

BLOODY SUNDAY INQUIRY

WEEK 19

31 JANUARY – 2 FEBRUARY
2001



This week the BSI heard evidence about events in the car park of the Rossville Flats and at the rubble barricade. Amongst the witnesses were two journalists and two photographers, including David Capper of the BBC who had recorded events at barrier 14 and in the Eden Place/Pilots Row waste ground.

A full transcript of proceedings is available at <http://www.bloody-sunday-inquiry.org.uk>

1 CIARAN DONNELLY'S EVIDENCE

Ciaran Donnelly was a photographer on the Irish Times. He shot between four and six reels of film on Bloody Sunday. Not all of these photographs survived because of a flood at the offices of the Irish Times. Mr Donnelly carried at least two cameras on the day so the photographs are not necessarily in sequence.

1.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

1.1.1 William Street

Mr Donnelly was at the front of the march and was walking backwards in front of the marchers, taking photographs. He heard the standard police warning read out through a megaphone. He also heard the stewards shouting for the marchers to move back.

Mr Donnelly saw youths stoning a derelict house on the north side of William Street.

1.1.2 Gunman

Mr Donnelly said he saw a man aiming a small handgun, possibly a starting pistol, at a derelict house in William Street. He said the man was aged between 40 and 50 years old, wearing a blue suit jacket. Mr Donnelly got the impression that the man was drunk. The man was in a semi-crouched position. He did not see the man actually fire a shot but

he heard the shot. The crowd gathered around the man and hustled him away.

1.1.3 Rubber bullet

Mr Donnelly took the photograph of a rubber bullet that had been cut open. He said people approached him and asked him to take the photograph, as they wanted photographic proof that bullets were tampered with. Mr Donnelly said that the people told him the nail had come out of the bullet when it was fired.

1.1.4 View from behind rubble barricade

Mr Donnelly only noticed the APCs had entered Rossville Street when he had reached the barricade. He took up a position at the corner of the pram ramp at Glenfada Park South, which was immediately behind the barricade. He estimated there were 50 to 60 people at the barricade at this point. Mr Donnelly saw a youth in his late teens run out from the north corner of block 1 of the Rossville flats and run towards the APCs taunting the soldiers. As the boy turned around to run back to the flats, soldiers seized him and dragged him to an APC.

Mr Donnelly said that there were 8 to 10 youths at the top of the barricade. He saw some youths throwing stones but did not see any weapons. He heard two shots and no one fell. He heard someone shout 'come forward, they are only shooting blanks.' Some ran back behind the flats. Two or three minutes later he saw one boy on the left side of the barricade fall and then a second boy fall on the right side.

He recalls taking photographs from the bottom of the pram ramp and there being people standing on the barricade with their arms up. He did not see the second boy fall because he was taking photographs of the boy who had fallen first. He looked across the barricade and saw a group had gathered around the second boy.

1.1.5 Glenfada Park North

Mr Donnelly ran into Glenfada Park North and saw the body of Michael Kelly being carried into the car park. He took photographs of the crowd carrying Mr Kelly and the crowd at the gable end. He said that people were running away to try and get shelter from the shooting on Rossville Street. He heard someone shout 'they are coming.' People were wondering which direction to take.

Mr Donnelly took the northwest exit. He did not see any soldiers in Glenfada Park North. He heard a burst of automatic fire as he was taking photographs of Mr Kelly being carried across the courtyard. Mr

Donnelly said that when he heard the fire he thought it was the gun on top of the ferret scout car at the time. In retrospect he thinks it could possibly have been a Thompson sub machine gun. He could not tell which direction the firing was going.

1.1.6 Westland Terrace

Mr Donnelly photographed the injured Michael Quinn.

1.1.7 City Hotel

Mr Donnelly said that normally he would go back to the City Hotel and compare negatives with the other photographers. On this occasion, he had to get straight back to Dublin because his editor wanted to see the photographs that evening. He had no time to process the film and drove straight to Dublin.

He does not know about a Press Conference held by the Official IRA or a press statement put out by the Provisionals as he was in the City Hotel for only 15 minutes before returning to Dublin.

1.2 QUESTIONS ON BEHALF OF THE FAMILIES AND THE WOUNDED

1.2.1 First shot

Mr Donnelly said that the first shot was fired on William Street and believes that it was fired at the building occupied by the soldiers. By that stage he thinks the march had passed through William Street and was on the way to Free Derry Corner. He said there were still a lot of people on William Street. The shot did not provoke any reaction from the soldiers. There were about 12 to 20 stone throwers. Mr Donnelly did not hear any nailbombs, blast bombs or petrol bombs.

1.2.2 Rubble barricade

Mr Donnelly was standing behind the barricade at the time that the soldiers fired. He saw nothing to justify the soldiers firing. He said that if there had been any guns or blast bombs he would have left the area immediately.

1.2.3 Automatic fire

At the Widgery Inquiry, Mr Donnelly said that he heard a long burst of automatic fire. He had never heard automatic fire before this. He agreed the reason he thought it was automatic fire because it was a continuous burst of fire with a specific rhythm. At the time he thought it

was the big gun on top of the Ferret Scout Car and assumed that it was shooting in Rossville Street.

1.2.4 Barrier 14

Mr Donnelly said that when the march reached barrier 14, a senior police officer ordered the crowd to disperse. There was a lull and various discussions going on at the front of the crowd. The stewards were trying to persuade people to leave William Street and go to Free Derry Corner. It was then that the stone throwing broke out.

1.2.5 Soldiers' allegations

Mr Mansfield said that the soldiers' lawyers should indicate to Mr Donnelly exactly what it is that the soldiers are suggesting was happening at the barricade to justify the shootings they carried out. He described Mr Donnelly as the first 'ringside witness' to events at the barricade.

The soldiers' lawyers did not give an indication of what the soldiers allege was happening to justify fire.

1.3 QUESTIONS ON BEHALF OF THE SOLDIERS

1.3.1 Barrier 14

After the police officer made the announcement, youths started throwing stones. He said that stones were definitely thrown before any baton rounds were fired. Mr Donnelly thinks that stones were thrown after the majority of the crowd had moved towards Free Derry Corner.

1.3.2 Gunman

Mr Donnelly is not sure whether he actually saw the gun appear. He thinks he may have seen the man holding a gun.

Mr Donnelly said that it is possible that he took a photograph of the gunman. He knows that he took photographs of the derelict building being stoned. Four or five reels of film were destroyed in a flood at the Irish Times dark room.

1.3.3 Rubble barricade

Only two of the negatives from photographs taken by Mr Donnelly at the rubble barricade have survived. Mr Donnelly thinks that every single frame was produced to the Widgery Inquiry, although it was

after he had given evidence. Mr Glasgow pointed to the scratches on the negatives of photographs taken at the barricade.

Mr Donnelly had almost reached the barricade when he became aware that the army vehicles had entered. He saw one APC cross the waste ground.

Mr Donnelly heard two rifle shots when he was at the barricade and there was a pause and someone shouted 'they're only firing blanks.' A few more youths approached the barricade. Another shot rang out and the first youth fell. Mr Donnelly said there was at least half a minute between the shots.

Mr Donnelly heard automatic fire at the time when Michael Kelly's body was carried through Glenfada Park North.

1.4 FURTHER QUESTIONS ON BEHALF OF THE TRIBUNAL

1.4.1 Missing negatives

Mr Donnelly said that he thinks one of the missing photographs taken at the barricade was published in the first edition of the Irish Times on the day after Bloody Sunday. There were numerous editions of the Irish Times that day as more news came through. Mr Donnelly said that he can visualise the photograph that was published and it was of the scene at the barricade before anyone was shot. The photograph may be in the Irish Times picture library which is separate from the film library.

2 DAVID TERESHCHUK'S EVIDENCE

David Tereshchuk was a reporter for the Thames Television 'This Week' programme. Whatever notes he made at the time of Bloody Sunday no longer survive.

2.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

2.1.1 First shot

Mr Tereschuk said that his 1972 statement of hearing the first shot at the time that rioting was taking place at the barriers is likely to be more accurate than his recent account. (His statement to the BSI said that he heard the first shot before he saw the march approaching.)

2.1.2 Rubble barricade

Mr Tereschuk ran towards the rubble barricade. He heard an upsurge in noise and turned around to see at least three APCs driving down Rossville Street. He said he saw soldiers taking up firing positions. He

said that almost immediately soldiers began to fire. He said that rifles were pointing in his general direction and he heard them fire. He also recalls hearing rubber bullets in the distance.

Mr Tereschuk was about 20 yards south of the barricade. He saw one soldier come closer to the barricade than the other soldiers, to about 20 yards north of the barricade. The soldier went down on one knee and started firing towards the wall of block 1. Mr Tereschuk saw masonry falling off the wall at second storey height of block 2 of the Rossville flats.

Mr Tereschuk had fallen to the ground as soon as he heard the shots. He looked up from his prone position and saw one soldier pointing in the general direction of the rubble barricade at the point that it met the Rossville flats. Mr Tereschuk raised his head to look up from time to time. He did not see any of the barricade casualties.

Mr Tereschuk did not notice anyone with a weapon at the barricade. He did not see anyone at the barricade fire at the Army. He heard nothing that sounded like a machine gun.

2.2.5 West End Park

Mr Tereschuk went to John Hume's house where people were phoning around. He met John Bierman of the BBC who said that an army commander told him that 15 to 20 rounds from a Thompson sub machine gun had been fired at the Army and that he had come under fire from an M1 carbine.

2.2.6 City Hotel

Mr Tereschuk has no recollection of a press conference being held by the Official IRA.

2.2.7 Article in the New York Times

Mr Tereschuk has recently written an article for the New York Times in which he said that he had not taken a film crew to Derry on Bloody Sunday because he had been informed there would be no trouble at the march.

He said that on the Saturday before the march he was satisfied with the assurances he had received from both the police and the nationalist community that there would be no violence at the march.

2.3 QUESTIONS ON BEHALF OF THE SOLDIERS

2.3.1 William Street

Mr Tereschuk recalls the first shot he heard as a single shot. He said that it had not been preceded by multiple gunfire.

2.3.2 Rubble barricade

Mr Tereschuk refused to speculate whether others could hear automatic fire. He did not see the casualties at the barricade and agreed that it would follow that he would not see anyone on the barricade and what they were doing.

In his article in the New York Times he said that he thought the soldier who fired in his direction was wearing a red beret but after seeing the photographs he must have been wearing a helmet. Mr Hoyt assured him that there were soldiers behind the Kells Walk wall who were wearing berets.

3 PATRICK McCALLION'S EVIDENCE

3.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

3.1.1 William Street

Mr McCallion said that there were about 20 to 30 people throwing stones and bottles at the soldiers at the GPO. There were people in William Street and in the laundry waste ground throwing stones. He did not see the soldiers in the Abbey Taxis building or anyone throwing stones at them. He saw some rubber bullets fired from the GPO wall.

Mr McCallion heard three live shots and saw that Damien Donaghy had been shot.

He thought that most of the march had gone to Free Derry Corner at this stage.

He did not hear any explosions or see anyone throwing bombs or pretending to throw bombs.

Mr McCallion thought that the Army entered immediately after the shooting of Damien Donaghy and John Johnson. He said it is possible that he is mistaken because there was such a panic.

3.1.2 Mrs Shiels' house

Mr McCallion said that during the Troubles, Mrs Shiels' house was an open house. Everyone knew the Shiels. He said that they were friendly people and republicans.

3.1.3 Joseph Place

Mr McCallion took cover by the wall of Joseph Place. As he ran towards Joseph Place he had heard the crack of bullets but could not say which direction they were going in.

3.2 QUESTIONS ON BEHALF OF THE SOLDIERS

3.2.1 Riots

Mr McCallion said that since Bloody Sunday he has seen gunmen in the Creggan take advantage of a riot situation. He said that this was years after Bloody Sunday.

3.2.2 Waste ground

Mr McCallion said that he was in the area of the waste ground for about 15 minutes. He did not hear any shooting during that time.

3.2.3 Mrs Shiels' house

Mr McCallion agreed that Mrs Shiels' house was the sort of house that it was safe to take someone who had been injured in circumstances that might have got them into trouble with the police.

4 WILLIAM McCLEMENT'S EVIDENCE

4.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

4.1.1 Chamberlain Street

Mr McClement noticed the muzzle of a rifle sticking out in Chamberlain Street and saw a soldier leaning against the door of an old bookies' shop. He specifically recalls that the soldier was left-handed. Mr McClements recalls the gun first and then the soldier fired from the hip. The bullet hit the middle of the arch above the window frame in the ground floor house at the corner of Chamberlain Street and Harvey Street.

4.1.2 Jackie Duddy

Mr McClement ran south down Chamberlain Street and entered the Rossville flats car park. He became aware of Jack Duddy to his right

who was running in the same direction. He recognised Mr Duddy as he had known him at school. He saw Mr Duddy fall forward with his arms outstretched. He thought Mr Duddy had tripped and carried on running because he could hear people saying 'keep running.' Mr McClements took cover behind the wall that runs parallel to block 2 of the flats. He saw Father Daly and Charles Glen kneeling by the side of Jack Duddy.

Mr McClement could see soldiers and APCs in the waste ground. He said the soldiers had rifles aimed in the direction of the car park.

4.1.3 Michael Bridge

Michael Bridge came away from the group surrounding Jack Duddy. Mr Bridge had his arms in the air and was walking in the direction of the soldiers. Mr McClements said he heard the crack of a shot and saw Mr Bridge crouch and half turn to the right as he fell down. A photograph of Mr Bridge, taken at about this time, was shown. One soldier can be seen at the corner of block 1 of the Rossville flats and at least one soldier on each side of the APC. Mr McClement's present evidence is that he could see the soldier on the corner of block 1 and one soldier at the side of the APC.

4.1.4 Gap between blocks 2 and 3 of the Rossville flats

Mr McClement heard more shooting from the direction of the car park and saw at least two bullets strike the wall in front of block 3, close to the gap between blocks 2 and 3. He did not see anything that would cause someone to shoot in that direction.

4.1.5 Joseph Place

Mr McClement went through the gap between block 2 and 3 and saw a body lying in a mass of blood. He passed into the alley behind Joseph Place and there was a man who was looking up at the city walls telling people when it was safe to cross. Mr McClement said he could hear live rounds all over the place.

4.2 QUESTIONS ON BEHALF OF THE FAMILIES AND THE WOUNDED

4.3.1 Patrick Doherty

Mr McClement said that he focused on the scene around Jack Duddy. He recalls hearing shots when he got behind the low wall. He did not see any of the men crawling along the wall that runs parallel to block 3. (This is the wall that Patrick Doherty is photographed crawling along.)

Mr McClement left the car park through the gap in blocks 2 and 3. He said that as he went through the alley, bullets hit the wall in front of him. He crouched as debris flew off the wall.

4.4 QUESTIONS ON BEHALF OF THE SOLDIERS

4.4.1 1972 statement

Mr Glasgow asked Mr McClement to explain why he had not mentioned the soldier shooting at him in Chamberlain Street or the bullets fired between blocks 2 and 3 in his 1972 statement. Mr McClement said that he was 17 years old at the time and simply could not believe that someone would shoot at him for no reason.

Mr McClement said that in 1972 he said that he had seen the body of Jack Duddy after he had been shot rather than when he was shot because he could not believe that it had happened. He also felt very guilty that he had been 3 feet away from Jack Duddy and had not been shot.

4.4.2 Rossville flats car park

Mr McClement said that he had tunnel vision until he reached the low wall. He can recall Father Daly shouting but he cannot recall him shouting at a gunman. He remembers seeing a soldier at the corner of block 1 of the flats and at the side of an APC.

Mr McClements said he would not call the Rossville flats a defensive line. He said that he wanted to get as much space between himself and the soldiers. He thought he would be safe if he could get a physical barrier in between himself and the soldiers.

5 COLEMAN DOYLE'S EVIDENCE

Coleman Doyle was a photographer working with Pat Cashman for the Irish Press. Mr Doyle was using three cameras and took five reels of photographs on Bloody Sunday.

5.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

5.1.1 Eden Place/Pilots Row waste ground

Mr Doyle described the Army vehicles coming into Rossville Street and recalls the soldiers jumping out and shouting. The soldiers fired volleys of rubber bullets across the waste ground. Mr Doyle estimated that there were about 80 to 100 people on the waste ground at this time.

He said it was unusual for the soldiers to be shouting and thought they were trying to frighten people in order to break the crowd up.

Pat Cashman was hit by a rubber bullet and Mr Doyle took him to William Street because they thought the bullet had broken his arm. Mr Doyle then retraced his steps and took photographs of a youth being arrested. He said that the youth had simply ran across the waste ground towards Kells Walk. He could not say where the soldiers had come from. Mr Doyle did not follow them because he thought he might get arrested.

Mr Doyle took the photographer of the Knight of Malta crumpled against a wall with his hands in the air and two soldiers walking away from him. He said that he could not say what had happened before he took the photograph.

5.1.2 Rossville Street and the Kells Walk wall

Mr Doyle can recall a scene at the barricade where some people faced Free Derry Corner and others faced north towards William Street. He said that some of those facing north were coming forward and their movement suggested they were going to throw stones.

Mr Doyle saw soldiers at the Kells Walk wall with their rifles in a firing position pointing south down Rossville Street. He said that they all fired their rifles together down towards the rubble barricade. He saw cartridges coming out of the soldiers' rifles. The 20 or 30 people in the area of the barricade either dived for cover or went towards the Rossville flats. Mr Doyle said he saw the soldiers fire two volleys of shots.

Mr Doyle recalls walking in between the two lines of soldiers by the Kells Walk wall. He thinks that he intended to take a photograph of them. He said that it had not registered with him that the soldiers were actually firing at people. He thought they were firing over the heads of people to try and frighten them.

Mr Doyle believes that immediately after this he walked down Rossville Street towards the rubble barricade. He said that he did not see the bodies at the barricade. Mr Doyle said that he was not conscious of any firing as he walked down Rossville Street. The first body he saw was Mr McGuigan's. He took photographs of Mr McGuigan and of Michael Bradley being carried to the ambulance.

5.1.3 Sunday Times account

Mr Doyle recalls speaking to the journalist, John Barry. However he said that he cannot recall a lot of the account and that parts of it are not in the type of language he would use.

5.1.4 Supplementary statement to BSI

Mr Doyle was given a cine film in Derry at the time of the funerals of those who died on Bloody Sunday. He was also working for a French magazine at the time and sent the film to be processed in France. They sent it back to him and he handed it to the BSI when they were searching for films and photographs. Mr Doyle said that there was very little on the film and nothing of interest to Bloody Sunday.

Mr Doyle set up a publishing company called 'People at War' with a view to publishing a book on Bloody Sunday. The BSI is interested in this because Soldier 027 said he passed material to Sean Patrick McShane who approached the publishing company with this material. Mr Doyle said that he first heard about this, this month. He never met Mr McShane or Soldier 027. He said that if it had been a matter of any importance to Bloody Sunday he would have remembered it.

5.2 QUESTIONS ON BEHALF OF THE FAMILIES AND THE WOUNDED

5.2.1 Sequence of events

Mr Doyle agreed that if strips of film had been cut he could have become confused about the order in which events had happened. He agreed that he still has a distinct impression of what was happening around him but without the precise detail.

Mr Harvey suggested that Mr Doyle took some photographs in the Eden Place/Pilots Row waste ground. He then moved back to the junction of William Street and Rossville Street with Pat Cashman that is where he took the photograph of the detained man (William Dillon). That Mr Doyle then moved back into Rossville Street and in the meantime events began to unfold at a rapid rate and he missed the large number of the shots that had already been discharged. Lord Saville said that another indicator that Mr Doyle was at Kells Walk at a later stage is that the photograph he recognises shows that there are very few people standing up at Free Derry Corner and no one standing at the rubble barricade.

5.2.2 Eden Place/Pilots Row waste ground

Mr Doyle had retreated from barrier 14 because of the gas and the water cannon. He does not have a definite memory of the army

vehicles entering Rossville Street but knows that they came in behind him.

He agreed that the man he photographed being arrested and the three people who had fallen to the ground in the waste ground posed no threat to the soldiers.

He does not recall soldiers firing live shots out of the APC and said that he would have been much more cautious if this was happening.

5.2.3 Rossville Street and the Kells Walk Wall

Mr Doyle said that he had heard two volleys of shots from the soldiers at Kells Walk. He thought the soldiers were firing in the air. He saw no one shooting at the soldiers and did not hear any bombs. When he walked in between the two rows of soldiers none of them had warned him to take cover because of incoming fire.

Mr Doyle walked down Rossville Street to the telephone box at the end of block 1 of the Rossville flats. He said he heard no more shots until he had seen the body of Bernard McGuigan. He agreed with the suggestion that all of those shot in this area had been shot by the time he walked down Rossville Street. He agreed that the army vehicles must have driven up to the barricade after him because they can be seen in his photograph of Mr McGuigan's body.

5.3 QUESTIONS ON BEHALF OF THE SOLDIERS

5.3.1 Missing photographs

Mr Doyle sent two or three reels of film by taxi to Dublin to the Irish Press which have been lost. This company has since gone into liquidation. He said that he carried three cameras and the sequences of film could be interrupted by five to 10 minutes as he changed from camera to camera.

5.3.2 Barrier 14

Mr Doyle saw people shouting at the soldiers at barrier 14. He did not see any of the crowd throw gas canisters at the soldiers.

5.3.3 Eden Place/Pilots Row waste ground

Mr Doyle said that he thought the soldiers in the waste ground were trying to make arrests. He agreed that something must have gone wrong. He could not say why making arrests should turn into a tragedy. He said that he did not hear live shots at this time. Mr Glasgow pointed

to his evidence to Lord Widgery where he said that he had heard live shots intermingled with the sounds of rubber bullets. Mr Doyle said that he thinks the first live shots he heard are those fired by the soldiers at the Kells Walk wall. Mr Glasgow pointed to his statement to the Widgery Inquiry where he had said that he 'distinctly' heard live shots intermingled with rubber bullets.

5.3.4 Kells Walk wall photograph

John Morris took the photograph of the scene that Mr Doyle recognises when he was near the soldiers at the Kells Walk wall. Mr Doyle agreed that it was obvious that he was a press photographer and that none of the soldiers had stopped him from walking between them. Nobody had asked him to get out of the way.

5.3.5 Unidentified photograph

There are three photographs in Mr Doyle's collection that cannot be identified as having been taken in Derry. Mr Doyle thought they were because they had been stored in his file of Derry photographs. However the background to the photographs does not resemble Derry. One of the photographs shows a young man lying face down and surrounded by a group of youths. Mr Doyle could not say where he took the photograph and said that this type of scene was common across all of Northern Ireland.

5.3.6 Handwritten notes attached to the Sunday Times account

Mr Doyle was unable to say what the notes attached to the Sunday Times account were. He agreed that figures showing a photographic speed would indicate that this was a photographer's document. Mr Glasgow pointed to a line at the top which said 'firing at soldiers' had been crossed out.

6 HUGH KELLY'S EVIDENCE

6.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

6.1.1 Chamberlain Street

Mr Kelly said that he was at barrier 14 for about 10 minutes. He saw rubber bullets and gas being used but was not there when the water cannon was used. He moved down Chamberlain Street and was standing in the junction of Chamberlain Street and Eden Place when he saw a soldier. Mr Kelly said that the soldier fired once from the hip towards his direction. The shot hit the arch of the window of a house on the corner between Chamberlain Street and Harvey Street. The

street was not full and people had scattered. Mr Kelly was quite clear that nobody had approached the soldier.

Mr Kelly said that the soldier had a backpack on. Mr Clarke showed a photograph taken on the waste ground of Eden Place which shows a soldier wearing a backpack going towards the direction of Chamberlain Street.

6.1.2 South of block 2 of Rossville flats

Mr Kelly ran from Chamberlain Street through the gap between blocks 1 and 2 of the Rossville flats. He could hear live bullets and the sound of army vehicles. He was with the group of people near to the telephone box at the end of block 1 of the Rossville flats. He can be seen in the photographs close to the bodies of Barney McGuigan and Hugh Gilmore.

Mr Kelly said that he did not see Mr McGuigan whilst he was still alive.

6.2 QUESTIONS ON BEHALF OF THE SOLDIERS

6.2.1 Shots

Mr Kelly said that he definitely heard live shots as he ran across the car park of the Rossville flats. He did not know which direction the shots came from.

He said that he is 99% sure that he heard live shots as the Army vehicles pulled onto the waste ground.

6.2.2 Chamberlain Street

Soldier N fired the shot into Chamberlain Street. He said that he fired the shot because a large group was advancing towards him. Mr Kelly said that he recalls two or three people being with him at the time the shot was fired.

7 DAVID CAPPER'S EVIDENCE

David Capper was a reporter with BBC Northern Ireland. He carried a tape recorder on Bloody Sunday. He said this was his equivalent of a reporter's notepad. He would record points in the notepad to jog his memory. The recording he made is available to the BSI. Sections of the tape were played during Mr Capper's evidence.

7.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

7.1.1 William Street

Mr Capper heard two rounds of gunfire when he was standing at the corner of William Street and Rossville Street. He was approached by a man who told him that two people had been shot. Mr Capper followed the man who pointed to soldiers in a derelict house and said they were the soldiers who had fired. Mr Capper said that the derelict house could have been the Abbey Taxis building.

7.1.2 Gunman in Columbcille Court

Mr Capper was taken to Mrs Shiels' house but some of the crowd wanted him and the cameraman to leave. He said that suddenly he heard a loud report and he had the impression that someone close to him had fired a shot at the soldiers. He said that he saw a man aged between 30 and 40 years, wearing a brown overcoat put a handgun into his coat.

Mr Capper did not see the man fire or point his rifle but got the impression that he had fired because after the report Mr Capper saw him turn and put the gun away. Mr Capper said that the man was about three or four feet from him and was facing north towards the area of the Presbyterian Church. The man blended into the crowd. Mr Capper said that this shot did not provoke any reaction from the soldiers. Everybody scattered.

7.1.3 Barrier 14

Mr Capper returned to the east end of William Street. He said that there were about 100 to 150 youths rioting. He saw a youth throw a gas canister which the Army had thrown back into the Army line. The canister was already smoking and went under an APC.

The crowd panicked and started to run. Mr Capper became affected by the gas and started to run with the crowd. He had the impression that the crowd was being chased by soldiers from the barrier.

7.1.4 Eden Place waste ground

Mr Capper watched three or four APCs drive up Rossville Street. He said that the soldiers started firing immediately as they got out of the APCs. Mr Capper could hear the sounds of rifle fire and saw the soldiers holding rifles. He thought that the rifles had been adapted to fire CS gas canisters because he knew they were not rubber bullets and he could not see any reason for the soldiers to be firing live rounds. He did not see any soldier fire directly at anyone or any bullets as they left the rifle but he could see soldiers raising guns to their shoulders and heard the firing as they did this.

The crowd were running through the gaps between the Rossville flats. Mr Capper said that the soldiers were firing towards the flats and other soldiers had crossed to the garden walls by Kells Walk and were firing to the left of block 1 of the Rossville flats.

Mr Capper said that the soldiers were definitely not coming under fire because they were making no effort to take cover. The soldiers were standing out in the open. Mr Capper could not see what they were firing at. He did not hear any explosions.

A soldier walked past Mr Capper and said 'all fucking go here, mate.' Mr Capper went to the junction of Chamberlain Street and Harvey Street where some BBC colleagues told him that the rounds being fired were live.

7.1.5 Boy in waste ground

Mr Capper had seen a youth of about 17 years of age ask a soldier if he could walk across the waste ground to Kells Walk where he lived. The soldier said OK. The boy began to jog across the waste ground when an officer told the boy to stop. The boy carried on running. A soldier jumped out of an APC and knocked the boy over the head with the butt of his rifle. Mr Capper said the boy was knocked unconscious and thrown into an APC. Mr Capper said it was not William Dillon (who can be seen in photographs being dragged towards an APC by two soldiers). He specifically recalls that it was one soldier who assaulted the boy.

7.1.6 Sequence and timing of the tape

Mr Capper tried to recall what he was witnessing against the comments on his recording. The recording is not in real time because Mr Capper would stop and start the tape according to whether he thought something worth recording was about to happen.

He recalls meeting up with colleagues at the junction of Chamberlain Street and Harvey Street for five minutes about 10 to 15 minutes after the APCs arrived in Rossville Street.

He saw civilians lined up and being roughly handled by soldiers at the north end of Kells Walk. The civilians were led off with their arms raised over their heads.

Mr Capper did not see the bodies at the barricade. He followed the line of civilians into Little James Street. He remembers a woman and a priest in the line of those arrested.

At the corner of Rossville Street and William Street, Mr Capper saw a man standing at the wall of the City Taxis Office. He heard a soldier telling an officer that the man had been injured in the shoulder. The injured man pulled open his coat to show his right shoulder covered in blood. Mr Capper said the man was allowed to get into a car and was driven up William Street.

Mr Capper recalls approaching another officer who he thinks was Captain Mike Jackson and asking him what happened. Captain Jackson replied with words to the effect of 'if these buggers had stopped throwing gas just five minutes earlier, we could have this lot cleared up by now.' Mr Capper understood this to mean that Captain Jackson wanted to conduct a snatch operation.

A loud bang can be heard on the tape and Mr Capper says 'extremely loud and very close – not apparently coming from the Army positions.' Mr Capper thinks that when he said this he was trying to work out what was going on because it was such a confused situation and everything was happening at great speed. He thinks that he corrects this statement later in the tape when he says 'it does not seem to be coming from an army position.'

Mr Clarke suggested that when Mr Capper said 'those in fact were live rounds now being fired by the British troops' he had heard them at the time he recorded the note. Mr Capper thought that it might have been a note made subsequent to hearing the tapes when he had spoken to his colleagues at the junction of Chamberlain Street and Harvey Street. He agreed that he could not be sure whether he would have said it at the time or after speaking to his colleagues.

Mr Capper said that when he said 'fighting back' it was a reference to the fact that civilians were resisting arrest.

Mr Capper recorded part of the tape when he was in the Eden Place/Pilot Row waste ground. He describes missiles being thrown from the Rossville flats. On the tape, he said 'there have been some live rounds fired both by troops and some civilians here.' He said he thinks he said that because he saw some of the soldiers taking cover by the Kells Walk garden wall. He said that the soldiers near him were not taking cover. He thinks he said shots were fired by some civilians as something to check to see whether shots had been fired back. A soldier's voice can be heard on the tape at this time saying 'it is all fucking go, innit.' Mr Capper said that he did not feel under any threat in the waste ground.

7.2 QUESTIONS ON BEHALF OF THE FAMILIES AND THE WOUNDED

7.2.1 Gunman in Columbcille Court

At the Widgery Inquiry Mr Capper had not said he had seen a gunman. He said that he had not mentioned it because in the light of the events of Bloody Sunday it seemed irrelevant and he did not want to get involved in identification parades. He said that his work in Northern Ireland meant that it was sometimes better not to say that he had seen things that he had.

He said the gunman's shot was fired 5 to 7 minutes after the shots that had injured Damien Donaghy and John Johnson. The crowd had scattered and the gunman's shot had not prompted any response from the Army.

7.2.2 Eden Place/Pilot Row waste ground

During the whole time that Mr Capper was in the waste ground he did not see anything which would justify the Army firing live rounds at the crowd which was dispersing. He said that after the crowd had dispersed, he felt under no threat from the civilians.

Once the Army had debussed there were a lot of rubber bullets fired and Mr Capper could hear the cracks of rifles. He said that the soldiers in front of him did not take or seek cover. The people that the soldiers were pursuing were in flight. He described the civilians as being in a panic and running as fast as they could to get away. The crowd was mixed, including young and elderly. A lot of people had been milling around in the open area, talking to each other. They had been making their way slowly down to Free Derry Corner and then panicked.

In his Widgery statement Mr Capper said that the soldier who approached him and said 'its all fucking go, innit' was grinning. Mr Capper said that the soldier was relaxed and did not give the impression that shots were being fired in his direction.

The soldiers Mr Capper saw on the waste ground were armed with rifles and pistols.

Mr Capper said that 'pitched battle' was an incorrect term to use because the crowd was fleeing. He meant that arrests were being made and people were resisting.

7.2.3 Army's entrance

Mr Capper described the APCs as 'racing' into Rossville Street. He told the Widgery Inquiry that at the time, he thought that the Army were

using the old police policy of using armoured cars to break up the crowd. He had seen instances in the past when police Land Rovers drove at speed at a hostile crowd to break them up. However the vehicles came to a halt and the soldiers jumped out. Mr Capper said that they almost immediately started firing.

7.2.4 Helicopter

Mr Capper did not think the noise of the helicopter sounded like automatic fire. He said that at the Widgery Inquiry, he had been asked if there was anything that might have made the soldiers think they were under fire and he had suggested that it was remotely possible they could have mistaken the helicopter for the noise of automatic fire.

Mr Capper heard the helicopter on two occasions. There is only one passage recorded on the tape. He said that the first time was about four minutes before the APCs arrived in Rossville Street. The second time was after the firing had started. Mr Capper thinks it is the second time that is recorded on the tape because he was on the waste ground and thinks it was louder then.

7.2.5 Captain Jackson's comment

Mr Capper cannot recall whether Captain Jackson said 'if those buggers had stopped firing gas,' or 'if those buggers had stopped firing.' He cannot remember whether he had realised by this stage that the soldiers were firing live rounds rather than gas canisters.

He said that it was a very confused situation and he had to try and make sense of it through a scattered series of impressions. Mr Capper said he understood Captain Jackson to be talking about William Street. He thought the reference to 'buggers' was to the soldiers at the barrier and that their barrage of gas had driven people out too soon to be able to launch the arrest operation.

7.3 QUESTIONS ON BEHALF OF SOLDIERS

7.3.1 Captain Jackson's comment

Mr Glasgow is representing Captain Jackson who does not recall the conversation but has said that it is possible he said 'if those buggers had stopped firing gas – we would have cleared up the arrest operation.' Mr Capper understood him to be saying if other people had not used gas, the paras would have cleared up the arrest operation much more efficiently.

Mr Glasgow said that the Parachute Regiment did not carry gas on Bloody Sunday. He also said that there is no suggestion that gas was used in the Rossville Flats car park.

7.3.2 Tape recording

Mr Capper agreed that from his position in the waste ground, he would be unable to say what was happening at the rubble barricade or the Kells Walk wall.

7.3.3 Gunman

Mr Capper said that the gunman was on ground level. He did not actually see the man fire but he heard a bang and when he looked around he saw the man put a gun in his coat. There were about 20 to 30 people around. He did not see anyone in the crowd confront the gunman.

7.3.4 Eden Place/Pilot Row waste ground

Mr Capper said that it would be difficult to say which shot was fired by which soldier. He did not see a bullet leave a muzzle but he saw soldiers with rifles to their shoulders and heard reports.

He said that he did not see anyone on the waste ground hit a soldier with a large block.

Mr Capper refused to agree with the suggestion that all of the people left in the waste ground would have been the rioters. Most of the marchers had moved to Free Derry Corner but it was a big crowd and the marchers and rioters were mixed together on the waste ground.

Mr Capper said that a soldier had shouted the youth to stop, before the youth was clubbed with the rifle.

Mr Capper said that general debris was thrown from the Rossville flats. He said the missiles were bricks, bottles and cans. He does not remember seeing anyone on the roof of the flats but his present recollection is that the debris was thrown from the roof and the flats.

8 WILLIAM McCLOSKEY'S EVIDENCE

Mr McCloskey refused to swear or affirm before giving evidence to the Tribunal. He said that the reason he would not swear or affirm is because he is telling the truth.

8.1 QUESTIONS ON BEHALF OF THE TRIBUNAL

8.1.1 Chamberlain Street

Mr McCloskey was throwing stones at the soldiers at barrier 14 when the soldiers entered. He did not see any vehicles but noticed one soldier carrying a rifle with a telescopic sight.

Mr McCloskey ran into Chamberlain Street and into the waste ground by the Rossville flats. He saw two APCs drive at full speed towards the flats. One APC stopped just to the north of the flats and the other on the Pilots Row waste ground.

Mr McCloskey said that a soldier ran towards him. He did not want to be arrested so he kicked the soldier with his left foot in the lower body. He said this is not the same incident described by one of the soldiers who said that after a block of concrete was thrown at him, he had grappled with a civilian which caused the strap of his helmet to break.

Mr McCloskey said that he saw a soldier fire a bullet which hit a brick next to the top arch of the window of the Mennan's house in Chamberlain Street. He said he had not seen the bullet hit the building but heard the shot fired and saw a chunk of masonry missing from this house when he went to have a look a few days later. Mr Clarke said that the soldier who admits firing in this position said that he fired to ward off an advancing crowd. Mr McCloskey said that he had not seen that.

8.1.2 Michael Bridge

Mr McCloskey ran around the wall by the east gable end of Chamberlain Street. He could see Michael Bridge in the centre of the car park roaring that he had been shot. No one would go out to help him. Mr McCloskey went out and took Michael Bridge to the Nellis' house in Chamberlain Street.

Mr McCloskey did not see 'Father Daly's gunman' at the west gable end of Chamberlain Street.

8.1.3 Arrests and Fort George

Mr McCloskey said that the soldiers came into the Nellis' house and arrested all the men. The men had to sit down facing the wall at the junction of William Street and Chamberlain Street.

Mr McCloskey was taken to Fort George. He recalls a Welshman being shot in the face by a rubber bullet after he had complained about something. Mr McCloskey does not know what happened to the man but recalls he had a busted nose. He has not confused this incident

with Barry Liddy who was hit in the face with a rifle butt because Mr McCloskey knew Mr Liddy.

Mr McCloskey recalls a Scottish soldier say to one of the Alsatian dogs 'do not be fretting now, boy, there is plenty of fresh meat for you, we shot nine of these bastards today.'

The arrest form for Mr McCloskey states that he had taken part in a riot in Chamberlain Street and had thrown stones after he had gone into the Nellis's house. Mr McCloskey said that this is incorrect. He had thrown stones at barrier 14 in William Street but had not thrown stones from Chamberlain Street. He does not recognise the soldier he is photographed with at Fort George.

8.2 QUESTIONS ON BEHALF OF THE FAMILIES AND THE WOUNDED

8.2.1 Michael Bridge

Michael Bridge was still standing when Mr McCloskey went out to help him. He said that he could see no threat to the soldiers. He took Mr Bridge to the Nellis's house to try and get some help for him.

The soldiers at the foot of Chamberlain Street could see Mr McCloskey helping the injured Mr Bridge into the Nellis's house.

8.2.2 Arrests and Fort George

Mr McCloskey was not singled out when he was arrested. He was not given a reason for arrest.

Mr McCloskey agreed that the account given by Duncan Clarke corresponds with his description of the soldier shooting a civilian with a rubber bullet. Duncan Clarke is now deceased but at the time of Bloody Sunday was a 39-year-old ex-member of the Navy. Mr Clarke said that he had been put into an APC and driven to William Street. A para had opened the door and said 'what do you think of this you Irish cunt' and fired a rubber bullet into Mr Clarke's face from a distance of five feet. The arrest photograph of Duncan Clarke was shown which shows that Mr Clarke's nose had been bleeding.

8.3 QUESTIONS ON BEHALF OF THE SOLDIERS

8.3.1 Arrest and Fort George

Mr Lawson said that during the RUC investigation into the arrests at the Nellis's house, the soldier who arrested him said he had identified Mr

McCloskey as someone who had thrown stones in William Street and Chamberlain Street.

Mr McCloskey will continue to give evidence about Fort George next week.

Timetable proceedings

Wednesday 31	para 1 to 3
Thursday 1	para 4 to 6
Friday 2	para 7 to 8