

BLOODY SUNDAY INQUIRY

WEEK 11

26 – 28 JUNE 2000



This was the final week of counsel for the Inquiry's opening statement. Christopher Clarke Q.C. completed his overview of firing from the city walls and looked at evidence of what happened to those who were arrested and taken to Fort George. He examined soldiers' accounts of whether private supplies of ammunition were available. He considered the statements put out by politicians, the Army, priests and the IRA soon after the events of Bloody Sunday. The week finished with a look at studies and investigations into Bloody Sunday and a viewing of significant videos.

A timetable showing which day Mr Clarke dealt with each topic can be found at the end of the report. A full transcript of the proceedings is available on the BSI website at <http://www.bloody-sunday-inquiry.org.uk>

12.3 THOSE WHO SAY THEY HEARD OR SAW FIRING FROM THE WALLS **continued**

Mr Clarke continued looking at evidence of firing from the walls. There is a considerable body of evidence under this heading. For the purposes of this report, one example has been selected to show the directions that shots were fired.

12.3.1 To Glenfada Park South

Anthony Crawford was standing at the south of Glenfada Park South. Two lumps of plaster were taken out of a gable end wall about 12 feet up from the ground whilst the shooting was taking place.

12.3.2 At the meeting in Free Derry Corner

Mary Burke was standing four rows back from the lorry at Free Derry Corner. As Bernadette Devlin began to speak, Ms Burke heard hissing and pinging noises. Everyone lay on the ground and Ms Burke said there seemed to be bullets everywhere.

A woman directly behind her shouted, "I am shot, I am shot". There was blood running from the woman's ankle and Ms Burke assumed that she had been shot by one of the bullets that were hitting the ground around them. The woman has not been identified.

12.3.3 To Free Derry Corner, before the Paras enter the Bogside.

Kevin McClusky heard gunfire whilst he was at Free Derry Corner. He said that he had the impression the shots hit the Free Derry wall, about 13 or 14 feet from the ground, above the heads of the speakers.

Mr McClusky then went north up Rossville Street and said that it was at that time that the paras entered.

12.3.4 Hitting the walls above the heads of the speakers at Free Derry Corner

Mr Clarke said that there is a lot of evidence of bullets hitting the walls above Bernadette Devlin's head, apparently coming from the walls.

David McGuinness recalls Lord Brockway jumping off the lorry to get out of the way of the shooting when it first started.

12.3.5 Hitting an alleyway off St Columb's Wells

Theresa Cassidy speaks of bullets from the walls hitting the ground both at Free Derry Corner and an alleyway off St. Columb's wells. She had escaped the bullets at Free Derry Corner by running to her grandmother's house on the east side of St. Columb's Wells.

Ms Cassidy tried to get to her car by going down the alleyway known as The Banking. Whilst she was in the Banking the shooting was worse than ever. She could see the bullets bouncing off the ground.

12.3.6 To the area south of Free Derry Corner

John Harkin was running towards St Columb's Wells to try and get cover from the firing in Rossville Street and from the city walls. He could hear shooting from the area of Joseph Place. People were helping three or four wounded people over the open space into St Columb's Wells. A shot hit the wall on the west side of St. Columb's Wells.

12.3.7 To the vicinity of the Bogside Inn

Eileen Green was sheltering behind a car at the Bogside Inn. She said it was the only time she knew for certain where the shooting was coming from. The shots were coming from the city walls and seemed to be coming straight to her.

12.3.8 To the Long Tower Church

Father Andrew Dolan was making his way south past Free Derry Corner when he heard the first crack of gunfire. He continued on his way to Nazareth House and went past Long Tower Church when people warned him about shooting from the walls.

Father Dolan said it was as if the city walls had opened up with gunfire. The gunfire was more intense than earlier gunfire. The gunfire was more intense than the earlier gunfire that had come from William Street.

12.3.9 To Cable Street

Collette O'Connor was in her front garden at 26 Cable Street. She could hear shooting when all of a sudden there were two cracks which seemed much closer. Two men who had been walking up Dove Gardens dived into her garden to take cover.

12.4 THOSE WHO WERE WARNED ABOUT FIRING FROM THE WALLS

There is a body of evidence of people being warned to take cover because of firing from the walls. Mr Clarke looked at a few examples of these accounts.

12.4.1 In the alleyway behind Joseph Place

Eamonn Baker ran into the Joseph Place alleyway. He kept his head well down as he ran because other people in the area were shouting about the shooting coming from the walls.

12.4.2 At the south of the Joseph Place alleyway

William McClements said that a man was sitting on the steps at the southern end of the Joseph Place alleyway. The man had his back to the retaining wall and was looking up at the city walls telling people when it was safe to cross Fahan Street. The man was directing people to cross Fahan Street one by one.

12.4.3 Other areas

Mr Clarke said that it should be noted that warnings about shooting from the walls were given in other areas such as in the Lisfannon Park/Fahan Street West area. He did not consider these accounts in detail, at this stage.

12.5 EVIDENCE FROM SOLDIERS OF FIRING IN AREAS OTHER THAN ROSSVILLE STREET, GLENFADA PARK AND ABBEY PARK

Mr Clarke looked at shots by soldiers that are not included in the 108 shots fired by Support Company of the Parachute Regiment.

12.5.1 Soldier AA

Soldier AA was a sergeant in the Royal Anglian Regiment, on duty at the Barrack Street barrier. He describes firing at three gunmen, which all took place after Joseph Friel and Gerard Donaghy had been driven through the barriers.

In evidence to the Widgery Inquiry he said that he was warned by civilians, returning from church, that there were three gunmen behind Charlotte Place walls. He said that at 4:15pm he moved towards the Charlotte Place junction when a gunman came round the corner of St Columb's Walk and fired at

him, from a distance of 65 metres. Soldier AA fired at the same time as the gunman from his left hip. He said that he had to raise his gun to his shoulder. The gunman threw himself behind a wall which runs behind St Columb's Walk. Soldier AA said he thinks he missed the gunman.

Soldier AA moved two yards forward and came under fire from a gunman in a low building to his right in Long Tower Street. The gunman fired three shots one hit the road, one hit the wall and one hit soldier 042's flak jacket. Soldier AA fired three shots and hit the gunman.

Soldier AA said he heard a Tommy gun being fired up Long Tower Street. Soldier AA fired two shots to either the same building or next door to the building where the second gunman had fired from.

In his statement to the BSI, he describes the first gunman as coming around the corner of Joyce Street and Windmill Terrace. He said the first gunman's bullet hit soldier 042's flak jacket. He said that when the second gunman fired, he returned three or four shots. He said the third gunman fired five or six rounds from a Thompson machine gun. Soldier AA was then pulled back by Lieutenant 145.

Mr Clarke pointed to an article written by Mary Holland of the Observer. She had written that a member of the Official IRA was wounded in an empty house on the corner of Cooke Street and Joyce Street. He was wounded by a soldier returning fire from a house opposite after he had fired, his bullet grazing a soldier's flak jacket. The gunman was hit in the thigh by one bullet and another had ricocheted and grazed the flesh of his eye. The Sunday Times team identified the gunman as Micky Doherty.

Mr Clarke said there are aspects of the article which do not tie in with the evidence. The article describes him as posted in an empty house on the corner of Cooke Street and Joyce Street. (as opposed to Long Tower Street). It said that the soldier who hit the gunman was posted on a roof.

12.5.2 Soldier AB

Soldier AB was with soldier AA and was posted as a sentry in a doorway on the north side of Barrack Street.

Soldier AB said that at 4:15 pm he saw a man at the junction of St Columb's Walk and Joyce Street fire one shot at soldier AA. The bullet bounced off the wall and passed through another soldier's flak jacket. Soldier AB fired one shot at the gunman.

In his BSI statement, Soldier AB cannot recall firing any shots.

12.5.3 Soldier Y

Soldier Y was a gunner with the Royal Artillery attached to the 22nd Light Air Defence Regiment. He was at an observation Post (OP), to the south of the Brandywell recreation ground.

Soldier Y said at 4:40 pm he heard two shots from the direction of Creggan Heights. He kept watch on the area to see if he could see the gunman and saw a man appear from a bush on the Creggan Heights slope. He said the gunman fired once and when he fired a second time, Soldier Y also fired. The gunman fell backwards and soldier Y did not see him again.

12.5.4 Soldier X

Soldier X did not give oral evidence to the Widgery Inquiry. He was positioned between two Ops behind a garage in Letterkenny Road. He said that from the time he took up his position, youths threw stones and bottles in his direction.

Soldier X said that from 1:00 pm onwards, 60 or 70 high velocity shots were fired in his direction from Creggan Heights and the cemetery. At about 3:30pm, eight or ten shots of automatic fire were fired. The shots came from the opposite side of Letterkenny Road. Soldier X could see a man leaning against the side of a tunnel which had been formed by a piece of corrugated iron placed between two derelict buildings. Immediately after the firing had taken place, the man ran down the tunnel. Soldier X fired the shot at him and the man fell as he reached the other end of the tunnel.

In his statement to the BS1, soldier X said that it is possible that some of the gunshots he heard may have been the sounds of exhausts backfiring. At the time he thought they were rifle shots.

He said that he saw someone crouched by the corrugated iron in a derelict building, 50 to 75 metres opposite his position. Soldier X told his superior who agreed with him that it could be someone with a gun. Soldier X fired a round but does not recall anything else happening. He did not see anyone fall. He fired because the circumstances looked very highly suspicious. He is fairly sure that he was given an instruction to fire.

12.5.5 Soldier AC

Soldier AC was in a derelict house at the junction of Long Tower Street and Howard Street. He said he was watching the area of Celtic Park behind the gasworks. He saw the man in an open space between two huts. He said the man had an object that looked like a rifle and when Soldier AC heard a shot pass above his position, he fired two rounds at the man. The man fell backwards and was dragged away by people towards the Lone Moor Road.

Fifteen minutes later another man crawled to exactly the same position as the first man. The man was carrying a similar object to the first man. Soldier AC fired three shots at the man, hitting him with the last shot. The second man was also taken away.

12.5.6 Soldier AD

Soldier AD was on the first floor of a derelict house on the north side of Long Tower Street near to the junction with Howard Street. At 4:45pm he saw a man run from an archway in a group of buildings at Meenan Square. The man fired what looked like a .303 rifle towards Roaring Meg. Soldier AD fired two shots and hit the man who was dragged by a crowd into Meenan Square.

In his BSI statement, Soldier AD now believes the gunman was carrying an American Garrand weapon rather than a .303 rifle.

12.5.7 Soldier Z

Soldier Z was a member of the 22nd Light Air Defence Regiment and was positioned in Sackville Street. He said he heard a shot and saw a man at the top floor of a derelict factory on the corner of Abbey Street and William Street. The man was standing at the window with a long straight object in one hand. Soldier Z fired and hit the man after the Sergeant Major told him to. The man fell from sight. No attempt was made to recover the gunman's weapon. This shot is recorded in the Brigade Log.

12.6 EVENTS AT FORT GEORGE HOLDING CENTRE

Approximately 57 people were arrested. Mr Clarke said that of the 57 arrested, 45 people were arrested by 1 Para and processed by the RUC.

Mr Clarke gave the following breakdown of the 45 people arrested by 1 Para:

- 13 in 33 Chamberlain Street.
- 7 in Rossville Street and the waste ground.
- 22 at the gable end of Glenfada Park North and unspecified locations.
- 3 at the gable end of Glenfada Park North and in Rossville Street.

The people who were arrested by 1 Para were taken to a holding centre at Fort George at the end of Strand Road. Fort George was also the headquarters of the 1st Battalion of the Coldstream Guards. There were two holding centres and the civilians were taken there in two lorries.

Mr Clarke looked at the evidence of what happened to the civilians both before getting inside and once inside the building. A selection of the accounts that Mr Clarke looked at are recounted below.

12.6.1 Civilian evidence of what happened before getting inside the holding centre

Charles Doherty said that when the lorry stopped he was grabbed by his hair and clothes and pulled out of the lorry. He fell onto the concrete and saw two lines of soldiers forming a corridor between the building. One of the soldiers said "run for the fucking door you bastard" and when Mr Doherty ran he was beaten with batons and kicked and punched several times.

When Mr Doherty reached the door to the building he saw a soldier with an Alsatian dog. He thought the dog was going to attack him but the soldiers pulled it sharply back at the last minute.

Charles Glen described being attacked by soldiers using the butts of their guns as he ran along the corridor they had formed. Mr Glen was hit in the thigh with the muzzle of a gun.

John Gormley was grabbed by his hair and thrown backwards out of the lorry. He was kicked as he hit the ground. He was kicked and beaten by soldiers on both sides as he ran to the building. Mr Gormley said there were two lines of soldiers carrying batons. There were about 50 soldiers in total. Two men fell on the ground and were beaten.

Joseph McColgan saw the two rows of soldiers forming a corridor. He said the soldiers were striking civilians with whatever they were holding. If anyone fell they were beaten until they got up. He said that there were German shepherd dogs on chains which were lunging towards the people as they ran.

Father O'Keefe was kicked in the back by a soldier and told to get out of the lorry. He put his hands over his head as he ran for the door and was struck several times on the legs, body and arms.

12.6.2 Soldiers evidence of what happened before the civilians got inside the building

Lance Corporal 321 was in the Coldstream Guards. He said that the Paratroopers guided the civilians into the building. He remembers hearing lots of shouting but he cannot remember what was said.

Guardsman 855 said that the Paras were doing no more than helping the prisoners climb out of the vehicles.

Guardsman 951 said that the Paras were quite pleasant towards the civilians. There was no swearing, shouting, shoving or prodding.

Guardsman 1224 remembers a batch of prisoners arriving. They were roughly manhandled out of the vehicle by Paratroopers. The Paras lined up on each side of the pathway and made the prisoners run the gauntlet into the building. If a prisoner stopped he would be hit by Paras. At the end of the pathway there were two Alsatian dogs. The dogs were being allowed to move forward to the full extent of their leashes so that they got very close to the prisoners. Some of the prisoners were injured before they got out of the vehicle because Guardsman 1224 saw dried blood on them.

Guardsman 1147 said that the soldiers forming the corridor to the building were Coldstream Guards rather than Paras. There were two dog handlers with unmuzzled Alsatian dogs. After the tailgate was dropped the prisoners were pulled or pushed to the doors. He described the dogs as aggressive but under control. Guardsman 1147 did not think the prisoners were unduly mistreated.

Guardsmen 552 said that some of the Paras appeared to be carrying pickaxe handles but he later thought they were riot batons. The dogs which were going berserk, were also lifted into the vehicles. He saw Paras hitting prisoners with batons in the vehicle and said that the civilians were putting up resistance.

Guardsmen 851 said he overheard a conversation between an officer and someone else. The officer said that the Paras were being heavy handed. Guardsman 851 said he believed it was said with the intention that something be done about it.

12.6.3 Description of the inside of the holding centre

John Dillon said that the building looked like a hangar. An area had been cordoned off with screens which formed the holding area. Mr Dillon described the holding area as a big cattle pen.

William Columbo McCloskey said that he was marched into a cage constructed of darned wire and steel. The cage was almost about 20 feet square. Mr McCloskey said that there were soldiers and RUC men all around. He recalls one paratrooper saying to one of the dogs "There is plenty of fresh meat for you. We shot nine of these bastards today".

Corporal 18 said that there were two pens inside a large hangar-type building made of dennert wire. He remembers seeing Alsatians with their handlers by the entrance to the building.

Guardsmen 1147 describes a hangar and within that a row of dennert razor wire stretched between two brick walls.

12.6.4 Events inside the holding centre

The civilian evidence relates that they were made to stand facing the walls or holding on to the barbed wire.

James Charles Doherty said that the compound was divided in half by rows of coiled rusty barbed wire, about 10 foot high. He was spread-eagled against a wall with the other people who had been arrested and told to take hold of the rusty barbed wire with both hands. After standing in this position, holding the barbed wire for 30 minutes, the people were made to stand against another wall without barbed wire. After another 30 minutes they were ordered back to the barbed wire. All this time they were shouted at, kicked, punched and verbally abused by the soldiers.

John Gormley said that there was a veranda around the top of the building and he could see a soldier walking along it pointing a rifle down at the civilians. Mr Gormley and the others, were made to line up against the wall and soldiers hit people in their backs, ribs and heads. Mr Gormley was hit in the back of the neck with a truncheon as he stood facing the wall.

There was a wire running between the sidewalls of the building. The soldiers brought in some Alsatians dogs and the dogs were chained to the wire so they could run along it. If the civilians stood flat against the wall the dogs could not quite reach them. However if the civilians moved back, the dogs could bite them. They were made to stand with their heads against the wall, with the dogs behind them for two to three hours. Mr Gormley saw that it was freezing cold and he remembers that his hands went numb.

Patrick McGinley said that the civilians were made to stand on tiptoe facing the wall. Soldiers came around making sure they stayed on their tiptoes. Mr McGinley said if he stood on his heels he got punched.

Dennis Patrick McLaughlin was standing under a large gas heater. If he put his head down a soldier would push it up by placing a baton under his chin. He asked a soldier for a drink and was told to open his mouth. When Mr McLaughlin opened his mouth, the soldier spat in it.

Father O'Keefe said that from 5:00 pm to 8:00pm they alternately had to either stand in the search position against the wall or to hold on to barbed wire or to stand with one's hands behind their head.

At 8:00pm an officer arrived and ordered chairs and electric heaters to be provided. At 9:30pm the paras came back and selected people to be charged for stone throwing.

Father O'Keefe said that during one to one and half hours he witnessed many acts of brutality committed on the prisoners. The paras kicked shins, stamped on feet, kneed groins and struck prisoners fists. A youth of about 15 was severely struck twice in the groin. He fell backward and struck his head on the concrete. The youth was kicked and hauled to his feet. He had to be propped against a wall.

Two youths were forced to put their hands back to bring their faces close to the overhead electric heaters. The smaller youth was forced to stand on the larger youths feet to bring his face closer to the heater. They had to keep this position for 28 minutes to half an hour. Father O'Keefe witnessed a soldier spit in the smaller youth's mouth.

The seven civilians, including Father O'Keefe, who were still on chairs were brought up to the wall and kneed several times in the groin. They were photographed and taken into another room where the RUC were interviewing prisoners.

Father O'Keefe saw further acts of brutality committed in the interview room. One man was hit in the stomach by a paratrooper. An RUC officer stopped a soldier from kicking a youth.

12.6.5 Father O'Keefe's letter to General Tuzo

Father O'Keefe wrote a letter to General Tuzo on 20th February 1972. He made a formal complaint about the violence inflicted on civilians whilst held

on 30 January. He described how he was arrested and struck after being placed against a wall. The civilians were threatened, beaten, and abused. Father O'Keefe was batoned into a lorry in William Street. There were 28 males and 1 female in the lorry. One soldier loaded a baton round and said "I want you fuckers in half that space". The civilians were forced to kneel facing the front of the lorry, crushed against one another.

Father O,Keefe described their arrival at the holding centre, being forced to run between two lines of soldiers . He said that each soldier in the line struck a blow at him as he ran to the door.

He went on to describe the assaults that took place inside the holding centre, including deliberate and systematic provocation of the prisoners by the soldiers, serious examples of assault and cases of deliberate torture. Father O,Keefe noted that many of the prisoners had serious injuries to the head and face which they said had been inflicted by soldiers during their arrest and journey to the holding centre

He noted that sergeant major from another regiment had witnessed some of the assaults and not intervened. The RUC officers, had in the main , behaved in a disciplined and courteous manner.

Father O,Keefe said that the soldiers claimed to have killed 50 people that afternoon and appeared to enjoy assaulting and torturing the prisoners. He enclosed two copies of the letters , one to be passed to General Ford and one to be passed on to Colonel Wilford. He asked for a public statement and disciplinary action to be taken.

12.6.6 General Tuzo's reply to Father O,Keefe

General O,Keefe sent a reply to acknowledge receipt of Father O,Keefe 's letter. He said he did not intend to make any public announcement until the Widgery Inquiry was over. He said that disciplinary action would depend on the outcome of investigation and said that complainants often refuse to make statements for investigations. He said that the failure to co-operate with investigations lead to the belief that complainants are more interested in propaganda than redress of grievance.

Mr Clarke said the BSI is not aware of any investigation taking place after the end of the Widgery Inquiry.

12.6.7 Soldiers' evidence about events in Fort George

With the exception of Guardsman 1224, none of the soldiers say there was any brutality at Fort George

Corporal 18 was in the RMP. He saw some prisoners spread-eagled. He cannot remember if any of the soldiers guarding the prisoners were armed. He said that the main threat to prisoners was the military dogs. The soldiers and dog handlers were egging the dogs on to frighten the prisoners.

Guardzman 1147 said nothing out of the ordinary happened

Guardzman 1224 said that the Para's treatment of the prisoners was a bit rougher than he had experienced before. He saw prisoners spread-eagled against the walls and Paras pushing, shoving and hitting them with batons. The Paras would get hold of a prisoner by the scruff of the neck and push him against the wall. If he did not spread his arms and legs quickly enough, the soldier would give him a whack on the shoulders, arms or legs. Once a prisoner had been spread-eagled, if he moved or spoke, the Paras would hit him again with a baton.

Guardzman 1224 said he was shocked by the running of a gauntlet episode (when the soldiers formed a corridor between the lorry and the door). He said the noise, commotion and behaviour of the paratroopers stuck in his mind quite clearly.

Sergeant O said that he is not surprised at complaints of brutality. Almost every time people were arrested in Belfast there have been complaints over their treatment. He said he saw no ill-treatment of prisoners at Fort George.

Corporal 007 said he did not see anyone being abused.

12.6.8 Identification and interrogation of prisoners

Before those who were arrested were released from Fort George, they went through a process of identification and interrogation and were photographed with the soldier who had identified them.

A number of witnesses say they were identified by soldiers with whom they had no connection before and accused of riotous behaviour which they said was untrue.

James Charles Doherty said he was grabbed by a soldier and pulled into a room which was divided into cubicles. A soldier and RUC officer sat behind the desks inside the cubicles. The soldier who arrested Mr Doherty stood behind him. He told the soldier behind the desk that Mr Doherty was charged with riotous behaviour. Mr Doherty was not asked to give or sign any statement and said that the charge was a lie. He was led into the next cubicle to be photographed.

A paratrooper selected Charles Glen and said that he had arrested him in William Street. Mr Glen said that he had never seen the soldier before. The military policeman said that the evidence was not sufficient and he would need to say that he had seen Mr Glen throwing stones. The Para then said he had seen Mr Glen throwing stones. He was charged with something like riotous behaviour. Mr Glen was then released.

Soldier 18 was part of the RMP. He described seeing a prisoner having a cup of tea with his major. The prisoner had identified himself as an undercover SAS officer who had been arrested with the civilians. Mr Clarke said that the undercover SAS officer had not been identified.

12.6.9 Hugh Deehan's evidence

Hugh Deehan and Attracta Simms, both members of the Knights of Malta, opened a first aid post at Saint Mary's school to attend to cuts and bruises. The Sunday Times have notes of an interview they conducted with Hugh Deehan. The notes recorded that he attended to those who returned from Fort George and some were black and blue. At about 2:00am he was called to Barry Liddy's house. Mr Liddy had a fractured knee cap.

Mr Deehan's own notes record that the Knights of Malta attended to casualties from Fort George at 10:30 pm. The injuries consisted of severely injured legs arms, backs and other injuries and also smaller cuts and bruises. Mr Liddy said that the soldiers jumped on his legs and hit him with the butt of his rifle in the lower abdomen. He had large bruises down his back and injuries on his head and face.

The first aid post was finally cleared at 8:30 am on Monday 31st.

12.7 AMMUNITION

Mr Clarke considered evidence relating to the possibility that soldiers had their own private supplies of ammunition. (Supplies which are in addition to ammunition they would have been issued with on Bloody Sunday.)

12.7.1 Evidence that private supplies of ammunition were available

Quite a few soldiers say that it was a widespread practice for soldiers to collect private supplies.

Corporal 81 said soldiers could build up private supplies by not using all of what they would be issued for use on the firing range. He had never heard of dum dum bullets being used.

Gunner 312 said that, on the day, he was issued with 20 rounds but he carried a private supply of another 20 rounds. He built up extra rounds by not using all his issue on the firing ranges. He did not know anyone who had dum dum bullets but he understood that they were quite easy to make.

Soldier 954 said that most soldiers carried their own supply of ammunition. The officers were not too bothered about this. The general feeling at the time was that the soldiers were not given enough rope to do their job because of the tight rules of engagement. He knew that soldiers altered rubber bullets but was not aware of any carrying dum dum bullets. It was considered fair game to fill the chamber cases of rubber bullets with all sorts, such as glass and nails.

Soldier 1828 was in the RMP. He was never formally asked to investigate illegal supplies of ammunition but he said many soldiers carried them. Even the RMP carried private rounds. Extra rounds were easily obtained. A soldier

could build up a supply over time by over-declaring what he had fired. It was general knowledge that this happened.

Officer 1836 was the officer in charge of the RMP investigation into Bloody Sunday. He said that there was a different philosophy to private rounds in Northern Ireland. It was a waste of time to try and find out how many shots had been fired by asking the quartermaster because there was lots of spare ammunition floating around.

He said that he did not believe that a soldier would risk doctoring a 7.62 millimetre bullet. Doctored rounds were more likely to explode in the barrel of a gun and blow up in a soldier's face. He did not come across the practice of doctoring rubber bullets.

12.7.2 Evidence that it was impossible to keep private rounds

Soldier H said that he did not have a private supply of ammunition. He was not aware that any of his colleagues had extra rounds.

Sergeant O said he never came across private supplies of ammunition during his service in the Army.

13 STATEMENTS PUT OUT BY THE ARMY, PRIESTS, POLITICIANS AND THE IRA

13.1 ACCOUNTS GIVEN ON THE DAY

13.1.1 Interviews to reporters

Father Daly was interviewed by John Bierman of the BBC at the southwest corner of block 1 of the Rossville flats. The interview took place after Father Daly had led the group carrying Jack Duddy's body to Waterloo Street. John Bierman said that the interview was interrupted twice by shooting.

Father Daly said the troops came in firing, without provocation, in all directions. Most people had their backs to the soldiers when the soldiers opened fire.

Shortly afterwards, John Bierman interviewed General Ford in William Street. He said that, on the information he had at that time, the paras fired three rounds after between 10 and 20 had been fired at them from Rossville flats. He said that acid bombs had injured two soldiers.

Joe Gorrod of the Daily Mirror said that he spoke to Colonel Wilford and General Ford at the junction of Chamberlain Street and William Street. Colonel Wilford said that the soldiers had fired on two occasions and had recovered the bodies of two men.

Mr Clarke said that the information, that was then to hand, on the number of shots that had been fired was incorrect. Colonel Tugwell said that it was a ridiculous situation where those who were asking the questions knew as much

as those who were expected to answer the questions. He and General Ford decided to go back to headquarters to get better information.

Harry Arnold of the Sun spoke to General Ford and Colonel Wilford at 5:00pm. Colonel Wilford said that a tactical delay had made his men 17 minutes late in going in. As a result 60 rather than 300 arrests were made.

Mr Arnold said that he did not hear any nailbombs explode that afternoon, or any small arms fire. He said it is difficult to understand how weapons could have been removed from the bodies of those at the barricade because they were in constant view of the soldiers. Colonel Wilford had told Mr Arnold that when people tried to approach the bodies they had been scared off with a volley of rubber bullets.

Brian Cashinella of the Times said that he heard Colonel Wilford giving instructions to only fire at identifiable gunmen over the radio after the firing had finished. Mr Clarke said that this description sounds like a different occasion than that which appears on the video when somebody could be heard shouting that order.

Colonel Wilford was interviewed by Gerald Seymour of ITN at about 4:45pm. He said that three gunmen had been hit but the weapons had not been recovered. He could not say that he had seen any weapons being taken away by the people who had come forward.

Colonel Wilford told Simon Hoggart of the Guardian that the gunmen's shots were highly inaccurate. There were about seven snipers and they had lost their nerve when they saw the paras enter. Colonel Wilford said that he had seen a gunman with an M1 carbine rifle on the balcony of a flat. He also said that some of the people could have been shot by their own indiscriminate firing. When he was asked about the numerous eye witness accounts which contradicted his version, he said that they were lying. He had been with his troops and shots had been fired at him.

During the Widgery Inquiry, Colonel Wilford was asked whether he had seen a gunman with an M1 carbine rifle. He denied that this was untrue and said that it was possibly true, although he was not sure.

13.1.2 Information put out by the Army and the MoD

Information began to filter through to the Prime Minister, Edward Heath. A message from his Private Secretary, Lord Bridges, said that the latest report from the MoD was that five people had been killed and twelve wounded. The MoD said that the troops had been fired on by snipers.

Lord Bridges sent another message to the Prime Minister. It said that twelve had been killed and fourteen injured. The message also said that one of the dead had been identified as a wanted man.

The Army released a press statement at 7:30pm that evening. It said that, whilst arrests were being made, gunmen opened fire from the rubble

barricade and soldiers had returned fire. The military suffered casualties from the severe stoning they underwent. There had been five military casualties but none were serious. The statement said that well over 200 rounds had been fired in the general direction of the soldiers. Fire was returned only on identified targets.

13.1.3 John Hume's statement

John Hume of the SDLP issued a statement for Radio 4. He said the Army opened fire indiscriminately on a civilian population. Twelve unarmed civilians had already lost their lives and many more had been wounded. He was in touch with political leaders in London and Dublin to have the strongest action taken.

13.1.4 General Ford's interview with the BBC

General Ford spoke to Tony Fry of the BBC. He said that, after the soldiers at the barriers had been pelted with missiles for 45 minutes, the decision was made to launch the arrest operation. He said it was not true to say the soldiers had fired indiscriminately at the crowd.

He said that as soon as the Paras went through the barriers, they were attacked by half a dozen nailbombers, a petrol bomber and seven gunmen had opened fire on them from the top of the flats. General Ford said that the soldiers had only fired at the nailbombers, petrol bomber and gunmen who had fired at them.

During the Widgery Inquiry, General Ford was asked about this interview. He denied saying that there were nailbombers or seven gunmen. He said that he had not heard anything that could be identified as a normal nailbomb.

13.1.5 IRA statements

The Press Association recorded a statement which said that the Provisional IRA pledged to avenge the deaths of everyone killed on Bloody Sunday. The officer commanding the Provisional Brigade in Derry said that at no time did any of their units open fire on the British Army prior to the Army opening fire. They said they had ordered all weapons out of the area that morning.

The Press Association also recorded a statement from the Official IRA. It said there would be reprisals and they would shoot to kill as many British soldiers as possible. An officer in the Official IRA said that the Officials had not fired in the immediate vicinity of the area where the deaths occurred. There had been some military activity by the Officials outside the area. During an exchange with troops, one volunteer had received leg and neck injuries.

13.1.6 Meeting of senior Army officials at Ballykelly

At 9:30pm that evening, Colonel 1347, the commander of the Royal Anglian Regiment attended at meeting of senior army officials at Ballykelly. General Ford chaired the meeting and Brigadier MacLellan, Colonel Wilford and

Lieutenant Colonel Welsh were present. The discussion was confined to the day's events and what follow up action was necessary. Colonel 1347 cannot recall what was said.

13.1.7 Telephone conversation between Edward Heath and Jack Lynch

During a telephone conversation, Edward Heath told Jack Lynch, the Prime Minister of the Republic of Ireland, that whatever happened that day arose because of the deliberate defiance of a ban on marching.

13.2 ACCOUNTS AND STATEMENTS ON MONDAY 31 JANUARY 1972

13.2.1 Army Situation Report

The account given in the Army Situation Report for 4:00am on Sunday to 4:00am on Monday is consistent with the Army evidence. It deals with shooting incidents and records that seven gunmen, six nailbombers and one petrol bomber were engaged by 1 Para.

13.2.2 Colonel Tugwell interview with Radio 4

Colonel Tugwell was in the Information Policy Unit for the Army. In an interview broadcast on the Monday morning, he said that four of the men who had died were on the wanted list. Colonel Tugwell also said that investigators had been sent to the hospital and two of the wounded had admitted that they were armed with guns.

In his statement to the BSI, Colonel Tugwell said that he would have received this information from various sources. He discovered later that the four men had not been on the wanted list. He said that by that time, it was too late to put out a press release to correct his statement, because from 1st February there was a ban on saying anything about the event until after the Widgery Report was published.

During the Widgery Inquiry, counsel for the MoD said that none of the deceased were on the wanted list. Four of the men had either been previously arrested or previously convicted for riotous conduct.

Mr Clarke looked at the evidence on whether army investigators had spoken to the wounded, as Colonel Tugwell had claimed in the Radio 4 interview. In a report to his Chief Constable, Superintendent Lagan said that the police and press had conducted interviews with the wounded but he did not mention army investigators. Christopher Walker of the Times wrote that whilst the Army claimed that two of the wounded had admitted to carrying firearms, none of them had been interviewed by the Army or Special Branch. A hospital spokesman said that he was not aware of any approach by the Security Forces to interview the injured in hospital.

13.2.3 Press conference by a number of priests

A number of priests, including Father Daly, Father Mulvey and Father O' Gara held a press conference. Father Mulvey said that the soldiers had fired indiscriminately into a fleeing crowd. He said that the allegation that shots had been fired at soldiers before they opened fire was untrue.

13.2.4 The British Information Service in the USA

The British Information Service in the USA issued a document which said that the Army had only fired at attacking gunmen and bombers. At all times, soldiers only fired in self-defence or in the defence of others threatened.

13.2.5 Meeting of the Northern Ireland Subcommittee of the Cabinet

At a meeting of the Northern Ireland Subcommittee, the Chief of General Staff reported on events in Derry. He said that the Paras came under fire with 50 to 80 rounds from the third floor of the flats. An exchange of fire between the gunmen and the soldiers lasted about 15 minutes. He said that Army witnesses said that the body of a 15 year old boy which was apparently pushed out onto the street from a doorway could have been shot by gunmen, the previous day.

It was pointed out in the discussion that whilst the facts reported by the Chief of Staff were essentially correct, the media were reporting a different version of the events. To refuse widespread demands for an Inquiry would be represented as suggesting that the Army had something to hide. In principle, it was desirable that an Inquiry should be held.

13.2.6 Home Secretary's Statement to the House of Commons

On Monday afternoon, the Home Secretary announced the establishment of an Inquiry.

13.2.7 Subcommittee meeting of the Cabinet

At a meeting after the Home Secretary's announcement, the Prime Minister asked the Lord Chancellor to approach a senior member of the judiciary to ask him to act as chairman to the Inquiry. Officials were to prepare draft terms of reference for the Inquiry. The terms should be as precise as possible, limiting the timing and location of events to be examined.

13.2.8 Meeting between Edward Heath and Lord Widgery

Lord Widgery accepted the invitation to chair the Inquiry. He visited the Prime Minister that evening. The minutes of that meeting show that Edward Heath drew Lord Widgery's attention to the following points:

- The matter should be dealt with whilst events are fresh in people's memories.
- A speedy outcome was important.
- The Inquiry would be operating in a military situation, making it all the more important to be quick.

- To bear in mind the risk to the soldiers in giving evidence in a public inquiry.
- That they were fighting a propaganda war as well as a military war in Northern Ireland.

Lord Widgery said that evidence could be confined if the Inquiry was restricted to what actually happened in the few minutes when the men were shot and killed.

The following procedural points were discussed:

- Lord Widgery wanted to sit alone.
- The Prime Minister said that a decision would need to be made on where the Tribunal should sit. Whilst the obvious place was the Guildhall, that might be thought to be on the wrong side of the River Foyle.
- Lord Widgery said that it would be difficult to get witnesses from those on 'the other side' from the Army.

13.3 ACCOUNTS AND STATEMENTS ON TUESDAY 1ST FEBRUARY

13.3.1 Setting up the Widgery Inquiry and Lord Balniel's speech

The Prime Minister announced the setting up of the Widgery Inquiry. In the course of the debate, Lord Balniel, the Minister of State for Defence spoke on behalf of the Army. Mr Clarke said that some might consider his speech as justified in light of the charge of massacre made against the Army. However he said that others would see it as an attempt to get the official line in before the Inquiry began, just in time to avoid the restrictions imposed by the law of contempt.

During his speech, Lord Balniel said that intelligence information gave the Security Forces good reason to believe the IRA would exploit the march. (In his statement to the BSI, Lord Balniel said that he is unable to help on the source of the intelligence information.)

He was asked who had responsibility for the arrest operation. The answer he gave was recorded as 'the arrest operation was discussed by the Joint Security Council (JSC). **Further** discussions had been taken by ministers here.' A request was made to Hansard (the record of speeches and debates in Parliament), to correct the record of Lord Balniel's answer to 'the arrest operation was discussed by the JSC **after** decisions had been made by ministers here. Mr Clarke said the documents suggest that no ministerial decisions were made about the march after the JSC meeting (which reflects the corrected version of Lord Balniel's answer).

Mr Clarke pointed to the minutes of a meeting of the JSC held on 27th January. The minutes do not show any specific reference to an arrest operation.

In his statement to the BSI, Lord Balniel said that he can not remember which decisions he was referring to in this speech. He thinks the confusion in the record was due to 'further' being used by mistake instead of 'after'.

13.4 ACCOUNTS AND STATEMENTS ON WEDNESDAY 2nd FEBRUARY

The funerals took place of those who died at Saint Mary's church in the Creggan.

13.4.1 Intelligence summary

An intelligence summary for the 8th Infantry Brigade said that the events during the march had confirmed an earlier intelligence assessment. The organisers led the marchers into direct confrontation with the Security Forces. The organisers had lost control and the IRA took advantage of the situation and attacked the troops. The summary said that before the march, reports had been received which said that the IRA intended to begin shooting, using the crowd as cover.

13.4.2 Special Branch Assessment

The Special Branch Assessment for the period ending 3rd February 1972 said that they had received information before the march that the IRA intended to exploit the crowd as cover for their gunmen.

Mr Clarke said that this assessment was based on an interview which was reported in the Irish Press on 1st February. The article in the Irish Press said that a Provisional IRA man had said every one of their men had been ordered to remain behind with their guns. Mr Clarke said that this is ambiguous since it could mean remain behind in the Creggan or stay at the back of the march.

13.5 ACCOUNTS AND STATEMENTS ON THURSDAY 3rd FEBRUARY

13.5.1 Meeting of the JSC

The minutes record Sir Harry Tuzo's concern about reports that the press were admitted to the hospital to interview the wounded, before the police. It recorded that the delay had meant that vital evidence, such as swabs, had been lost.

13.6 ACCOUNTS AND STATEMENTS ON FRIDAY 4th FEBRUARY

13.6.1 Meeting at 10 Downing Street

A meeting took place between Edward Heath, the Home Secretary, the Foreign Secretary, the Defence Secretary and the Prime Minister for Northern Ireland.

A range of initiatives was considered during the meeting. These included variations on the border with the south, exchanges of population, a referendum for Northern Ireland and the phasing out of internment.

13.7 ACCOUNTS AND STATEMENTS ON SATURDAY 5th FEBRUARY

13.7.1 Colonel Overbury's document

Colonel Overbury gave a summary of events in Derry on 30th January. He said that in the weeks before the march, the IRA had deliberately used crowd cover and a hooligan element to create opportunities for attacks against the Security Forces. He said that intelligence reports, in the week before the march, confirmed the earlier reports by forecasting that the IRA would use the crowd as cover.

Colonel Overbury listed the following orders that were given during the march.

Time	Order
3:47pm	Message from the helicopter said that the hooligans were separate from the marchers.
3:52pm	The marchers were moving down Rossville Street towards the flats.
3:54pm	The marchers were dispersing towards the flats.
3:55pm	C company of 1 Para were standing by in armoured vehicles. The water cannon was withdrawn to allow access for them, should it be decided that they should be sent in. The Commanding Officer of 1 Para asked for permission to go in but the Commander of 8 th Brigade did not give permission at this stage. He wanted to confirm that there was absolute separation of the marchers and the hooligans.
3:59pm	The message came from the helicopter that there was a general move of the crowd from the Rossville flats into Lecky Road.
4:04pm	The separation of hooligans from marchers was complete.
4:07pm	Orders were given that the arrest operation should be launched. The orders were to arrest as many rioters as possible in the William Street/Rossville Street area and not to conduct a running battle down Rossville Street.

13.7.2 Chief of the General Staff's visit to Northern Ireland

Minutes of a meeting attended by the Chief of the General Staff, record that Sir Harry Tuzo was going to take the matter of Superintendent Lagan's behaviour up with the Chief Constable. Five CID men had been sent back to Belfast after Superintendent Lagan said they were not necessary. The minutes said that no statements were taken by the RUC until after the press had seen the wounded.

The discussion moved to the Widgery Inquiry. It was agreed that the Army would not seek immunity from prosecution. To request it would be bad, tactically as well as politically. There was little danger of a soldier being prosecuted anyway.

13.8 ACCOUNTS AND STATEMENTS ON SUNDAY 6th FEBRUARY

13.8.1 Joe MacAnthony's article

Joe MacAnthony wrote an article in the Sunday Independent. He alleged that Bloody Sunday was a conspiracy to wipe out the IRA in Derry, that the Paras were under orders to shoot all men of military age and that the shootings of Damien Donaghy and John Johnston were done with a view to drawing the IRA out.

13.9 EVENTS AFTER THE WIDGERY INQUIRY

13.9.1 Debate in the House of Commons after publication of the Widgery Report

Lord Widgery's findings were presented to Parliament on Wednesday 19th April 1972. James Callaghan, the shadow Home Secretary, said that the events had taken place when heavy pressure had been brought to bear on the Army commanders to step up their attitude.

Mr Clarke said that it is not clear on what basis, James Callaghan had made that remark. In a letter to the BSI, Lord Callaghan said that he cannot recall the information he had relied on in making that comment. In any case, he said that type of information (that the Army were under pressure to step up their attitude) would never have been committed to paper, but would have been passed on by word of mouth.

Mr Clarke pointed to a passage in Lord Carver's statement to the BSI which might suggest the source of James Callaghan's information. Lord Carver said that as the security situation in Derry had deteriorated, information was passed down from Brian Faulkner to General Tuzo through Edward Heath to Lord Carver that the security situation had to be improved.

One of the questions raised during the debate in the House of Commons was why none of the soldiers in 1 Para had been shot. The reply was that it was because the IRA were not trained marksmen.

13.9.2 Memorandum from General Tuzo

On 13th April 1972, General Tuzo asked the Vice Adjutant General to raise concerns about the growing habit of commanding officers to cover up allegations made against their soldiers. He said it was difficult to get true facts when charges were levelled at soldiers because commanding officers seemed to feel that they had to stand by their soldiers at all costs.

General Tuzo asked that commanding officers in Northern Ireland be more fully briefed on the need for them to investigate all charges made against their soldiers, in a totally unprejudiced fashion.

13.9.3 Prosecutions

On 1st August 1972, the Attorney General said that the soldiers involved in Bloody Sunday would not be prosecuted. He also decided that he would not proceed with the charges of riotous behaviour against the civilians.

13.9.4 The Inquests

On 21st August 1971, the coroner for Derry, Major Hubert O'Neill held inquests into the deaths of those who died on Bloody Sunday. Only civilians gave evidence. The MoD did not cross-examine the witnesses on the basis that the Widgery Tribunal had already decided the facts.

The jury returned an open verdict. The coroner said that, in his view, the shootings were sheer, unadulterated murder.

13.9.5 Compensation and the statement from the Government

As part of the settlement of claims for compensation made by the next of kin of the deceased, the Government issued a statement. They said that the soldiers had been fired on and returned fire in self-defence and in order to protect their comrades.

It repeated the Widgery findings that whilst some of the deceased were wholly acquitted of complicity in handling firearms or bombs, there was a strong suspicion that others had been firing weapons or handling bombs that afternoon.

The Government said that they were under no legal liability in respect of the deaths because the troops had acted lawfully. However, because Lord Widgery said that none of the deceased was proved to have been shot whilst handling a firearm or a bomb, they would pay some compensation in the spirit of goodwill.

14 INVESTIGATIONS BY JOURNALISTS AND STUDIES INTO BLOODY SUNDAY

Mr Clarke looked at the more important studies into the events of Bloody Sunday. He said that the Tribunal is freestanding and independent and will consider more evidence about Bloody Sunday than any other body. The Tribunal will reach its own conclusions based on all the evidence before it.

Mr Clarke said that the Tribunal will not be bound by the conclusions of others, but it may be helped in knowing what findings and claims are made by others who have investigated Bloody Sunday.

14.1 INVESTIGATIONS BY THE SUNDAY TIMES

14.1.1 The unpublished article

An article about Bloody Sunday by Murray Sayle and Derek Humphreys was completed by 3rd February. It said that the Paras attacked the march with the intention of drawing out the IRA. Mr Clarke said that there were two

reasons why the article was not published. Firstly, Lord Widgery warned Harold Evans, the editor of the Sunday Times, that publication could make him in contempt of the Tribunal. Secondly, Bruce Page and Ron Hall, members of the editorial team, opposed publication of the article.

In his statement to the BSI, Bruce Page explained that members of the editorial team felt that the article was not backed up with evidence. There was a debate about whether the article should be published. Murray Sayle wrote a memorandum to the editor explaining why he had written the article.

Mr Sayle's memorandum describes how he had been invited for drinks to Drumahoe Barracks by a public relations officer in the 22nd Light Air Defence Regiment. The officer said he had been on the march and had seen the IRA open up with Thompsons, killing their own people. A young boy, who the officer said was from the Bogside, was produced to confirm the officer's account. Mr Sayle said that he did not believe the officer's account and said that this was what to expect at the Widgery Inquiry. He said that any army caught in this type of embarrassing bind is capable of 'playing it very dirty indeed.'

14.1.2 The article published by the Insight team

John Fielding, Phillip Jacobson and Peter Pringle, from the Sunday Times Insight team, were sent to Derry. They submitted their material to the editor and their article was published on 23rd April 1972. The BSI have much of the material that was used to write the article.

The Insight team concluded that:

- The operation was caused by British ministers in knowledge of the risks of civilian casualties.
- It went wrong in plan and in operation.
- The IRA did fire.
- The paratrooper's response was out of proportion.
- The Widgery findings are at variance with the evidence.

14.2 BBC DOCUMENTARY

Film footage was shown of a BBC documentary broadcast on 19 April 1972. The BSI do not know the name of the programme.

The documentary examined the Widgery Inquiry's findings against four questions. The questions were:

- Were the plans suitable?
- Were the plans followed?
- Was the Army fired on?
- Did the Army overreact?

It looked at the civilian and photographic evidence, suggesting that there were no guns carried by civilians.

14.3 ANALYSIS BY PROFESSOR DASH

In June 1972, the National Council of Civil Liberties published a report by Professor Samuel Dash of the Georgetown University Law Centre. Mr Clarke said that the report is a well composed analysis of the evidence before Lord Widgery and a careful critique of his findings. He said that Professor Dash had taken a view on some of the evidence and repeated that the Tribunal would make up their own minds about events on Bloody Sunday.

Mr Clarke summarised Professor Dash's findings:

- The 13 dead were unarmed and were shot recklessly or deliberately.
- General Ford and the Stormont leaders who approved the military plans should have known they were exposing thousands of civilians to a high risk of death and serious injury.
- The decision to accept the risk was made, despite Superintendent Lagan's advice.
- NICRA could not have anticipated what the Army was going to do, and should not be held responsible.
- There was no support for the senior officers' claim that the march was going to be used as cover by armed terrorists.
- There were some civilian gunmen in the Bogside who occasionally shot at soldiers after they charged into the Bogside, but their shooting did not justify the soldiers firing at unarmed civilians.
- General Ford acted recklessly in assigning 1 Para to the arrest operation.
- The launching of the arrest operation was not justified by events at the barricade when it was launched.
- It was doubtful whether General MacLellan ordered the arrest operation at all and there is a serious question as to whether a formal order to launch the arrest operation was actually issued. Support Company was not authorised to go through barrier 12.
- C Company and Support Company broke the ban on a running battle down Rossville Street.
- Soldiers fired first on the civilians immediately upon leaving their army vehicles.
- The claim that the Army came under heavy civilian fire should be considered as spurious.
- None of the known casualties held or threw nailbombs and the soldiers' evidence did not support any claim that they could have reasonably mistaken a brick for a bomb.
- The nailbombs found on Gerard Donaghy were planted.
- Lord Widgery's finding that the soldiers were, for the most part, telling the truth was unjustified. Lord Widgery should have called more civilian witnesses.
- Lord Widgery should not have ignored the evidence of the wounded. They were shot by the same type of firing that killed the deceased.

14.4 OTHER CRITIQUES

Mr Clarke referred to other critiques of the Widgery Tribunal's findings, including the submission of BIRW to the United Nations, the study by Professor Dermot Walsh and the dossier presented by the Irish government.

15 VIEWING SIGNIFICANT VIDEO MATERIAL

15.1 UTV ACTUALITY FOOTAGE

A documentary by Ulster Television, broadcast in 1998, was shown. The programme included the evidence of Soldier 2003, spoken through an actor (see BIRW report week 4, para 7.9). Professor Dermot Walsh was interviewed about the failings of the Widgery Inquiry.

The documentary ended with a discussion in the studio about setting up a new inquiry into Bloody Sunday. The discussion was between relatives of those who died, journalists, Gregory Campbell of the DUP and Colonel Michael Dewar, a military expert.

15.2 VIDEOS STILL TO BE SHOWN

Two more videos, a documentary by the American Broadcasting Service made in April 1998 and an RTE documentary from April 1999, were due to be shown. The viewings have been postponed because of technical difficulties in the Guildhall.

15.3 FINAL COMMENTS

Mr Clarke said that he had reached the end of the beginning of the search for the truth of what happened on that day.

Lord Gifford congratulated Mr Clarke but said that he had some criticisms of some of what had and had not been said. He said that he would be including facts which had not yet been brought to light in his opening statement in September.

15.4 ADMINISTRATIVE MATTERS

15.4.1 PIN 437

Pin 437 has challenged the decision of the Tribunal (see BIRW report week 9 para 9.29.2). He will challenge the decision in a hearing to take place in September.

15.4.2 Military expert

The Tribunal will decide whether to appoint a military expert as soon as possible (see BIRW report week 9 para 9.27).

Mr Magee, on behalf of the families, said that Brigadier Kitson is an acknowledged military expert. He suggested that the Tribunal would be at a disadvantage when Brigadier Kitson gives evidence because of his expertise. Lord Saville said that this would be taken into account in the decision the Tribunal make.

15.4.3 The substitution of codes

Lord Saville said that the BSI are currently working on substituting codes in documents which had been redacted (see BIRW report week 9 para 9.26).

15.4.4 Which counsel will call witnesses to give evidence

Lord Gifford asked whether counsel for the BSI would call witnesses to give evidence or whether the witnesses own lawyers could call them. (This is important because whoever calls the witness will be the first to question them.)

Lord Saville asked Lord Gifford to put his arguments on this matter in writing. He warned that, with some exceptions, the lawyers will not be able to put the evidence which is already in a signed witness statement into oral evidence because he considered it a waste of time.

14.4.5 Adjournment

The BSI hearing has been adjourned until 4th September at 10:00am.

TIMETABLE OF THIS WEEK'S OPENING STATEMENT

Mr Clarke dealt with:

Para 12.3 to 12.6.4 on Monday

Para 12.6.5 to 13.1 on Tuesday

Para 13.2 to 15.4.4 on Wednesday