that when the car reached barrier 20, the soldiers told them to pull over. One of the soldiers had a baton gun and as Mr Morrisson got out of the car he was hit at close range with a rubber bullet to his left shoulder.

Mr Morrisson ran away from the soldiers. He does not know whether they called after him or shot at him again. Later he was told that one of the soldiers had shot at him.

10.1.4 Detective Constable Neilly

Detective Constable Neilly saw Joseph Friel being transferred from the Cortina to an Army ambulance in the Army Compound at Foyle Road. He took statements from James Deehan and Eugene O'Donnell. Negative results were found when the two men were examined by the Army sniffer device. They were then taken to Victoria RUC station for further questioning.

10.1.5 1972 evidence from Soldier 104

Soldier 104 was on duty at barrier 20. He said that when the two cars were stopped, a man jumped out of one of the cars and ran towards the Bogside. He said that one of the soldiers fired a rubber bullet to try and stop the man.

He said that when the men in the cars got out, he saw an injured man in the back of each car. Soldier 104 got into the car carrying Joseph Friel who asked to be taken to hospital. Whilst he waited for a police escort he said he asked Joseph Friel how he had been shot. Soldier 104 said that Mr Friel told him he had been carrying a gun and bumped into some soldiers who shot him. He said that Mr Friel said he had never done that sort of thing before and would not do it again. He said that Mr Friel did not know what had happened to his gun.

The alleged admission was made before reaching the regimental aid post at Craigavon Bridge whilst they were waiting for a police escort.

10.1.6 BSI evidence from Soldier 104

He said that he now remembers three bodies in one car. He said that he applied a dressing to Joseph Friel's bullet wound in the back of the car. He

thinks they had a conversation but cannot remember any details. He denies calling Mr Friel an 'Irish bastard.' He said that he had no motive to fabricate the story about Mr Friel.

10.1.7 Summary of evidence given in 1972 from soldiers at barrier 20

Soldiers 042, 145, AA, 150, 029 and 135 were manning barrier 20. Their statements say that Mr Morrisson got out of the first Cortina and shouted 'Open the fucking barrier, I want to get to work.' The front passenger slammed the car door into Soldier 135 who fired a baton round at the passenger as he ran away or turned to run away.

The driver and passenger were ordered out and placed against a wall. The drivers and passengers of both cars were arrested and taken in the APC to Pitt Street. Soldier 104 drove the car carrying Mr Friel and Soldier 150 drove the car carrying Mr Donaghy.

Five minutes after the cars were driven away, four high velocity shots were fired up Barrack Street. One of the bullets ricocheted and hit Soldier 042's flak jacket. (See BIRW report week 9 para 9.25.)

10.1.8 Evidence to the BSI from soldiers at barrier 20

Two of the soldiers at barrier 20 have given new statements.

Soldier 135 described how he approached one of the cars. He told the driver to turn the engine off and to get out of the car. He recalls one of the men saying that there was a sick man in the car. He rested his baton gun on the window of the car and immediately fired and 'blew' the men out of the car. He does not remember a gap between his ordering them out of the car and firing the baton gun. The baton round knocked both men out of the driver's door and on to the ground. They immediately got up and ran away.

Sergeant AA said that he did not think the occupants of the car looked like terrorists. He said it is possible that the soldiers fired rubber bullets at the people who ran away from the car. He remembers Lieutenant 145 telling the soldiers to let the people go. Lieutenant 145 was trying to quieten the situation down.

10.1.9 Joseph Friel

Joseph Friel said that when the car reached barrier 20, the driver was dragged out. The other two passengers were also taken out of the car. He remembered being taken to the regimental aid post and from there to Altnagelvin hospital in a military ambulance.

He said that when the other men were taken out of the car a soldier got in who was muttering under his breath. The only words Mr Friel could make out were 'Irish bastard.' He said Soldier 104 fabricated the story about him carrying a firearm. The soldier drove the car twenty yards. They were alone

together for no more than two minutes until a policeman got into the passenger seat.

Mr Friel was taken to the regimental aid post and then put into an APC. Paddy Campbell was brought into the APC. Two different soldiers got in and took both men to hospital.

10.1.10 Alexander Malone

Alexander Malone was the police escort who travelled with Soldier 104 and Joseph Friel from Barrack Street to the regimental aid post. He made no reference to Joseph Friel admitting to carrying a gun in either his statement or the police report he wrote at the time.

10.2 HOW GERARD DONAGHY CAME TO HAVE FOUR NAILBOMBS ON HIS BODY

Gerard Donaghy was shot in the lower left abdomen and was carried to 10 Abbey Park. After Dr Swords examined him, he was carried to Raymond Rogan's car. Leo Young and Mr Rogan tried to drive him to Altnagelvin hospital but the car was stopped at barrier 20 in Barrack Street.

Mr Rogan tried to explain that there was an injured man in the back but he was dragged out of his car at gunpoint. Leo Young said that a soldier grabbed him out of the back seat and threw him onto the street. When Mr Young asked about Gerard Donaghy, the soldier said 'let the bastard die.'

Raymond Rogan and Leo Young were taken to the Army compound at Craigavon Bridge. After being searched with a gelignite sniffer, they were taken to Victoria Police Barracks. Leo Young was then taken to a holding centre at Ballykelly.

Gerard Donaghy was taken to the regimental aid post. A number of police and army witnesses claim to have seen Gerard Donaghy's body first.

10.2.1 Soldier 135

When Mr Rogan and Mr Young were taken out of the car, Soldier 135 drove it to the regimental aid post. In his RMP and Widgery statements he did not mention the fact that nailbombs were found on Mr Donaghy's body.

In his statement to the BSI, Soldier 135 said that he stopped the car as it was rolling back down the road. He opened the back door of the car and pulled the blanket off Gerard Donaghy. A nurse approached the car, offering to help. He said 'Fuck off Florence, this one is shitted,' and she left. Gerard Donaghy was lying on his back. Soldier 135 said he would have noticed if there had been any nailbombs in Mr Donaghy's body. It would have been mad to drive the car to Craigavon Bridge if there had been nailbombs inside.

10.2.2 Soldier 104

Soldier 104 drove the car carrying Joseph Friel to the regimental aid post. He stood by that car for four or five minutes and then went to look at the car with Gerard Donaghy in the back, which came into the post after the one he had driven. He thought he had seen a police woman at the back of the car or examining the boot. He said that he could see a detonator fuse sticking out of Mr Donaghy's pocket. A couple of seconds later he heard someone say that there were three nailbombs in the boot of the car.

The timing in Soldier 104's evidence is important. The car carrying Gerard Donaghy came in after his, and he describes the discovery of the bombs as taking place four or five minutes after that. His evidence suggests that he had looked at Gerard Donaghy's body before the medical officer arrived.

In his statement to the BSI, Soldier 104 is not 100 per cent sure where he first saw the nailbomb. He thinks it may have been at Barrack Street and said that in his first RMP statement. He said that when he was making his second RMP statement, the solicitor suggested that he was mistaken in thinking he had seen the bomb at Barrack Street. He was persuaded into thinking he was mistaken in believing he had seen it there because the solicitor told him all the other soldiers did not see the bomb until the car arrived at Craigavon Bridge.

In his statement to the Widgery Inquiry he said that he had not looked into the car until it arrived at Craigavon Bridge. Lord Widgery had intervened when Soldier 104 was asked about this conflicting evidence during the Widgery Inquiry.

Mr Clarke said that the question arising from this evidence is; Why did he allow Soldier 150 to drive the car to Craigavon Bridge if he first saw the bomb at Barrack Street?

10.2.3 Corporal 150

Corporal 150 drove the car carrying Gerard Donaghy from Barrack Street to Craigavon Bridge. When he arrived at the regimental aid post he tried to find a pulse on Mr Donaghy. A medical officer arrived within a couple of minutes and declared Gerard Donaghy dead.

During the Widgery Inquiry, he was shown photographs of the bombs found on Gerard Donaghy's body and said that they were certainly not there when he checked for a pulse. He is sure he would have seen the nailbombs if they had been there.

10.2.4 Captain 138, the Medical Officer

Captain 138 declared Gerard Donaghy dead after his first examination which took five to seven minutes. He went to look at two injured men in another car and returned to Gerard Donaghy six to ten minutes later to conduct a second more thorough examination.

Captain 138 did not see any nailbombs during either examination. He said it would have been extraordinary if he had missed the bombs. Whilst he might have missed a bomb in the first examination, it is not possible that he would have missed it during the second as it involved unzipping Mr Donaghy's trousers and examining his chest and abdomen area.

Mr Clarke pointed out that there are 16 to 25 minutes from the first to second examination. During that time, nobody had seen the bomb. It is extremely unlikely that if somebody had found the bomb, they would have allowed the medical officer to carry out an examination of Mr Donaghy's body.

10.2.5 Sergeant Vernon Carson

Sergeant Carson was an explosives expert with the RUC. He saw the car brought into the regimental aid post. He said that he searched Mr Donaghy's body within half a minute of the car arriving and found a nailbomb in the left hand pocket of his jacket. He asked someone to contact the Ammunition Technical Officer (ATO). (The ATO was a bomb disposal officer.)

The ATO moved the car to a car park in the Foyle Road. (Note that Soldier 150 said that he had moved the car to one side after the medical officer pronounced Gerard Donaghy dead.) Sergeant Carson said the ATO removed a nailbomb from each trouser pocket and from each breast pocket of Mr Donaghy's jacket. The ATO had to cut the pockets to get the nailbombs out.

Sergeant Carson said that the medical officer was not present when he first saw Gerard Donaghy's body. He said that he had stayed with the car until the ATO arrived and discovered the four nailbombs.

10.2.6 RUC officers who were not called to the Widgery Inquiry

Other RUC officers say that they saw the nailbombs although only Sergeant Carson was called to give evidence at the Widgery Inquiry. All of their accounts suggest that they looked at Mr Donaghy's body after the medical officer had declared him dead and that the ATO was called out after the bombs had been discovered.

Sergeant McTaggart has given conflicting evidence. In one account he suggests that he was first to discover the nailbombs. He said that he noticed a nailbomb in Mr Donaghy's trouser pocket whilst he was drawing a sketch of the car for the inquest. In another account he says that a woman police officer told him about the nailbomb.

WPC Clara Hamilton said that she and another officer discovered a nailbomb whilst they were examining Gerard Donaghy's body for identification.

In a report to his Superintendent, Inspector Dixon said that he was told about the nailbomb by Sergeant McTaggart after the medical officer had declared Mr Donaghy dead. In his statement to the Widgery Inquiry he said that he and Sergeant Carson examined Mr Donaghy's body and saw a bulge. In his

BSI statement he said that Sergeant McTaggart saw the nailbomb sticking out of Mr Donaghy's trouser pocket. They called the ATO who discovered a bomb in the left hand pocket.

10.2.7 Problems with the accounts given by the RUC officers

- Officers Hamilton, Carson and McTaggart suggest that they were first to discover the bomb.
- All three accounts suggest that the bomb was discovered at an early stage but it is not clear what happened before they arrived at the car.
- Who called for the ATO?
- What part did the Inspector in charge play?
- It is difficult to fit the medical examinations by Captain 138 into the evidence of the RUC officers.
- The officers' accounts do not fit with each other.

10.2.8 Soldier 127, the ATO

In his statement to the BSI, Soldier 127 said that he was told he would be needed thirty minutes before being called to Craigavon Bridge. He moved the car to a safe place and began to search Gerard Donaghy's body. He gave a cursory examination and noticed bulk in the jacket pockets. Mr Donaghy's body was slumped to one side. He sat Mr Donaghy upright and noticed the nailbombs. Soldier 127 said that he had no problem removing the bombs from the jacket as they were sticking out of the pockets. He remembers having difficulty in taking the bombs out of Mr Donaghy's trousers and thinks he cut a trouser pocket open.

In his evidence to the Widgery Inquiry he said that anyone with normal eyesight would not have missed the bomb in the right hand jacket pocket. The bombs in the jacket pockets were two and a quarter pounds and one and a quarter pounds in weight.

10.2.9 Robert Simpson, the photographer

Robert Simpson took five photographs which included Gerard Donaghy's body in the car, a nailbomb in Mr Donaghy's jacket pocket, the four nailbombs and the car.

He said that he saw one of the nailbombs removed from Gerard Donaghy's pocket. The other bombs had already been removed by the ATO when he photographed them.

Mr Treacy, on behalf of the families of the dead and the wounded, pointed to an RMP statement which said that all stages had been photographed by the SIB (part of the RMP) and RUC. The BSI only have the five photographs taken by the RUC.

10.3 INCONSISTENCIES IN THE EVIDENCE RELATING TO THE NAILBOMBS

10.3.1 The inconsistencies surrounding discovery of the nailbombs

- Soldier 150, who drove Gerard Donaghy from barrier 20 to the regimental aid post, did not see the nailbombs.
- Captain 138, the medical officer, examined Mr Donaghy on two separate occasions and did not see the nailbombs.
- Sergeant Carson said that he did not see the nailbombs immediately.
- Soldier 104 said he saw the nailbombs within four or five minutes of arriving at the post.
- WPC Hamilton said that she saw the bombs at an early stage.
- Sergeant Carson said he got into the car within minutes of its arrival at the post and stayed with it until the ATO arrived. He said that nobody got into the car in the meantime. This does not account for the two medical examinations.
- The evidence given by the RUC officers is difficult to fit if the medical officer's account of timing is correct.
- Soldier 104 said that he saw a bulge in Gerard Donaghy's pocket at an early stage and then said he heard someone say there were bombs in the boot or the back of the car.
- Soldier 104 said he saw the bomb within four minutes of the car arriving which was after the medical officers second examination. This does not correspond with the medical officer's timings.
- However if Soldier 104 had seen the bomb before the medical officer arrived it seems highly unlikely that the medical officer would have been allowed to examine the body.
- The evidence suggests that Gerard Donaghy's body was moved after it had been seen by Soldier 104 and the medical officer.
- The Royal Anglian Regiment's Incident Log complicates matters even further. It said that the medical officer's notes said that he had not turned Mr Donaghy's body over because of the nailbomb in the pocket. This contradicts the medical officer's evidence.
- Mr Chartres of the Times was invited by the Royal Anglians to look at Gerard Donaghy's body in the car. He said he saw a nailbomb in the jacket pocket before the car was driven away by the ATO. Mr Clarke said this is puzzling because all the other evidence refers to seeing a bomb in the trouser pocket before it was driven away.

10.3.2 Other RUC officers at the regimental aid post

Inspector Robinson said that the ATO used a small charge explosive during the course of his examination of the car.

Constable Douglas Hogg said that WPC Hamilton noticed a nailbomb hanging out of Gerard Donaghy's pocket.

10.3.3 Accounts which do not fit with the other evidence

Captain Condor was the public relations officer who invited Mr Chartres to see Gerard Donaghy's body at the post. His account is clearly different from others. He said that when the car drove up to the post, the driver slammed on his breaks and ran away. He said that as he was closest to the car he ran over to examine it. He described the position that Gerard Donaghy lay as opposite to all the other witnesses' accounts. He said that Gerard Donaghy

was wearing a dark tweed jacket. He said that when he felt for a pulse he saw nailbombs in the right and left jacket pockets.

Corporal 528 said that a civilian, as opposed to a soldier, drove the car to the post. He said that he opened the boot of the car with a key and found the body of a young male inside. The male was wearing a green combat jacket and there were four bombs in each pocket and a fifth in the jeans pocket. The bombs were wrapped in brown tape.

Corporal 1345 said that when the car drove into the post, a soldier opened the back door and a body fell out. As the body fell out, a nailbomb fell out of the man's jacket.

Sergeant 1276 gives an account of seeing two bodies with nailbombs at the regimental aid post.

Corporal 1828 recalls a male body in the back of a car. He said that someone patted the body and produced a nailbomb which was covered in black tape. He was shown the photographs of Gerard Donaghy but does not recall seeing nailbombs sticking out of the pockets as they are shown in the photograph.

Mr Clarke said that all these accounts are of nailbombs found on a man which do not fit with the 1972 accounts of Gerard Donaghy being brought into the post. He said that as far as he is aware, no other casualty was brought into the post with nailbombs.

10.4 FORENSIC EVIDENCE RELATING TO THE NAILBOMBS FOUND ON GERARD DONAGHY'S BODY

The bullet which hit Gerard Donaghy's left side had hit an object or another person before it entered his body. The bullet passed through the left hand pocket of Mr Donaghy's denim jacket.

10.4.1 Comment on the 1972 DIFS report

The component parts of the bomb were dismantled and photographed. The wrapping and nails were sent to the Department of Industrial and Forensic Science (DIFS). The explosive and detonators were not sent to DIFS.

In his statement for the BSI, Allan Hall, the DIFS scientist who reported on the components during the Widgery Inquiry, said that normally samples of all components would be sent to DIFS. He does not understand why this did not happen with the bombs found on Gerard Donaghy's body.

10.4.2 Dr Lloyd's findings

Dr Lloyd is an expert instructed by the BSI. He said that the photographs of the reconstructed bombs do not show any damage to the bombs. He would have expected both Mr Hall and the ATO to notice damage caused by the bullet if the bomb was in Gerard Donaghy's pocket when he was shot.

He said that there is a significant chance that the bullet could have exploded the bomb because of the presence of the detonator. Whilst the ATO said that the bomb would only explode if the bullet hit the detonator, Mr Lloyd said that Gelamax (the explosive found in the bomb) was one of the more impact sensitive explosives.

If the nailbomb in the left pocket had been disrupted then explosive would have leaked out into Mr Donaghy's pocket. However Mr Hall's notes show a positive result for traces of explosives in the right pocket and a negative result in the left pocket.

Mr Hall concluded that it would have been possible for a bullet to pass through the left pocket without hitting the bomb, if the nailbomb was deep enough in the pocket. Mr Lloyd commented that in drawing this conclusion, Mr Hall should have recorded the dimensions of the pocket relative to the bomb. Mr Hall did not record that information.

Mr Hall said the nailbombs were 4 ½ inches long and 1 ¾ to 2 inches wide. The ATO said they were ¼ to ½ inch fatter. Mr Lloyd said that this size bomb would not easily have fitted into the pocket of the jeans when they were worn. (Mr Donaghy's jeans were tight fitting.)

The only personal property found on Gerard Donaghy was a medal, chain and key ring. Mr Lloyd commented that there was no source of ignition, matches or a lighter, needed to light a bomb.

10.5 WHEN DID GERARD DONAGHY FIRST HAVE THE NAILBOMB

There was extensive evidence placed before Lord Widgery from civilians which suggested that they would have noticed if he was carrying nailbombs.

Mr Young searched Gerard Donaghy's top pockets for identification and sat with him in the back of the car (with Mr Donaghy practically sitting with his right pocket on Mr Young). He said that he could not possibly have missed a nailbomb.

Mr McCauley helped carry Gerard Donaghy to the house and had not noticed anything protruding from his pockets. Mr Rogan had his arms around Mr Donaghy's legs when he carried him into the living room. He would have noticed a nailbomb.

Dr Swords opened Gerard Donaghy's trousers and shirt to examine him. He would have noticed if there were nailbombs in the pockets. He said that he touched practically all Mr Donaghy's clothing to check for other injuries. If there had been any nailbombs he would have asked for them to be removed because there was a fire burning in the Rogan's living room.

Mr Stevenson watched Dr Swords search Gerard Donaghy for identification. He said that Mr Donaghy's jeans were so tight, he would have noticed a bar of chocolate in the pockets.

Margaret McNulty met Gerard Donaghy on his way to the march. She remembers that he had to carry his packet of cigarettes in his hand because he could not fit them into his pockets.

Donncha MacFilleagh said that if there had been any nailbombs on Mr Donaghy's body, he would have removed them.

10.6 POSSIBLE WAYS THE BOMBS ENDED UP IN GERARD DONAGHY'S POCKETS

Mr Clarke ran through four possible reasons why nailbombs were found on Gerard Donaghy's body. This is one of the most confusing and contradictory areas of evidence dealt with in the opening statement so far. In spite of this, Mr Clarke went to great length to dispel the suggestion that the bombs were planted on Gerard Donaghy's body. It should also be noted that whilst Mr Clarke suggested that the civilians might not be telling the truth, he did not make the same suggestion about the soldiers and RUC.

The four possibilities are dealt with below.

10.6.1 Gerard Donaghy had the nailbombs when he was shot

Mr Clarke said that it is possible that Gerard Donaghy had the nailbombs when he was shot. The civilians who tended to him either did not notice them or did not tell the truth in their evidence. This is unlikely because of the number of civilians involved in carrying, examining and searching him. Even if they had found a bomb, they would have removed it for safety reasons.

10.6.2 Nailbombs were planted on Gerard Donaghy when the car was stopped at Barrack Street

Mr Clarke said that the 'plant theory' seemed difficult to believe. It would have had to happen between 4:20pm and 4:50pm, when the discovery of the bomb is recorded in the Brigade Log.

He said the following questions made this theory difficult to believe;

- When were the bombs planted?
- Who planted the bombs?
- Where had the bombs come from?
- How was it all arranged?

Mr Clarke outlined further difficulties with the theory:

- If the Army planted the bombs, it would either be with the connivance or at risk to the medical officer.
- Why would the Royal Anglians want to plant the bombs and where would they have got them?
- The number of officers who say they saw the nailbombs goes against the theory that they were planted.
- The 'plant theory' needs to explain how both the medical officer and Soldier 150 (the driver) say that they did not see the bombs.

- The fact that the medical officer and Soldier 150 missed the bombs but Soldier 104 saw them within four minutes of the car arriving would suggest that the bombs could be missed.
- There would need to be a degree of advance planning, including getting hold of four nailbombs.

10.6.3 The nailbombs were planted after the medical examination

The reason that the medical officer and Soldier 150 did not see any nailbombs is because there were not any. Instead the bombs were planted on Mr Donaghy after the medical examinations. However there is now evidence from Soldier 104 that he saw the bombs at Barrack Street.

10.6.4 The witnesses who did not see the bombs simply had not noticed them

In all the chaos, no one noticed the four nailbombs either at Abbey Park or when Mr Donaghy was examined by the medical officer. Mr Clarke said this is difficult to believe because Gerard Donaghy would have been carrying the equivalent of four bags of sugar. The bombs were not seen by the two doctors who examined Mr Donaghy.

10.6.5 Implications of the suggestion that Gerard Donaghy was a member of the IRA youth wing

Mr Clarke suggested that Gerard Donaghy may have been a member of the IRA's youth wing. His name was recorded in the Derry Journal as one of the republican dead. He had one conviction for disorderly behaviour.

Mr Clarke said that if Gerard Donaghy was a member then he might have had access to nailbombs. However it might also be the reason that nailbombs were planted on him.

11 SECTOR FIVE (DEATHS OF PATRICK DOHERTY AND BERNARD McGUIGAN)

Sector five deals with the deaths of Patrick Doherty and Bernard McGuigan and the woundings of Patrick Campbell and Daniel McGowan. All of these men were shot to the south of block 2 of the Rossville flats. Soldier F is the only soldier who said that he shot in a direction which ended up south of block 2 of the flats. He said he fired two bullets, but there are four victims in this area.

11.1 THE WOUNDING OF PATRICK CAMPBELL

Patrick Campbell was shot in the left buttock and the bullet lodged inside his abdominal wall or abdomen. There is only one piece of direct evidence to the shooting of Mr Campbell and that is his own account. Patrick Campbell did not give evidence to Lord Widgery but gave a statement to the police when he was in Altnagelvin hospital. Mr Campbell has since died.

11.1.1 Patrick Campbell

He was standing south of block 1 of the Rossville flats and started to move towards Joseph Place. He felt a thud in his lower back and fell to his knees. He was taken to a house near Free Derry Corner and was then driven to the regimental aid post under Craigavon Bridge. The medical report showed that the bullet entered Mr Campbell's left buttock and lodged in the abdomen or the abdominal wall.

11.1.2 Bernard McMonagle

Bernard McMonagle was the man who drove Patrick Campbell to the post below Craigavon Bridge. Kathleen Doherty got into the back of the car with Patrick Campbell. When they reached the Army post Mr McMonagle was told to get out of the car. Soldiers surrounded the car and Mr McMonagle was taken into the barracks where he was held for two to three hours.

11.1.3 Daniel McGowan

Daniel McGowan was at the south gable of block 1 of the flats. He noticed Patrick Campbell staggering towards Joseph Place. He went over to Mr Campbell and helped him to the alleyway to the east of Joseph Place. The alleyway was between Joseph Place and the retaining wall for the steep banking which leads up to the city walls. It was packed with people taking cover from the shooting. Mr McGowan left Mr Campbell in the care of the people in the alleyway.

11.1.4 Noel Campbell

Noel Campbell saw Patrick Campbell lying in the middle of the road at the mouth of St Columbs Well. There was still a lot of live firing going on in the Bogside. He waited for half an hour and then went home. Patrick Campbell was still lying on the ground at the time that he left.

11.2 THE WOUNDING OF DANIEL MCGOWAN

Daniel McGowan was shot in the right leg. He did not give evidence to Lord Widgery. The medical report said that a bullet entered the inner side of his right leg and exited on the outer side. The bullet fractured Mr McGowan's shin bone.

11.2.1 Daniel McGowan

After helping Patrick Campbell to the alleyway behind Joseph Place, Mr McGowan made his way to the steps of Fahan Street East. He remembers a lot of shooting and heard one bullet strike the wall behind him. He was on the very first step and turned left to the west, in the direction of Glenfada Park, when the bullet hit his leg.

After he was hit, he tried to crawl back to the alley. He said that he lay in the hour for almost an hour whilst the shooting continued around him. He was

carried into a car in St Columbs Wells. On the journey to Altnagelvin hospital, the driver saw a roadblock in Bishop Street and turned the car around, taking Mr McGowan home instead.

When Mr McGowan reached home, a neighbour sent for an ambulance. The ambulance was stopped and searched by soldiers in Abercorn Road.

Mr McGowan was in hospital for eight or nine weeks and his leg was in plaster for months afterwards. He had told the ambulance driver that he had injured his leg whilst playing football because he did not want to give the Army or police any justification for arresting him. Although he had never been in trouble before he did not trust the authorities to treat him fairly.

In his statement to the Widgery Inquiry he said that he had noticed two soldiers on their knees in firing positions at Glenfada Park before seeing Patrick Campbell staggering at Joseph Place.

11.2.2 Whether Mr McGowan was shot from the walls

Mr McGowan was standing on the first of the narrow steps leading to Fahan Street East. (It is actually the fifth step up.) Mr Clarke said that if Mr McGowan had been shot from the walls when he was on this step, it would have meant someone deliberately firing through the step way, down to the base of the steps. Lord Saville pointed out that the steps would be in line of sight from Glenfada Park.

In an interview with the Sunday Times Insight team, Mr McGowan said that he was helping Patrick Campbell when he was shot in the leg. The journalists deduced that because Mr McGowan was shot in the inside leg as he stood to the right of Mr Campbell, the shot must have come from the east (the walls).

None of the soldiers positioned on the walls have given evidence of firing to a position at the back of Joseph Place or to the base of the steps leading to Fahan Street East.

11.2.3 Edward Dillon

A few seconds after he reached Joseph Place, Mr Dillon felt Daniel McGowan arrive behind him. Mr McGowan was standing behind a wall, facing towards Fahan Street East and shouted that he had been shot. Mr Dillon and another youth escorted Mr McGowan along the alleyway behind Joseph Place. The group had to use a low wall for cover because of shooting from the walls.

11.3 UNIDENTIFIED VICTIMS IN SECTOR FIVE

11.3.1 Evidence of David McIntyre

Mr McIntyre was ten years old at the time of Bloody Sunday. He was in block 2 of the Rossville flats, watching from a south-facing window. He saw a young

man crouching behind a wall near the steps behind Joseph Place. The man raised his head and was shot in either the face or the eye. Another man went to help him and he was shot.

Mr Clarke said that it is impossible to relate this account to any known victim.

11.4 PATRICK DOHERTY

Patrick Doherty was shot by a single bullet. The pattern of the injury is consistent with Mr Donaghy being shot from behind whilst bending forward on all fours. It is a similar injury to that received by Kevin McElhinney.

Mr Clarke identified three questions to be considered in the evidence relating to Patrick Doherty:

- Where Mr Doherty was shot.
- What Mr Doherty was doing when he was shot.
- The position that the person who shot Mr Doherty fired from.

Photographs provide positive evidence that Patrick Doherty did not have any firearms or other weapons when he was shot.

The question of whether Mr Doherty was shot in the car park of the Rossville flats or to the south of block 2 of the flats arose during the Widgery Inquiry. (See BIRW week 5 para 7.29.)

11.4.1 Gilles Peress part 1

Gilles Peress is one of the most significant witnesses to the shooting of Patrick Doherty. After he had taken the photograph of Father Daly tending to Jack Duddy in the Rossville flats car park, he moved from the bottom of Chamberlain Street and followed the wall around the back of the flats. He climbed over a low wall and headed south in a crouched position. Mr Peress took cover behind a wall which runs parallel to block 2 of the Rossville flats. He photographed three men who were crawling along a wall trying to get behind block 2 of the Rossville flats.

The photographs show Mr Doherty with a white handkerchief tied around his mouth. When Mr Peress was taking these photographs he saw one soldier at the corner of block 1 of the flats and another at the back of 36 Chamberlain Street. Mr Peress said that the soldiers were firing in the direction of the men. Two shots were fired and missed one of the men when he jumped for cover past a column. Soldiers O, R and Q fired in that direction. Mr Clarke said that it is difficult to see how Mr Doherty could have been killed by a shot fired from either of those positions if he was crawling along the wall running parallel to block 3.

In his statement to Lord Widgery, Gilles Peress said that if Patrick Doherty had been hit whilst crawling along the wall it must have been by a ricochet bullet. In his statement to the BSI, Mr Peress is more dismissive of any suggestion that Patrick Doherty was shot whilst still in the car park.

11.4.2 Bernard Joseph Gilmore

Mr Gilmore suggests that Patrick Doherty was shot twice; once in the car park and once south of block 2 of the flats. The medical evidence shows that Patrick Doherty was shot once.

11.4.3 Peter McLaughlin

Mr McLaughlin saw Patrick Doherty crawling on his stomach towards the alley between block 2 and 3 of the flats. Two shots were fired, one hit the retaining wall and the second hit Patrick Doherty in the stomach. Somebody crawled out from the alley, turned Mr Doherty over and tried to pull him. Shots were fired and the man trying to rescue Mr Doherty had to retreat.

11.4.4 Gilles Peress part 2

Gilles Peress followed the path that Mr Doherty had taken through the alley between blocks 2 and 3. He took more photographs when he emerged at the southeast corner of block 2. He took photographs of Patrick Walsh approaching Patrick Doherty who by this stage was lying on his back.

Mr Clarke said that it is possible that Patrick Walsh came out to Patrick Doherty twice and that Mr Peress took the photograph on the second time that Mr Walsh tried to get out.

Gilles Peress said that he ran through the alley less than a minute after the men had disappeared from view. When he got through the alley he could see Patrick Doherty lying on the ground, badly wounded, if not dead. Mr Peress took more photographs of Mr Doherty and Patrick Walsh crawling out towards Mr Doherty. Mr Peress believes that Patrick Doherty was shot after he had got through the alley between blocks 2 and 3.

Mr Peress moved west towards the telephone box south of the flats. The gunfire stopped. He photographed a man waving a white handkerchief. He photographed the body of Bernard McGuigan who was lying in a pool of blood.

11.4.5 John Alphonsus Nicholas

John Alphonsus Nicholas was one of the men crawling through the alleyway between blocks 2 and 3 with Patrick Doherty.

When he reached the southwest corner of blocks 2 and 3, Mr Nicholas saw two soldiers at the northeastern corner of Glenfada Park South. One was a black soldier. The soldiers were squatted in a firing position facing Mr Nicholas.

About six men had come through the alley between blocks 2 and 3. Mr Nicholas saw Patrick Doherty crawl towards the alley behind Joseph Place. Mr Doherty was two-thirds of the way across the gap towards Joseph Place when he was shot.

Mr Doherty collapsed on his face. One of the group behind Joseph Place tried to rescue Mr Doherty. Mr Nicholas thinks the rescuer was shot in the leg and was dragged back into the alleyway. The same happened to a second rescuer.

Eventually Patrick Walsh crawled out to Mr Doherty. Mr Nicholas went to get Gilles Peress to ask him to photograph the scene.

11.4.6 John Finbar O'Laughlin

John O'Laughlin was standing by the gable wall of Chamberlain Street. He describes seeing Patrick Doherty walking with his hands in the air. As Mr Doherty got to the gap between blocks 2 and 3, the shooting started again.

(Gilles Peress photographs show that Mr Doherty was crawling along the wall towards the gap).

11.4.7 John Gallagher

John Gallagher was crawling from west to east along the south of block 2. He said that Patrick Doherty was in a group behind him and started to crawl across the alleyway behind Joseph Place.

There were two or three sharp cracks of gunfire. Mr Gallagher could see three soldiers kneeling at the mouth of Glenfada Park North. He did not see the soldiers fire but he saw them lowering their rifles from the aim position, get up and move away.

Patrick Doherty cried out that he had been shot and could not move. Two men tried to go to his aid. Mr Gallagher was told later, one of the men was Alexander Nash.

Mr Clarke pointed to the difficulties in this account. The photographs and most of the evidence do not place Mr Doherty as crawling along the south of block 2. No other witness has suggested that Alexander Nash went to the aid of Mr Doherty.

11.4.8 Derrik Tucker

Derrik Tucker watched from his flat in block 2 of the Rossville flats, with his sons, Martin and Derrik. He noticed Patrick Doherty crawling towards Joseph Place alleyway when a shot rang out. Mr Doherty gave a kick with his right leg and lay still.

11.4.9 Martin Tucker

Martin Tucker saw two men running to the alleyway behind Joseph Place. One of them was shot in the leg but the men managed to get to safety. Martin Tucker saw Patrick Doherty crawling towards Joseph Place. Mr

Doherty was halfway to the alleyway when his right leg jerked out. He lay face down on his stomach with his arms out in front of him.

A couple of people in the alleyway behind Joseph Place tried crawling out to help Mr Doherty. They tried two or three times but gave up because the shooting continued.

Mr Clarke said that the man who was shot in the leg has not yet been identified.

11.4.10 Derrick Tucker

Derrick Tucker was Mr Tucker's youngest son. He said he could see Patrick Walsh by the gable of Joseph Place, signalling to people in the alleyway between blocks 2 and 3, to indicate when it was safe to cross.

Mr Tucker watched Patrick Doherty crawling towards Joseph Place. Three or four shots rang out and Mr Doherty jerked and lay flat on his stomach. Mr Tucker believed the shots came from the Rossville Street direction.

At the same time, he noticed a group of people taking cover behind the wall at the back of Joseph Place. He assumed that they were being fired on from the city walls, because they would have been protected from firing in Rossville Street by the maisonettes.

Derrick Tucker also mentions two youths falling after being shot in the leg.

11.4.11 Edward Dillon

Mr Dillon was helping Daniel McGowan when he heard Patrick Doherty crying out. Mr Doherty was crawling towards Joseph Place and shouted that he had been shot.

Mr Clarke said that this account provides a useful insight into the timings of various shootings. Patrick Campbell was shot first, then Daniel McGowan and then Patrick Doherty.

Mr Dillon believes that the shots that hit Daniel McGowan and Patrick Doherty came from the city walls.

11.4.12 Donna Harkin

Donna Harkin believes that the shot that killed Patrick Doherty came from the Glenfada Park area.

Ms Harkin was watching from her kitchen window in block 2 of the flats. She could see a man lying midway between block 2 and the Joseph Place alley. A group of men helped the man to the alley.

However one of the men, Mr Doherty, remained lying on the ground six to eight feet from Joseph Place. People were calling for him to move to the alley.

After a few minutes, Patrick Doherty lifted his right knee as if he was about to move, when a bullet entered him. His body jerked off the ground and he landed on his front in the same position he had been lying in.

Ms Harkin said that there was no doubt Mr Doherty had been shot from the Glenfada Park area because of the angle the bullet entered him. Ms Harkin said she could hear Patrick Doherty calling out saying that he needed help and did not want to be alone.

Patrick Walsh tried to crawl out from the Joseph Place alley to get to Mr Doherty but he was kept back for five minutes by continuous shooting from the Glenfada Park area.

Mr Walsh eventually reached Mr Doherty. Donna Harkin thinks it was Mr Walsh who turned Mr Doherty on his back. However the photographs show Mr Walsh approaching Mr Doherty when he is already on his back.

11.4.13 Patrick Walsh

It is unclear how Patrick Doherty came to be lying on his back. Photographs show Patrick Walsh crawling towards Mr Doherty when he is lying on his back. Patrick Walsh believes that he was the first person to get to Mr Doherty.

Mr Walsh describes how after he ran between blocks 2 and 3 of the flats, he heard a thud and looked around. He remembers creeping out to the body. He thinks that Mr Doherty had died by the time he reached him. Mr Walsh searched for identification, weapons and a rosary but could find nothing. Bullets were going over his head as he prayed over Mr Doherty's body.

Mr Walsh and some other men carried Mr Doherty's body to an ambulance.

11.4.14 John Martin Campbell

Mr Campbell was at the gap between blocks 2 and 3 when he saw Patrick Walsh lying with Patrick Doherty. He said that Paddy Walsh shouted to his group that the shooting was coming from the city walls.

11.4.15 William Harley

William Harley saw a man shuffle towards Patrick Doherty who was lying face down. When the man reached Mr Doherty he was fired on. The bullets hit the ground to the west of Mr Doherty. Mr Harley thinks the shots came from the city walls. The man retreated back to Joseph Place. He thinks that the man turned Mr Doherty's body over because Mr Harley's friend then recognised him.

Mr Harley said the same man came out from Joseph Place a second time. He crawled towards Patrick Doherty and tried to give him mouth-to-mouth resuscitation.

Mr Clarke said that it is possible that Mr Walsh went out to Patrick Doherty twice and, on the first time, turned Mr Doherty over.

11.4.16 6 Frank McCarron

Frank McCarron said that he was with a group of people who tried to pull Patrick Doherty to the alleyway behind Joseph Place. As they tried to pull him along the shooting started again. The shooting was coming from the city walls. Mr McCarron then ran along the length of the wall at the back of Joseph Place. There was still a lot of shooting and Mr McCarron did not lift his head the whole way along the length of the wall.

11.4.17 Whether Patrick Doherty could have been shot from the walls

Mr Clarke said that the medical and photographic evidence suggested it was impossible for Mr Doherty to have been shot from the city walls. Patrick Doherty was shot in the right buttock, at a point which is nearly in line with the alleyway at the back of Joseph Place and between block 2 and the Joseph Place garden walls.

11.5 ACCOUNTS WHICH ARE DIFFICULT TO FIT

Jean Marie McGeehan believes she saw two men running to the back of Joseph Place. She saw a man lying on his stomach and a second man crawl towards him and turn him over. Then a man with a camera and white handkerchief appeared.

Edmund Melaugh saw one soldier kneeling in the centre of Glenfada Park North and shooting towards the hexagonal flowerbed to the south of block 1 of the Rossville flats. He saw two wounded men at the back of Joseph Place and assumed that they had been shot by the same soldier in Glenfada Park North.

Mr Melaugh helped the two wounded men further into the alley. He said he saw Patrick Doherty crawling and calling out that he had been shot. Mr Melaugh could not get to him because of the shooting. When the shooting died down a first aid man went out to Mr Doherty. Mr Melaugh said that a group carried Mr Doherty to Joseph Place.

Mr Clarke suggested that Mr Melaugh may have arrived on the scene at a late stage. The photographs show that Mr Doherty was on his back at a much earlier stage. Mr Doherty was not taken to a house in Joseph Place.

11.6 SOLDIERS' EVIDENCE

It was the evidence of soldier F that he shot from Glenfada Park North at a man with a pistol.

There are more shootings than can be accounted for by two bullets. There is a sizeable body of evidence that more than two shots were fired from a westerly direction towards the area where Patrick Doherty was.

11.6.1 Gunner 030

Gunner 030 was on the platform. In evidence to Lord Widgery he said he saw a soldier in the middle of the south end of Glenfada Park North turn and fire in his direction to a position below him. He described seeing a body in a position where Patrick Doherty lay.

In his evidence to the BSI, Gunner 030 gives a very different account. He says he did not see any soldiers firing live rounds on Bloody Sunday at all.

11.7 BERNARD McGUIGAN

Mr Clarke said that there are three questions relating to Mr McGuigan's death:

- What was he doing immediately prior to his death?
- From where was he shot?
- Is any significance to be attached to the lead particles found on the scarf that, at one time, covered Mr McGuigan's body and on the swabs taken from him?

Bernard McGuigan was shot in the head at the south of block 1 of the Rossville flats. Many witnesses saw him after he had been shot. Only a limited number saw him at the moment of his death.

11.7.1 Forensic Evidence

It is clear that Mr McGuigan was not facing the rifle that fired the shot which killed him. Dr Shepherd and Mr O'Callaghan reported that a single bullet entered the left side of Mr McGuigan's head and exited his right lower eyelid. The X-rays taken at the time of the post-mortem examination showed 42 bullet fragments in Mr McGuigan's skull. The bullet had fragmented during its passage through Mr McGuigan's skull.

Failure to recover any of the metal fragments means that Dr Shepherd and Mr O'Callaghan cannot find the type of bullet used. There are four possible reasons why the bullet fragmented:

- The bullet had been weakened because it had hit something else before Mr McGuigan. However the entry wound was clean which means that the bullet was stable before hitting Mr McGuigan.
- The bullet was stable but substandard.
- The bullet was stable but had been deliberately weakened so that it would fragment.
- Another type or calibre of ammunition caused the wound.

11.8 WHAT WAS BERNARD McGUIGAN DOING BEFORE HE WAS SHOT

Several witnesses say that Mr McGuigan was going out from the end of block 1 to try and attend to Patrick Doherty. Mr Clarke said that this evidence tallies with the position that Mr McGuigan fell, the southeast gable end of block 1. Other witnesses suggest Mr McGuigan was going out towards Rossville Street when he was shot.

11.8.1 Geraldine Richmond

Geraldine Richmond said that Bernard McGuigan and Barney McFadden took her to the telephone box at the south of block 1 after she had seen Hugh Gilmore die. (See BIRW report week 7 para 8.16.1.)

Ms Richmond said that they could hear Patrick Doherty saying 'I do not want to die myself.' Bernard McGuigan could not stand it any longer and took out a white handkerchief. He walked out slowly, towards where the sounds were coming from. The crowd around the telephone box called to Mr McGuigan to come back. Two distinct shots rang out. The second hit Mr McGuigan. Ms Richmond now thinks the shots came from Rossville Street. She had to be carried to a house in Joseph Place.

11.8.2 Bernard Gallagher

Bernard Gallagher recalls Mr McGuigan taking one or two steps away from the south gable wall towards Joseph Place. There was a bang and Mr McGuigan fell backwards.

11.8.3 Thomas Bernard McDaid

Mr McDaid noticed Mr McGuigan because he was tall and was holding what looked like a handkerchief. He said that Mr McGuigan took 15 to 20 steps northwards towards Rossville Street before falling face forwards. Mr Clarke said that it is possible that Mr McGuigan's body turned as he fell because of the force of the bullet.

Mr McDaid saw three soldiers in a V-shape formation down Rossville Street. One soldier turned off into Glenfada Park and the other turned into Joseph Place.

11.8.4 Tony William Quigley

Mr Quigley said he saw Bernard McGuigan walking from the south of block 1 in a westerly direction towards the rubble barricade. He thought that Mr McGuigan was going to tend to a boy at the barricade.

11.8.5 Frank Carlin

Frank Carlin was sheltering at the gable wall of block 1 of the flats. He said that he spoke to Mr McGuigan who said he wanted to go to two men lying at the barricade. Mr Carlin could see bullets bouncing on the ground on Rossville Street. Mr McGuigan held a handkerchief in his left hand and

stepped towards Rossville Street. He shouted at the soldiers to stop shooting, took a couple of steps and was shot.

11.8.6 Ivan Cooper

Ivan Cooper half crawled and half ran in a crouched position from Free Derry Corner to the telephone box at the south of block 1. He saw Mr McGuigan walk west, waving a cloth in the general direction of Rossville Street. He watched Mr McGuigan take a few steps into the open and then crumple and fall.

11.9 FROM WHERE WAS MR McGUIGAN SHOT?

Witnesses give different accounts of where the shot that killed Mr McGuigan was fired from. Several think he may have been shot from the west. Geraldine Richmond used to think he had been shot from the walls but now thinks the shot came from the west.

11.9.1 Sean McDaid

Bernard McGuigan was standing to the left of Mr McDaid when he was shot. He thinks the shot came from Glenfada Park although he did not hear the shot that killed Mr McGuigan. There were lots of shots at the time.

Mr McDaid had seen soldiers on the balconies of Glenfada Park North. He huddled with the crowd by the telephone box. The shooting from the Rossville Street area continued for another 15 to 20 minutes.

11.9.2 Paul James McLaughlin

Paul McLaughlin remembers seeing Bernard McGuigan take five steps towards Patrick Doherty. The shooting was still intense and he saw Mr McGuigan fall.

He saw puffs of smoke flying off the threepenny bits in Joseph Place as they were hit by bullets. He thought the bullets were fired from either east or west because of the direction of the smoke.

11.9.3 Michael Rooney

Michael Rooney was sheltering at the telephone box. He said that Mr McGuigan was facing the steps leading to Fahan Street East. Another series of shots rang out and when they stopped Mr Rooney looked up to see Mr McGuigan on the ground. At the time, he had the impression that all the shots had come from Rossville Street.

11.9.4 Joseph Doherty

In evidence to the Widgery Inquiry, Joseph Doherty said that Mr McGuigan was shot by a soldier at the mouth of Glenfada Park North.

In his BSI statement, Mr Doherty said two soldiers appeared at the corner of the eastern block of Glenfada Park South. He said that one of these soldiers shot Mr McGuigan.

Mr Clarke said that Soldier 227 had seen a soldier, kneeling at the lamppost on the corner of Glenfada Park, who fired two shots at a man in the position that Bernard McGuigan fell. (See BIRW report week 9, para 9.22.2.)

11.9.5 Susan Doherty

Susan Doherty saw a soldier walking up Rossville Street at the northern end of Glenfada Park South. The soldier stopped at the side of the Glenfada Park South pram ramp. He dropped to one knee and fired across Rossville Street at Mr McGuigan. The soldier then calmly stood up and continued walking as if nothing had happened.

11.9.6 Desmond Patrick Kyle

Mr Kyle saw a soldier at the entrance of Glenfada Park North. He said the soldier was walking brazenly southwards down Rossville Street. The soldier saw people sheltering at the south of block 1. He lowered his gun to his hip and casually fired two shots in the direction of these people. The shots, which went high in the air, do not tally with any evidence of the soldiers.

11.9.7 William McDermott

William McDermott was standing between the two blocks of Joseph Place and looking north up Rossville Street. He felt a bullet pass above his head. The shot seemed to be fired from Glenfada Park.

Simon Winchester's evidence ties in with Mr McDermott's. He saw a soldier in front of Glenfada Park South fire between four and six shots towards the gap between the two Joseph Place houses.

11.9.8 Volley of shots from the west

A number of witnesses speak of volleys of shots from the west.

Edward Keogh saw 15 soldiers near Glenfada Park, firing across the front of block 2 of the Rossville flats towards the Fahan Street steps.

Brian Doherty was forced back to block 2 when a volley of shots came from the west. He waited for five minutes and ran towards Free Derry Corner when another volley of shots rang out. The shots came from Glenfada Park.

Shots were fired at Thomas Ralph Dawes when he approached the body of a man at the south of block 2. The shots came from Rossville Street or Glenfada Park.

11.9.9 9 Shots from the walls

Other witnesses believe that Mr McGuigan was shot from the city walls.

Bernard McFadden was at the south of block 1 of the flats. He believes that the shots must have come from the walls because the soldiers in Rossville Street could not have seen Mr McGuigan. This does not take into account the soldiers in Glenfada Park North.

11.9.10 Shots from the Rossville flats car park

Mr Clarke showed photographs of where Mr McGuigan lay. He said that it would be difficult, but not impossible, for him to have been shot through the gap between blocks 2 and 3.

Hugh Barber said that Mr McGuigan was facing the gap between block 1 and 2. (However the bullet entered the back of Mr McGuigan's head.)

Floyd Gilmore believes that the shots which hit the threepenny bits in Joseph Place had come through the gap.

11.10 SIGNIFICANCE OF LEAD PARTICLES ON THE SCARF AND SWABS

The report compiled at the time by the Department of Industrial and Forensic Sciences recorded that a scarf was received amongst Mr McGuigan's clothing. It said that there was a high lead particle density on the scarf.

The photographs of Mr McGuigan, taken before and after he was shot, show that he did not have a scarf. In one of the later photographs a scarf and blanket had been placed over Mr McGuigan's body after he had died. The BSI do not know where the scarf came from or who it belonged to.

11.10.1 Patrick Anthony Clarke

Patrick Clarke placed his coat over Mr McGuigan and said some prayers. Whilst he was asking a woman in block 2 to throw a blanket down, someone placed a scarf over Mr McGuigan.

11.10.2 Ursula Clifford

Ursula Clifford placed blankets over Hugh Gilmore and Bernard McGuigan.

11.11 SHOOTING AFTER MR MCGUIGAN HAD BEEN COVERED

After Mr McGuigan's body had been covered up another volley of shots caused people to scatter.

Alan Harkens and Jack Murray were standing near to Mr McGuigan's body. At least six shots rang out and everyone scattered. Mr Harkens thought the shots came from Rossville Street. Jack Murray can be seen in actuality footage, kneeling over Mr McGuigan with his hands out, to prevent anyone from running over him.

Colm O'Domhnaill recalls an ambulance drawing up. Father Mulvey approached soldiers next to an APC at the northeast of block 1. A body was brought out on a stretcher from block 1. As the body was carried to the ambulance, a volley of shots came from the direction of the APC. Mr Clarke said that soldiers in the Anti-tank platoon gave evidence that they had fired from this position.

11.12 BULLET HOLES IN DIFFERENT PLACES

Mr Clarke drew together the evidence of a number of witnesses who say they saw bullet holes in different places.

Hugh Breslin was lying by the side of the threepenny bits when he heard the sound of two ricocheted bullets. He believed they were fired from the city walls because of the direction that the bullets bounced off the pavement.

Frank Carlin was sheltering by the threepenny bits when bullets came towards him from above.

Leonard Greene saw two fresh bullet holes in the casing surrounding a telephone cable on the northwest facing gable end of block 2 of the Rossville flats. Mr Greene believes the holes were directly in line with the Army Observation Post (OP) at the Embassy Ballroom.

Mr Greene also saw three bullet holes in the threepenny bits. He said that these were also in line with the Embassy Ballroom OP.

George McGinley saw 16 bullets hit the sandpit near the threepenny bits.

The BSI forensics experts are currently examining fragmented bullet rounds handed in by John Duffy. Mr Duffy said that these were shot into the threepenny bits.

11.13 UNIDENTIFIED VICTIMS

Mr Clarke referred to some evidence of people being shot whose identities are still unknown.

Soldier U said he hit a man who had fired two pistol shots from south of block 1 of the flats. He said that the man had been carried back into the flats.

Kevin Barrett said that he had seen a boy carried face down into a 1960s style car. He was told that the boy had been wounded and was being taken to Letterkenny hospital. He said that he heard later that the boy had died on the journey to hospital.

John McIntyre saw a body in the middle of Rossville Street, in line with the middle of Glenfada Park South.

A number of people gave evidence of two people approaching the Joseph Place alleyway, who either had or appeared to have been shot. Some people describe one of the men as being shot in the ankle.

Simon Winchester referred to seeing seven casualties being put into cars on the Lecky Road.

Eamonn Baker saw a young man near Free Derry Corner. The man appeared to have been shot in the backside. His trousers were around his ankles. It is not clear whether he had been shot by a live or rubber bullet.

12 FIRING FROM THE CITY WALLS

A substantial number of witnesses at the south of block 2 of the Rossville flats speak of shooting from the walls. Some heard shots, others saw the marks of bullets. Several witnesses were warned about shooting from the walls.

There is a considerable body of evidence under this heading. Mr Clarke referred to examples of the evidence in two separate categories:

- Those who say they saw or heard firing from the walls.
- Those who were warned about firing from the walls.

For the purposes of this report, one example has been selected to show the directions that shots were fired.

12.1 THOSE WHO SAY THEY HEARD OR SAW FIRING FROM THE WALLS

12.1.1 Towards the gable end of Glenfada Park North

Jim Doherty assumed the shots to the gable end came from the walls because the brickwork splintered above his head.

12.1.2 To the southeast gable of block 2 of the Rossville flats

John Glenn saw splinters of concrete bouncing off the middle of the southeast gable end of block 2, about 15 feet from the ground.

12.1.3 To the threepenny bits

Paul McLaughlin watched puffs of smoke flying off the face of the brick plinth. He believed the bullets were fired from the side rather than directly down Rossville Street.

12.1.4 Between block 1 of the Rossville flats and the Joseph Place buildings

James Greene ran a 30 to 40 yard dash from the south of block 1 to a house in Joseph Place. As he ran, three or four shots landed around him, hitting the ground at a steep angle.

12.1.5 Between the Rossville flats and Free Derry Corner

Pearse McCaul ran towards Free Derry Corner when a shot was fired at him.

12.1.6 To the alleyway behind Joseph Place

Noel Campbell ran down the alleyway behind Joseph Place in a crouched position. He heard at least a dozen shots fired as he moved down the alleyway. They were rapid volleys, interspersed with lulls.

12.1.7 I n the vicinity of Joseph Place

Michael Creagan was shot at as he ran through the lower car park behind Joseph Place.

12.1.8 To Fahan Street West

John Bonner saw bullets hit the tarmac directly in front of him in Fahan Street West. He got the impression they were being fired from a great height because of the way they struck the road.

12.1.9 To Lisfannon Park

John Kelly was taking cover by a low wall. He stepped out in the direction of Glenfada Park when two bullets hit the ground immediately in front of him. The angle which the bullets hit the ground meant they had been fired from a height and from the direction of the walls.

12.1.10 To Westland Street

Eileen Doherty said that she saw bullets flying up Westland Street and that they must have been fired from the walls.

12.1.11 To the Stardust Hall

One witness was running from Abbey Park towards Eglington Place. She heard continuous firing and bullets hitting the lettering of the Stardust Hall. The bullets came from behind her and were level with her right ear.

12.2 ADMINISTRATIVE ANNOUNCEMENTS BY THE TRIBUNAL

Lord Saville reminded those who wish to instruct a military expert to submit the questions they want to ask the expert by 28 June.

The ruling on unsigned statements (see BIRW report week 9 para 9.35) is a rolling ruling. This means that as each day passes, more witnesses will be brought into the category of witnesses who have held unsigned statements for more than one month. The same rule applies to anyone (soldiers, RUC officers and civilians) who falls into this category, they must return a signed statement or their draft statement will be released.

TIMETABLE OF THIS WEEK'S OPENING STATEMENT

Mr Clarke dealt with:
Para 10 to 10.4 on Monday
Para 10.4 to 11.4.4 on Tuesday
Para 11.4.4 to 11.10.1 on Wednesday
Para 11.10.2 to end on Thursday

The timetable should be treated as a guideline because there are occasions when Mr Clarke returns to a piece of evidence that he had forgotten to mention the day he dealt with that topic.