

BLOODY SUNDAY INQUIRY

WEEK 7

30 MAY – 1 JUNE 2000



This week, Christopher Clarke QC, examined the civilian evidence, relating to deaths and woundings at or in the vicinity of the rubble barricade on Rossville Street. Much of this civilian evidence was not used during the Widgery Inquiry. Mr Clarke also looked at the question of shots from the city walls relating to sector three, evidence of the soldiers' handling of the bodies of John Young, William Nash and Michael McDaid. He also made a start on civilian evidence of the deaths of Kevin McElhinney and Hugh Gilmore.

8.10 ANALYSIS OF CIVILIAN EVIDENCE INCLUDING THE ACCOUNTS NOT PLACED BEFORE LORD WIDGERY

Over 60 civilian accounts of the deaths and woundings at the barricade, much of it immediate eyewitness evidence, were considered. Mr Clarke said that in relation to almost every aspect of the deaths at the barricade, it is possible to find somebody who says exactly the opposite of whatever point is being considered. He said that he was not surprised by the large number of discrepancies between the accounts.

Mr Clarke said that when the accounts are considered as a whole it is possible to find areas of agreement. He warned that just because agreement exists on any one point does not automatically mean that it is accurate. Nine points of agreement and four areas of substantial disagreement are considered below. For the purpose of this report, rather than summarise 60 accounts, a selection have been chosen and recounted at length to provide examples of the type.

As these are eyewitness accounts each must be taken as the evidence of that particular individual. The agreement is only on the point noted in the heading and not on every detail. Mr Clarke's consideration of all 60 civilian accounts can be found in the transcript available on the Inquiry's web-site at <http://www.bloody-sunday-inquiry.org.uk>.

8.11 CIVILIAN EVIDENCE ILLUSTRATING POINTS OF AGREEMENT

8.11.1 There was stone-throwing at the barricade

Alfonus Cunningham was standing behind the barricade and saw a group of three or four youngsters throwing rubble at the soldiers. He noticed a soldier standing in front of the Kells Walk wall who casually raised his rifle and shot a boy who had been lifting rubble.

Brian Kelly was at the southeast corner of Glenfada Park North. He noticed between twelve and fifteen youths standing around the barricade. Some of the youths were occasionally throwing stones at the soldiers. Mr Kelly said that the soldiers were positioned at a distance beyond stone throwing range. He said that there was no chance of injury and the youths would have realised that the stones could not reach the soldiers. He believed their stone throwing was an expression of defiance.

Paul McGeady was south of the barricade. He could see soldiers at the low wall south of Kells Walk and six more soldiers behind the wall at the end of the pram ramp. Mr McGeady said that some of the youths at the barricade were throwing stones at both groups of soldiers. He saw a boy stumbling as he tried to run across Rossville Street. Some of the youths behind the barricade were urging the boy on to reach safety behind the barricade. A soldier appeared from the northern end of Block 1 of the Rossville flats. He hit the boy with the butt of his rifle and the boy fell to the ground. Three or four young men at the barricade decided to rescue the boy. One of the young men started to climb on top of the barricade and was suddenly thrown violently backwards. It was then that Mr McGeady realised that live bullets were being fired. Mr McGeady said that the boy, who fits the description of Michael Kelly, was not carrying a gun, nailbomb or petrol bomb.

Robert Campbell, the Assistant Chief Constable in the Renfrew and Bute Constabulary, said that there were 300 stone throwers. (See BIRW report week 6 para 8.9.10.)

8.11.2 There were no weapons

Ciaran Donnelly, the staff photographer with the Irish Times, was in a position directly overlooking the barricade. He said that he had no doubt that there was nobody shooting from behind the barricade. (See BIRW report week 6 para 8.9.1.)

Robert Campbell did not see any of the demonstrators behind the barricade using weapons but says that he heard automatic fire coming from the area of block 1 of the Rossville flats or the barricade.

Joseph Donnelly was helping a man called Mr Liddy who had been hit in the chest with a plastic bullet when he heard gunfire. He was not aware of anyone throwing stones or other missiles from the area of the barricade. When he heard the gunfire he saw a young man (Michael Kelly) lying on his back next to the barricade.

A group of men were trying to pick up Michael Kelly. Mr Donnelly told the group not to pick Michael up, as it would increase the severity of his injuries. He heard at least ten live shots being fired at the people behind the barricade. There were no guns or nailbombs lying around Michael Kelly.

About six men picked Michael up and ran with him into Glenfada Park North. A photograph of the group was shown and Mr Donnelly can be seen

removing his tie to try and stem the bleeding from Michael's stomach. James Wray can also be seen standing at the side of the group.

As the group made their way across Glenfada Park North, three soldiers appeared at the northeast entrance. The group panicked at the sight of the soldiers and Michael slipped down in between their arms. Joseph Donnelly then took Michael and carried him on his own. He noticed one of the soldiers taking up a firing position. The soldier was kneeling and aiming at Mr Donnelly whose sole concern was to get Michael to safety. The other two soldiers had their rifles at waist height. All three soldiers fired shots at the crowd.

Mr Donnelly ran towards the entrance to Abbey Park. He said that if there had not been so many people in Glenfada Park he is sure that the soldiers would have shot him. He was let into 8 Abbey Park. Michael was still alive and a sheet was torn into bandages to try and stop the bleeding.

8.11.3 Michael Kelly was the first to fall

Patrick Norris said that he met Michael Kelly at the southern gable end of Glenfada Park North. Mr Norris knew Michael's elder brother and they stood chatting for ten minutes. Mr Norris said that during that time nothing out of the ordinary happened. After ten minutes Michael said 'here they come' and Mr Norris presumed he had seen the Army coming down Rossville Street. Michael then reached down to pick up a stone. As he stood up again, Michael pulled his arm back and bent his body as if to throw the stone northwards. It was then that he was shot. Mr Norris said that Michael was shot before he had even thrown the stone. It was a matter of seconds between him shouting 'here they come' and being shot. Mr Norris said that he stood looking at Michael for a moment, unable to believe what he had seen. A group of men helped to carry Michael to the gable end. Mr Norris can be seen in the photographs of the scene at the gable end. He saw John Young and Michael McDaid in the area by the gable wall.

Patrick Norris heard a more concentrated burst of shooting. He could see bullets hitting the ground 'almost non-stop'. He spoke to John Young about getting away from the area. Mr Norris remembers seeing people lying on the ground behind the barricade. He said bullets were hitting the barricade and also flying over it. Some bullets were hitting the north gable of block 1 of the Rossville flats. He saw Alexander Nash making his way to the barricade. He was crouched on the ground, with one hand held up in front of him, and was shouting 'son, son, son'. He saw Mr Nash fall face down on the ground and continue crawling towards the barricade. There were two other bodies at the barricade. Mr Norris did not see anyone with guns or nailbombs at the barricade.

Mr Norris recalls being with John Young and Michael McDaid. He said that they decided the best escape route was through Glenfada Park South. Mr Norris was about to run but someone pulled him back. He said that John Young and Michael McDaid ran fifteen yards when they were both shot. He now says that he is sure that John Young was one of the men but is less sure that the other was Michael McDaid. He thinks it may have been James Wray.

Mr Clarke noted that this evidence in relation to John Young and Michael McDaid is inconsistent with the bulk of the civilian evidence. No other witness suggests that either was shot whilst running south from the gable end of Glenfada Park North.

8.11.4 Michael Kelly was shot more or less as the soldiers first opened fire on Rossville Street

Noel McCartney was a junior reporter on the Derry Journal. He said that when the shots rang out he saw people retreat over the barricade. There were further shots and a youth (Michael Kelly), climbing over the barricade, fell.

8.11.5 Michael Kelly fell on the west side of the barricade

Ciaran Donnelly saw someone fall on the west side of the barricade after hearing two shots (see BIRW report week 6 para 8.9.1).

George Downey was Michael Kelly's brother-in-law. He was sheltering at the south east corner of Glenfada Park North when the shooting started. He saw three to five men lying still at the barricade. At this stage he did not recognise them but he thought that one of them looked like Michael. He saw Alexander Nash crawling on his elbows towards the barricade. Michael Kelly was on the west side of the barricade and Mr Downey only positively identified him when he was dragged to the south gable of Glenfada Park North.

Mr Downey and others carried Michael further into Glenfada Park. He did not know how badly Michael was injured but wanted to get him to safety. When the group reached the southwest corner of Glenfada Park North, Mr Downey heard shouts of 'they're coming'. There was panic and those around him scattered in all directions. Mr Downey saw a soldier emerge from an alley in the northeast corner. The soldier aimed his rifle at Mr Downey, who was still carrying Michael, and shot at him three times. The bullet hit the wall in front of him. As Mr Downey was running, he tripped and fell forward. A big man (Joseph Donnelly see para 8.11.2 above) picked Michael up and said 'run'. They ran to 8 Abbey Park. Mr Downey subsequently carried Michael to an ambulance.

Charles McLaughlin was one of the group who carried Michael Kelly from the barricade into Glenfada Park North. He said that when he ran out to get Michael he had to crouch because there were shots being fired all around him.

8.11.6 Michael Kelly was facing north when he was shot

Dennis Irwin was standing at the gable wall of Glenfada Park North when he saw two boys run south down Rossville Street and jump onto the rubble barricade. The boy closest to him was standing on the barricade facing north towards William Street. He had nothing in his hands and was not doing

anything. The sound of gunshots continued and he saw the boy (Michael Kelly) double over, clutching his stomach.

The second boy was also on top of the barricade, facing north. He saw him get shot and remembers the boy putting his hands up to his right shoulder or chest. The boy was not holding anything in his hands. William Nash was shot in the right side of his chest. Mr Irwin recalls a grey-haired man running to help the two boys, which sounds like a description of Alexander Nash.

In contrast William Vincent Hegarty places Michael Kelly facing south when shot. He said that Michael was part of a group trying to help a youth who was being arrested by two soldiers at the north end of the Rossville flats. Somebody moved some barbed wire across the gap in the barricade which meant cutting to the right or left or climbing over the rubble to get back on the south side of the barricade. According to Mr Hegarty, Michael Kelly got caught in the wire when he was trying to get through the barricade. Mr Hegarty went to help and a shot rang out which hit Michael.

8.11.7 John Young, William Nash and Michael McDaid fell a little after Michael Kelly and more or less at the same time as each other

Bernard Feeney looked out of a window in block 1 of the Rossville flats. He saw a group of soldiers standing behind the Kells Walk wall. His attention was drawn to one soldier who had a backpack with a wire coming out of it. This soldier was firing continually whereas the other soldiers were firing more intermittently. Mr Feeney said that this soldier seemed to be 'really enjoying the firing'. He saw people taking cover at the barricade and the gable end of Glenfada Park North. His attention was drawn to three people at the barricade. He thinks they were nearer the west side of the barricade than the east. He said that the three people were staggering around as if they were drunk. He realised they had been shot when all three collapsed within a few seconds of each other.

8.11.8 Alexander Nash was shot while he had his arm in the air either trying to stop the firing or summoning help

Letty Donnelly was in a flat of block 1 of the Rossville flats. She saw Alexander Nash facing the soldiers with his left arm in the air. Mr Nash was shouting 'that's my son. Help me'. The shooting continued and Mr Nash was shot in his raised arm. Mr Nash remained crouched behind the barricade and continued to call out that his son had been shot and an ambulance should be called.

8.11.9 The casualties at the barricade were shot by soldiers further north on Rossville Street

William McDonagh was watching from a window in block 1 of the Rossville flats. He saw six or eight soldiers standing at the northwest corner of block 1. He could also see soldiers by the Glenfada Park pram ramp. He said that two of three soldiers at the corner of block 1 fired towards Free Derry Corner. He cannot remember whether the soldiers at the pram ramp were shooting at

the same time. The shooting was very intensive. He saw a boy, close to the entrance of block 1, clutch his leg and fall. At the same time he saw the soldiers at the pram ramp point their rifles towards the flats. The shooting intensified. After five or ten minutes there was a lull in the shooting. He noticed two men at the barricade who looked as if they had been shot. He saw a third man kneeling at the barricade with his arm in the air. The shooting started up again. (The boy who was shot in the leg has not been identified. Neither John Young, William Nash or Michael McDaid were shot in the leg).

8.12 AREAS OF SUBSTANTIAL DISAGREEMENT BETWEEN CIVILIAN ACCOUNTS

8.12.1 Where on the barricade John Young, William Nash and Michael McDaid fell

Alexander Nash said that William was in the middle of the group. Frank Lawton says that the order of the group from east to west was Michael McDaid, Alexander Nash, John Young and William Nash or Michael McDaid, Alexander Nash, William Nash and John Young. Mr Clarke said that the latter would seem more probable as there is a photograph which shows Michael McDaid coming through the gap on the west side of the barricade.

Brian Rainey says he saw three or four young men fall on top of each other half way across the barricade. Frank Lawton says that there were three bodies on the eastern part of the barricade. Letty Donnelly says that John Young and Michael McDaid fell at the west of the barricade.

Ronnie Ballard said that William Nash fell in the middle of the barricade. In contrast, Kathleen Brown, Letty Donnelly and Dennis Irwin said that he fell on the east side of the barricade.

Letty Donnelly says that William Nash fell just to the north of the barricade. Ronnie Ballard says that he actually fell onto the barricade.

Patrick Norris said that John Young and who he thinks may be Michael McDaid were shot 15 yards to the south west of the gable end of Glenfada Park North.

8.12.2 Which way William Nash, John Young and Michael McDaid were facing when they were shot

Paul Coyle and Dennis Irwin say that William Nash was facing north. Ciaran Donnelly says that one of the three was facing the direction of the soldiers. Alexander Nash says that William was facing down looking towards the west.

James Chapman said the three men he saw fall were all facing south as they all had their backs to the soldiers. Ronnie Ballard said that William Nash was facing south, 'about to hurdle' the barricade. Letty Donnelly said that William Nash was running away from the soldiers and fell on his front before he reached the barricade. Kevin McCloskey says that the three bodies on the south of the barricade were facing south, and were hit as they crossed it.

A number of witnesses say that one or more bodies they saw had their heads facing north. Others say that their heads were facing north and lying on their back. Others say that one or more bodies had their heads facing west and feet pointing east. One witness places one body with his head pointing east and his feet pointing west. Two witnesses place a body with his head pointing south.

8.12.3 What Michael Kelly, William Nash, John Young and Michael McDaid were doing when they were shot

Dennis Irwin said that Michael Kelly was standing on the barricade doing nothing when he was shot. Ciaran Donnelly says that Michael Kelly was standing at the barricade with his arms in the air and that the people on either side of him were throwing stones. Danny Craig said that Michael Kelly had been throwing stones and was shot when standing up having picked up a stone. Patrick Norris says that he had pulled his arm and turned his body as if to throw a stone. Sean O'Neill says that Michael Kelly was standing still. William Hegarty and Noel McCartney say that he was crossing over the barricade from north to south.

Paul Coyle says that William Nash was sticking two fingers up to the soldiers. Alphonsus Cunningham's evidence suggests that he had been lifting some rubble barricade to throw. Dennis Irwin says that William Nash was doing nothing when he was shot. Dennis McLaughlin says that he was shot while running south over the barricade.

Brian Rainey says that all three or four young men he saw fall had been throwing stones and were shot from the north. James Chapman says the three men he saw fall were shot while scrambling over the barricade. Marie Elizabeth Kopyak says that John Young, William Nash and Michael McDaid had come out from the south east corner of Glenfada Park North, bent forward and had their hands behind their heads before they were shot. Albert Faulkner says that three of the four men he saw fall were part of a group running east to west across Rossville Street towards the cover of Glenfada Park. Frances McCullagh says that it looked as if three of the young men shot at the barricade had run from Glenfada Park North to the Rossville flats.

There is evidence that Michael McDaid was arrested before he was shot. (See below at para 8.13.) Joe Begley said that he was arrested with others. Frankie Boyle said that he was arrested with others and escaped after the armoured personnel carrier (APC) had been filled with CS gas and was then shot twenty yards away from it. Alice Doherty said that Michael McDaid was put with others into an APC alive and that a soldier then fired three rifle shots into the APC.

8.12.4 Evidence linking a specific death to a specific shooting

William Hegarty says that Michael McDaid was shot by a soldier wearing some sort of power pack on his back. Mr Hegarty said the soldier was crossing Rossville Street from east to west and was firing from the hip. Bernard

Feeney said that a soldier with a back pack was firing continually from the wall at Kells Walk.

8.12.5 Evidence that there were others injured at the barricade

Danny Craig refers to a lad falling down after the firing started and before Michael Kelly fell. Elizabeth Kopiak refers to people being injured in Rossville Street before seeing the three bodies later put into the APC. Pearse McCaul said that he helped to remove two bodies from the barricade (Michael Kelly and one other person). Robert Wallace said that a second man was carried from the barricade to the gable wall of Glenfada Park North.

8.13 EVIDENCE RELATING TO THE ARREST OF MICHAEL MCDAID

Mr Clarke said that evidence exists which means the BSI will have to consider the possibility that, shortly before he was shot, Michael McDaid was arrested and placed inside an APC in Rossville Street from which he somehow escaped.

8.13.1 Liam Lynch

Liam Lynch was standing on the south side of the barricade when he saw Michael McDaid at the edge of block 1 of the Rossville flats. Mr Lynch looked away and when he turned back he saw Michael McDaid arrested by two soldiers. He saw Michael McDaid put inside an APC that had parked facing the barricade.

8.13.2 Joe Begley

Joe Begley said that he saw Mr McDaid and one other civilian arrested at the north end of block 1 of the flats. There were two soldiers with guns covering the two civilians. The rear doors of the APC were opened and Mr Begley assumed that the two men would be put inside.

8.13.3 Frankie Boyle

Frankie Boyle said that he had been speaking to Michael McDaid at the barricade. Once the army vehicles drove down Rossville Street, Michael McDaid went towards the soldiers and came more or less face to face with one. He was arrested with two or three others and put into an APC. Mr Boyle said that a soldier fired CS gas into the APC. Michael McDaid and one or two others escaped from the back. They were choking from effects of the CS gas. Michael McDaid ran twenty yards from the APC and Mr Boyle heard a shot and saw Michael McDaid fall to the ground. He believes that Michael McDaid was shot in the back (Mr Clarke said that he was shot from the front).

Mr Clarke said that the photographs of Michael McDaid do not tally with Frankie Boyle's evidence. In one photograph Michael McDaid can be seen facing a northerly direction on the west pavement of Rossville Street. Another photograph shows him walking in a southerly direction through a gap in the barricade. Mr Clarke said that Mr McDaid's appearance in these

photographs did not suggest that he had recently escaped from an APC into which CS gas had just been fired.

8.13.4 Alice Doherty

Mr Clarke considered Alice Doherty's statement which he said gives a different, but in some respects similar, account.

Alice Doherty was with Leo Day when she was told that three people, either dead or injured, had been put in an APC parked on Rossville Street. They approached the APC with their hands in their air and were joined by Father Mulvey.

A small, stout soldier was standing by the rear doors. The soldier was armed with a rifle and rubber bullet gun. Alice Doherty said that the door of the APC was slightly open and she said there was a strong smell of CS gas coming from inside the vehicle. She could see three bodies, piled on top of each other, inside the APC. Father Mulvey asked if he could give the Last Rites and the soldier refused. Alice Doherty then heard moaning from inside the APC. She reached forward and grabbed open the door. The soldier kicked the door shut. She opened the door again and saw one boy's foot twitch. Alice Doherty told the soldier that the boy was still alive. The soldier kicked the door shut, lifted his rifle, poked it through a flap in the side of the APC and fired three shots inside. After he fired he said something like 'they are dead now'. Ms Doherty said that the soldier seemed pleased with himself and said triumphantly, 'that is the end of the Fenian bastards'.

Alice Doherty picked up two bullet cases from the ground. They were split wide open in four directions. The soldier cocked his rifle and told Ms Doherty that she would be the 'next casualty' if she did not give them back. Leo Day and Alice Doherty began to move away when the soldier said 'we are not finished with the Fenian bastards'.

Alice Doherty places the APC facing north with its rear doors open towards the south. Mr Clarke said all the photographs show APCs facing south until the APC is driven through the barricade to pick up the three bodies, where it can be seen turned towards the north. He said that Alice Doherty and Frankie Boyle's accounts could be accommodated if what is described is the position of the APC after it had picked up the casualties. He said that it would be difficult to reconcile this evidence if it is a description of an APC before it crossed the barricade from which Michael McDaid had escaped after CS gas had been fired into it.

None of the shooting described in this evidence appears in the military evidence.

8.13.5 William Patrick McDonagh

William McDonagh's evidence suggests that bodies, which were still alive, were placed into an APC. He watched an APC move to a position ten to fifteen feet in front of the barricade. He saw two soldiers carrying a body and

throw it into the APC. He said the soldiers were laughing as they carried the body. He could hear cries and groans coming from inside the APC.

8.13.6 Questions arising from this evidence

- Was Michael McDaid arrested and put into an APC before he was wounded?
- If so, was CS gas fired into the APC and, if so, by whom, and what was the sequence of events between his arrest and death?
- Were any of the three casualties taken from the barricade alive at the time they were put into the APC?
- Was a rifle fired into the APC while the three casualties were in it, and if so, by whom?
- Is Alice Doherty's description of firing into an APC whilst at least one of the occupants was still alive an accurate description of events after the three casualties had been picked up from the barricade? Or is it a confused and inaccurate recollection of the firing of CS gas into an APC into which Michael McDaid and others had been placed before they were shot? Or is it neither of those but something else?

8.14 SHOTS FROM THE CITY WALLS RELATING TO SECTOR THREE

Mr Clarke said that there is a fairly widely held opinion that John Young, William Nash and Michael McDaid were shot by soldiers firing from the city walls rather than north of the barricade. Two news items from Channel 4 News were shown as an introduction to this topic.

There are two questions relating to shooting from the city walls:

- Did anyone fire from the walls to the barricade?
- Did soldiers fire from the walls at people who were running down the alleyway at the back of the Joseph Place houses?

At this stage, only the first question about firing to the barricade was considered. The second question will be dealt with in sector five.

8.14.1 Firing from the walls to the barricade

Three points have been advanced in asserting that shots were fired from the walls at the barricade.

- The bullets which entered John Young, William Nash and Michael McDaid entered their bodies at 45 degrees.
- If the three men were standing upright when they were shot, this would mean they had been shot from above.
- Witness evidence exists that soldiers from the Royal Anglians were positioned on or near the city walls and that at least one of them fired shots.

8.14.2 Forensic evidence on the wounds to John Young, William Nash and Michael McDaid

Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics used by the BSI, were asked to report on whether John Young, William Nash and Michael McDaid were shot from the walls.

They concluded that they could not tell from pathology or ballistics whether the men were shot from the walls or from ground level. They said that there were clearly points on the walls from where shots could have been fired at the barricade. Regardless of where the shots came from, the deceased would have been bending forward for the shots to cause the tracks that were found in their bodies.

What is clear from the pathology is that all three men were facing the direction of where the shots came from. The experts concluded that the only way to resolve this question is through eyewitness evidence on which way the men were facing when they were shot.

8.14.3 Witness evidence

There is no agreement on the direction the three men were facing when they were shot. (See above para 8.12.2.) A substantial amount, but not all, of the evidence suggests that the men were killed by shots from the north.

A large number of witnesses say that there was firing from the city walls but they confine it to the space between the walls and the back of Joseph Place.

There are some witnesses who say, or infer, that shots from the walls were directed to the barricade.

Georgie John Downey saw a shot hit the southern gable wall of Glenfada Park North. The bullet hit the wall above his head and chipped off a chunk of masonry.

Hugh Duffy was standing at the gable wall at the east block of Glenfada Park North. He said although there was other shooting going on, two distinct shots rang out. Flakes of brick dust dropped down from the wall above him. Mr Duffy looked up and saw a large chip in the brickwork twenty or thirty feet above him.

8.14.4 The Breglio Report

In 1997 Robert Breglio, an independent ballistics expert, was commissioned by the Bloody Sunday Justice Campaign to examine impact marks on the gable wall of Glenfada Park. He concluded that the projectiles, which had caused the damage to the brickwork, had been fired from a position on the city walls.

8.14.5 The BSI ballistics evidence

Dr Shepherd and Mr O'Callaghan reached a different conclusion to Mr Breglio. They said that any interpretation of the damage to the gable wall

had to be treated with caution because weathering since 1972 would have caused further deterioration in the brickwork.

They concluded that if a bullet caused the damage, it is likely to have travelled from Kells Walk, rather than the city walls.

8.14.6 Soldiers who say that they fired from a position next to or near the walls

There are only two soldiers who say that they fired from or near the city walls. There is evidence from soldiers who say that they saw or heard other soldiers firing from this area.

Private AC was a member of B Company of the 1st Royal Anglians. He did not give oral evidence to the Widgery Inquiry. He said that he fired from a position near to the walls but at targets in the opposite direction from the barricade.

Private AC was positioned in a derelict house at the junction of Long Tower Street and Howard Street. He said that at 4:45pm he heard a shot come from a gap between two huts on a ridge in front of Celtic Park. Private AC said he fired two shots at a gunman who fell. He watched two other men drag the gunman away from the huts.

Fifteen minutes later, Private AC saw two other men between the same huts. He said that one of the men fired at his position. Private AC fired three shots and hit the man. This gunman was also dragged away.

Private AD was in the same Company and was positioned in the first floor of a derelict building to the north of the junction of Howard Street and Long Tower Street. The city walls were to his right and about ten feet above him. He said that he saw a gunman at a tunnel by Meenan Square (a position to the south of the barricade). Private AD fired two shots and hit the man in the chest. The man was dragged away by the crowd.

8.14.7 The soldier featured on Channel 4 News

Channel 4 have refused to reveal the identity of a former soldier in the Royal Anglian Regiment whose evidence they used in a news item. The soldier said that a Royal Anglian sniper was in a derelict house within yards of the city walls. He remembers hearing the sniper shouting 'he has got a gun' and then seconds later the sniper fired three rounds. A few seconds after the sniper yelled 'bloody hell, I have got two with three shots'. (See Private 156 below)

8.14.8 Evidence of other soldiers positioned close to the walls

Private 11 corroborates the account of Private AC.

Private 004 was positioned in the same house as Private AD. He did not see any gunmen at any time but said that at 4:45 a shot was fired in the general location of their position.

Corporal 22 was in the same room as Private AD. He said that a gunman at the archway close to the Bogside Inn fired one shot in their direction. Before Corporal 22 gave any order, Private AD shot the man.

Private 156 was at the Roaring Meg canon. He said that two shots were fired at his location and an Army sniper, situated in a derelict house, returned three shots. Mr Clarke suggested that it was the evidence of Private 156, which was used by Channel 4, because the wording in his statement and that used in the news report is exactly the same. He said that this statement does not establish anything in relation to firing at the barricade.

Staff Sergeant 129 was in an observation point (OP) on the Grande Parade. He said that a shot hit the wall above his head. He looked to his left and saw two Royal Anglian gunners kneeling and looking down towards the Bogside. One of the gunners appeared to be pointing out where the shot had come from. Immediately afterwards, one of the gunners fired a shot. Soldier 129 did not actually see the gunner firing but he heard the report. The gunner's rifle was pointed at the carpark to the south of block 3 of the Rossville flats. Mr Clarke suggested that this might mean a shot between block 2 of the flats and Joseph Place.

Mr Clarke said that if Staff Sergeant 129's account is correct it would mean that a soldier from the 1st Royal Anglians had failed to admit to the Widgery Inquiry to firing a shot from the walls.

Private 2025 was in Support Company of the 1st Royal Anglians. He was at an OP on the walls overlooking the Rossville flats. He saw the Paras coming down Rossville Street and heard a lot of firing. He said that there was a sense of panic on the walls as if something was going wrong. Private 2025 then heard someone in his section fire one shot from an SLR. The sergeant called 'who fired that shot? Who fired? Hold your fire'. Private 2025 is not sure who fired, nobody owned up to firing. It was usual practice to set up an inquiry and check ammunition when a shot was fired but he cannot remember either happening that day.

Private 2025 thinks the shot may have been aimed somewhere between Free Derry Corner and the end of the Rossville flats. He could not say whether the shot he heard was an aimed shot. He said that sometimes when there was firing, people would just fire themselves, they would get 'carried away'.

8.14.9 Ammunition Checks

The evidence on the Royal Anglians presented at the Widgery Inquiry suggested that only B Company expended ammunition. The Company Sergeant Major said that he was asked to replace 16 rounds of 7.62mm ammunition. This tallies with the number of shots that the Royal Anglian soldiers gave evidence to firing.

The Battery Sergeant Major of the 22nd Light Air Defence Regiment said that two rounds were replaced. This tallies with evidence given by Soldiers X and Y.

Royal Anglians		22 nd Light Air Defence Regiment	
Soldier	Rounds replaced	Soldier	Rounds replaced
AA	8	X	1
AB	1	Y	1
AC	5		
AD	2		

8.15 THE HANDLING OF JOHN YOUNG, WILLIAM NASH AND MICHAEL MCDAID

A number of witnesses speak of the brutality of the soldiers who collected John Young, William Nash and Michael McDaid from the barricade. Lieutenant N's APC was driven through a gap in the west side of the barricade and reversed back to where the bodies lay.

8.15.1 Evidence of brutality

Celine Dunleavy watched from block 1 of the Rossville flats. She saw two soldiers who simply grabbed the bodies and 'flung' them into the APC.

Anne Gallagher was watching from her aunt's flat on the first floor of block 1 of the Rossville flats. She said that the APC was parked at the northwest corner of block 1 of the flats. She watched the men being carried by their limbs. Their upper bodies were sagging close to the ground. She saw the first body thrown into the APC face up, the second and third bodies were thrown in face down. Anne Gallagher's aunt ran out of the flat and told Father Irwin what they had just witnessed. The priest went down to the APC and was told by soldiers that there was no one in the APC. (See Father Irwin's evidence below).

Olive Mottram saw one soldier and said that his attitude towards the bodies was such that he might as well have been picking up rubble and throwing it into the back of the APC. She took the registration number of the APC and this confirms that it was Lieutenant N's APC.

Alexander Nash said that two soldiers threw the bodies on top of each other and said words to the effect of 'three more dead bodies'.

Daniel McDaid, Michael's elder brother, went to see Michael's body at the morgue. Michael had a gunshot wound to his face. When he lifted Michael's head he could see that the skin on the back of it was all lifted up. Daniel McDaid was later told by people that this had happened because Michael had been dragged along the ground by his heels before the soldiers had thrown him into the APC.

Lance Bombardier 118 was at the OP at the Embassy Ballroom. He saw three or four soldiers carrying bodies from the barricade to what he thinks may have been lorries parked by Eden Place and Pilot Row. He commented on the way the soldiers' handled the bodies,

'It looked pretty callous from where I was. They were throwing the bodies in like bits of wood. I remember I was shocked and could not work out how the bodies could have been killed.'

He is the only witness who says that the bodies were placed into one of the four tonne lorries and he said that it is that aspect of his account which he is not sure about.

Father Irwin was told by the officer in charge of the APC that there were no dead or injured bodies inside. When a woman from the flats (see Anne Gallagher's account above) insisted she had seen the bodies, he returned to the APC. The officer flung open the door of the APC and there were three bodies inside piled on top of one another. Father Irwin climbed into the APC and anointed William Nash and Michael McDaid. He then held their bodies up so that Father Mulvey could anoint John Young who was lying face down in his own blood.

Father Irwin told the officer that it was a deliberate lie to tell him there was no one in the APC. The officer just shrugged his shoulders and smirked. A Knight of Malta came running to the APC to try and examine the bodies. The officer slammed the door shut and told him he could not go in.

Brian Feeney was the Knight of Malta who accompanied Father Irwin. He examined the bodies and confirmed that they were lying on top of one another.

Father Mulvey had already asked the soldiers where the bodies were, when Father Irwin approached and pointed to an APC further away. He anointed John Young whilst Father Irwin held Michael McDaid and William Nash up. He said that John Young would have suffocated if he had been alive when put into the APC because of the weight of the two bodies on top.

Leo Day was the Knight of Malta who was refused access to the men in the APC.

8.15.2 Soldiers' evidence relating to handling the bodies of John Young, William Nash and Michael McDaid

Lieutenant N said that he was standing at the back of the APC when the bodies were eased in. He denied that they had been piled on top of each other. He said that he did not know a priest had struggled administering the Last Rites because of the way that the bodies were positioned.

Soldier 221 was from the Royal Army Medical Corps and examined the three bodies when they were in the APC. He said that all three were lying on their sides.

Soldier 013 was one of the soldiers who loaded the bodies into the APC. He said that a crowd had gathered to the south when he was collecting the bodies. He said the crowd started jeering at the soldiers so he pointed his rifle at them and told them to 'fuck off'. He said he remembered a priest coming towards the APC and thought the priest was being 'troublesome'.

'As far as I knew, he was going to pull out a pistol and shoot at us. My instinct was to keep him away from the Pig (APC). I soon realised that

he was not being troublesome and wanted to give the Last Rites to the bodies'.

8.16 EVIDENCE RELATING TO HUGH GILMORE

This is a selection of some of the civilian accounts that Mr Clarke considered.

8.16.1 Geraldine Richmond

Geraldine Richmond was on the wasteground at Eden Place and Pilot Row when the Army came in. She saw the soldiers getting out of their vehicles and start shooting. She began running down Rossville Street towards Free Derry Corner and Hugh Gilmore was running slightly ahead of her. She heard two shots from her right and heard Hugh Gilmore gasp. Ms Richmond said that he was shot in line with the entrance to Glenfada Park just as he was getting near to the entrance of the flats. (In her evidence to the Widgery Inquiry she said that he was shot before reaching the barricade.) She thinks the shot came from Glenfada Park. Hugh Gilmore managed to stumble a few paces after he had been shot. He was helped around the corner of the gable of block 1.

A photograph of the scene at the gable was shown. Geraldine Richmond and Bernard McGuigan, who was still alive at this time, can be seen in the photograph.

Mr Clarke said that because of the position of his wound, if he had been running in a southerly direction, Hugh Gilmore could only have been shot from the north if in the course of running, he turned and looked behind him.

8.16.2 Mr White

Mr White was taking photographs from the Glenfada Park pram ramp. He took the photograph of Hugh Gilmore running past the entrance to block 1. He said that he had been taking photographs of the barricade when he noticed a young man running south along Rossville Street. The young man was running along the pavement and was holding his right side. Mr Clarke said that this is consistent with Hugh Gilmore having been shot in the right hand side from Glenfada Park, although Mr White does not refer to a shot from this direction. Immediately after taking the photograph, Mr White said that a soldier at the north gable of block 1 fired at shot at him. Mr White said that he is in no doubt that he would have been killed if he had not ducked. None of the soldiers say that they shot from this point to the Glenfada Park pram ramp.

8.16.3 James Greene

James Greene was throwing stones from the right side of the barricade. He then heard shots fired by the soldiers. He said that he could see about twenty to thirty soldiers standing mainly in groups of two and three. All of the soldiers were holding their weapons at the ready, either horizontally next to their hips or alternatively up against their shoulders. Mr Greene said that it was not

possible to tell which soldiers were firing. The soldiers he could see all seemed to be walking, running or half-running.

James Greene went to pick up a stone when the boy beside him said that he had been hit. The boy, who Mr Greene believes was Hugh Gilmore, turned and ran south towards the entrance of block 1. He said that he had not had anything in his hands when he was shot. James Greene ran with the boy to the gable end of block 1.

Hugh Gilmore's wound was in the left arm and the bullet probably entered the right chest. Mr Clarke said that assuming Hugh Gilmore had been facing north when he was shot, either he was turning when he was shot from the north, or he must have been fired at from both sides, east and west.

8.16.4 Kathleen Brown

Kathleen Brown's account of the shooting of Hugh Gilmore is difficult to reconcile with the other accounts. She says that she saw Hugh Gilmore run past the entrance to block 1 of the flats and then turn around to face the direction he had come from. Ms Brown says that she saw a soldier at the south gable of Glenfada Park North shoot Hugh Gilmore. The soldier was small and was wearing a beret. He fired from the waist. Mr Clarke said that this account of Hugh Gilmore turning around does not fit with the photographic evidence which shows him running to the south.

8.16.5 Thomas Eamonn Melaugh

Thomas Melaugh said that Hugh Gilmore was shot a little to the north of the barricade close to block 1 of the flats. He said that he had bent over, clutching his right elbow into his side. He believes that he was two people behind Hugh Gilmore in the photograph which shows Mr Gilmore running down Rossville Street. Mr Clarke said that this account suggests Hugh Gilmore was shot from the west.

8.16.6 Hugh Barber

Mr Clarke said that Hugh Barber's account contradicts Mr Melaugh's because he says that Mr Melaugh was one of a group that helped Hugh Gilmore around the corner of block 1. Hugh Barber was sheltering by the telephone box at the south end of block 1 of the flats. He heard someone shouting 'someone has been shot'. He watched Hugh Gilmore pulled around the corner of block 1 by a group, including Eamonn Melaugh, who had been sheltering by the telephone box.

8.17 SUMMARY OF EVIDENCE RELATING TO HUGH GILMORE

Mr Clarke summarised the evidence as follows.

- Most witnesses say that Hugh Gilmore was shot at or near to the barricade, close to the west side of block 1 of the Rossville flats. In

contrast one witness, Kathleen Brown, says that he was shot when he was south of the corner of block 1 of the flats.

- Some witnesses say that Hugh Gilmore was facing north when he was shot. However Geraldine Richmond and others say that he was running south.
- With the exception of two people, witnesses specifically say that Hugh Gilmore was not throwing stones at the soldiers.
- No witness has said that Hugh Gilmore was throwing a stone when he was shot.
- No witness has said that Hugh Gilmore was doing anything more serious than stone throwing.
- Only one witness, Kathleen Brown, has pinpointed the soldier she believes shot Hugh Gilmore. Ms Brown said that it was a small soldier at the gable wall at the southeast corner of Glenfada Park North. This is consistent with Geraldine Richmond's account, who also thinks the shot came from this direction.

8.18 EVIDENCE RELATING TO KEVIN MCELHINNEY

This is a selection of some of the civilian accounts that Mr Clarke considered.

8.18.1 Father O'Keefe

Father O'Keefe saw a young man pulling himself along the pavement by the Rossville flats. He was heading for the entrance. He reached the door and was half way inside when his body twitched and jerked.

8.18.2 William Mailey

William Mailey was taking photographs from the entrance of block 1 of the flats. He stepped backwards and some people ran inside the entrance. The fifth or sixth person was Kevin McElhinney. Mr Mailey said that Kevin McElhinney stumbled into the doorway in a crouched position. He collapsed and died four minutes later.

8.18.3 Gerard Greeve

Gerard Greeve believes the soldier who shot Kevin McElhinney was behind the wall at the south end of Kells Walk. Mr Greeve was standing on the south east side of the barricade. He dropped to the ground for cover, facing block 1, when the firing started. When there was a lull in the firing, someone next to him suggested trying to get to the entrance to block 1. The youths in front of him ran in a crouched position. Gerard Greeve ran and saw a soldier behind the wall at the south of Kells Walk aim his gun at him. Before the soldier could shoot, Mr Greeve had made it to the entrance of the flats. He had been aware of a boy running behind him. As he had reached the door he heard a thud behind him and realised the boy had been shot. Mr Greeve had to take cover again from the shooting. After a few seconds he looked up and saw the boy crawling towards him.

8.18.4 Fulvio Grimaldi

After taking photographs of the scene at the south of block 1 which show Hugh Gilmore, Bernard McGuigan and Alexander Nash, Fulvio Grimaldi went inside block 1 of the Rossville flats. He saw a body, which he believed to be Kevin McElhinney, lying on one of the flight of stairs. He went inside a flat on the second floor to use the telephone. Whilst he was there, he opened a window to take more photographs, and six shots were fired into the window. Photographs of the bullet holes in the window were shown. No individual soldier speaks of firing six live shots at the window. Mr Clarke said that it is possible that a combination of the shots of Soldiers C, D or F might account for them.

Mr Grimaldi also told the Widgery Inquiry that he had also been shot at by soldiers when he was taking photographs in the carpark of the Rossville flats.

8.18.5 Paul Coyle

Paul Coyle was taking cover by the wall at Glenfada Park North. He could see a man crawling on his front along the pavement on the east side of Rossville Street. Mr Coyle remembers thinking that the man was crawling away from cover. The man was not carrying anything.

8.18.6 John Friel

John Friel was walking down the stairs of block 1. Just before he reached the ground floor he saw a man lying at the entrance. His shoulders were inside the door and the rest of his body was outside. The man was laid down on a stair way. A priest asked Mr Friel to search the man for identification. He found nothing, except a rubber bullet which he presumed the man had collected as a trophy. (See Daniel Morrisson's account at para 8.17.7.)

8.18.7 Margaret Healey

Margaret Healey said that a soldier at the north end of block 1 shot Kevin McElhinney. She was watching from her flat in Glenfada Park and saw two soldiers directly across from her near the north end of block 1 of the Rossville flats. One of the soldiers was kneeling, holding his rifle in readiness to shoot. The second soldier was standing just behind him, smoking a cigarette. Margaret Healey said she got the impression that both soldiers were waiting for something.

Whilst she was watching, she saw the second soldier tap the kneeling soldier on the shoulder. He pointed his baton towards the entrance of block 1 in the direction of a young man who was crawling along the ground. The kneeling soldier stood up and fired at the young man. She saw the young man's body jerk and he was dragged into the doorway of block 1 by people from inside.

8.18.8 Daniel Morrisson

Daniel Morrisson met up with Kevin McElhinney at the march. Before the shooting had started they had been standing together to the south of the

barricade. Kevin McElhinney picked up a rubber bullet. Neither he or Mr Morrisson were throwing stones. The live firing started and Mr Morrisson saw a boy fall at the barricade. Daniel Morrisson turned and ran towards the entrance of block 1. He took it for granted that Kevin McElhinney was behind him. Mr Morrisson ran up the stairs to the flat and then turned to come back down where he saw Kevin McElhinney on the first floor landing.

8.18.9 Patrick Norris

Patrick Norris said that he saw a man crawling on his stomach towards block 1 of the flats. He did not hear the shot which hit the man but he saw his body jump off the ground a little. The man fell back on his side and then rolled onto his stomach again. He had almost reached the door of block 1 and some people came out and dragged his body into the doorway.

Mr Clarke said that this account is consistent with the fatal injury that Kevin McElhinney sustained. On Mr Norris' account this shooting took place after Michael Kelly had been taken from the barricade.

8.19 SUMMARY OF EVIDENCE RELATING TO KEVIN MCELHINNEY

Mr Clarke summarised the evidence as follows.

- All witnesses agree that Kevin McElhinney was shot as he was making his way from the barricade to the entrance to block 1 of the Rossville flats.
- Most witnesses say that Mr McElhinney was crawling when he was shot. One witness said that he was running. Clifford Lancaster said there were three men crawling.
- Some witnesses say that Kevin McElhinney was shot just as he reached the entrance to the flats. However others say that he was shot a little earlier.
- No one says that Kevin McElhinney had thrown stones or any other objects.
- None of the witnesses have said that Kevin McElhinney was doing anything other than making his way towards the entrance to block 1 when he was shot.
- None of the witnesses said that he had anything in his hands. Clifford Lancaster said that Mr McElhinney was using his hands to pull himself along the pavement.
- One witness says that Kevin McElhinney was shot by a soldier behind the Kells Walk wall. Another witness says he was shot by a soldier at the north end of block 1.

8.20 THE SEQUENCE OF THE SHOOTING OF HUGH GILMORE AND KEVIN MCELHINNEY

Two witnesses, Father O'Keefe and Clifford Lancaster say that Hugh Gilmore was shot before Kevin McElhinney. However James Donal Deeney said that

when Hugh Gilmore ran past the entrance to block 1, there was a man inside the flats (presumably Kevin McElhinney) who had been shot.

Brian McCool said that Hugh Gilmore was shot before any of those shot at the barricade. Patrick Norris says that Kevin McElhinney was shot after Michael Kelly had been taken from the barricade.