

BLOODY SUNDAY INQUIRY

WEEK 99

8 – 11 SEPTEMBER 2003
DAYS 361 TO 364



EVIDENCE HEARD

This week the Inquiry heard from the following witnesses:

Soldier 025 (53 Battery, 22 Light Air Defence Regiment); **Soldier 035** (Sergeant, Guinness Force, 1st Battalion Parachute Regiment); **Soldier 221** (Corporal, Royal Medical Corps, attached to C Company, 1st Battalion Parachute Regiment); **Soldier 032** (Private, Guinness Force, 1st Battalion Parachute Regiment); **Soldier 039** (Private, Guinness Force, 1st Battalion Parachute Regiment); **INQ 405** (Private, Head Quarters Company, 1st Battalion Parachute Regiment); **Soldier 134** (Gunner 53 Battery, 22 Light Air Defence Regiment); **Lieutenant 119** (Commander Anti Tank Platoon, Support Company, 1st Battalion Parachute Regiment) and **Sergeant K** (Guinness Force, 1st Battalion Parachute Regiment).

Summary of Evidence

Monday	8 September 2003	Soldier 025, Soldier 035, Soldier 221
Tuesday	9 September 2003	Soldier 032, Soldier 039, INQ 405
Wednesday	10 September 2003	Lieutenant 119
Thursday	11 September 2003	Sergeant K

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

Numbers in square brackets refer to the code given to a particular document by the Inquiry.

INTRODUCTION

The Inquiry resumed from the summer recess on Monday 8 September 2003. Soldier 018 was scheduled to be heard on Tuesday but was unable to attend. The officer who commanded Support Company's Anti Tank Platoon, Lieutenant 119, gave evidence on Wednesday and Thursday. Anti Tank Platoon are known to have killed Michael Kelly and Gerard Donaghy and almost probably killed at least 5 others. Sergeant K was the Battalion marksman and may have killed Kevin McElhinney. He completed his evidence on Monday 15 September but the totality of his testimony is contained in this week's report.

The Jackson/Loden Shot List

Before the Inquiry resumed hearing evidence Michael Mansfield QC addressed the tribunal on the issue of the manuscript version of the Loden Shot List which emerged last session during Major Loden's evidence. Mr. Mansfield said his solicitors had been informed that the manuscript notes had in fact been found at 8 Brigade Head Quarters in 1998 and that the soldier who discovered them was making copies and tried to send them to a relative. He had also been told today (i.e. 8 September 2003) that Sir General Mike Jackson had made a further statement concerning his authorship of the recently revealed document. He asked that that statement be supplied as soon as possible and that the circumstances surrounding the discovery of the notes be explained more fully.

Lord Saville revealed he had not seen the new statement but Mr. Rawat, counsel to the Inquiry, said he had spoken this morning to Mr. Stockwell, who is acting for Sir General Jackson, and the statement should be with the Inquiry shortly. He said he would ask the Solicitor to the Inquiry, Mr. Tate, to deal with the other matter.

Soldier 025

Sniper, 53 Battery, 22 Light Air Defence Regiment

Made Statements to the Royal Military Police on 2 February 1972 [B1540.0007] and to this Inquiry on 8 April 2000 [B1539]

Soldier 025 was on his first tour of Northern Ireland in 1972. On 30 January 1972 he was stationed at an army observation post (OP) called OP Charlie. The post consisted of an armoured sangar which housed two men. The photographic and other evidence available to the Inquiry suggests OP Charlie was positioned on the city walls midway between the Walker Monument (the Royal Bastion) and the Platform to the North. However Soldier 025 insisted the OP was further north along the wall. He denied that it was possible to see the top (West) end of the rubble barricade in Rossville Street from the OP. He said he could see rubble on the pavement at the north end of Glenfada Park South. However photographs taken on the day demonstrate that whilst there was a second rubble barricade at the south end of Glenfada Park South, the only other rubble barricade was between Block 1 of the Rossville Flats and the south end of Glenfada Park North.

Also on the wall with Soldier 025 were: Lieutenant 227, the platoon commander; Soldier 12, the radio operator and Sergeant 139. Soldier 025 did not recall seeing any police officers on the walls although others say there was an RUC officer with two officers from Scotland. There were soldiers from other units also on the walls close to Soldier 025's position. He could not remember seeing Soldier 001 or Soldier 030.

OP Charlie

The Inquiry has photographs of OP Charlie [EP0001.0001] and the approximate view from it [EP0001.0005]. The photographs were taken by an

Inspector Nichol of the RUC a few days after Bloody Sunday. Soldier 025 said he could see into the car park of Glenfada Park North but not the rubble barricade on Rossville Street. However in his RMP statement Soldier 025 does refer to the rubble barricade in Rossville Street. Soldier 025 insisted he was referring to some rubble outside Glenfada Park South, not the barricade across the length of Rossville Street adjacent to the Rossville Flats.

Gunfire

In his statement to the Inquiry Soldier 025 refers to hearing high and low velocity gunfire after seeing marchers converge at Free Derry Corner. He said he could not identify the high velocity fire but that he believed the low velocity was a burst from a Thompson sub-machine gun. He said he recognised the sound of a Thompson because he had been fired on by one before. This happened a month before 30 January 1972 when he was in a Saracen (armoured car) in the Little Diamond area.

He also said he saw a group of 8-9 civilians acting suspiciously handling what he thought was probably a petrol bomb. He placed these people as being outside Glenfada Park South, between the two rubble barricades. He claimed there were no other civilians in the area, only this group who were engaged in "real cloak and dagger stuff." In his statement to the Inquiry Soldier 025 said he thought one passed a petrol bomb to another, but in his earlier statement to the RMP he said the object was a petrol bomb. However when answering questions from Arthur Harvey QC, representing some of the families, Soldier 025 agreed the people he saw may have been photographers.

When he saw what he thought was a bomb he reached for his sniper's rifle. He had both a .303 sniper's rifle with a telescopic sight and an SLR. However the sniper's rifle was not where he had left it, next to him in the sangar, and he went outside to find his platoon commander, Lieutenant 277, was looking through the sight. He then went back into the sangar, picked up his SLR and cocked it but by the time he looked back the group he had seen had gone. It is at this time, according to his RMP statement, Soldier 025 says he heard automatic fire and SLR fire.

Bodies at Rubble Barricade

Soldier 025 then described seeing two civilians lying, apparently dead, on the rubble outside Glenfada Park South. He saw a paratrooper emerge from between Glenfada Park South and Glenfada Park North. He approached and stood over one of the bodies. Another gave him cover from Glenfada Park North. However Soldier 025 said he did not see a pig (armoured vehicle) or the bodies being loaded into it.

Soldier 025 had no memory of shots being fired at the city walls or any return of fire. He did not hear the 103 SLR rounds fired by 1 Para (1st Battalion Parachute Regiment). He said he had never spoken to Lena Ferguson of Channel Four News or any other journalist.

Soldier 035

Sergeant, Head Quarters Company, 1st Battalion Parachute Regiment Made Statements to the RMP on [B1626] and to this Inquiry on 13 March 2000 [B1628]

Soldier 035 was a sergeant in 1972. He spent a total of 23 years in the army, 21 of them in the Parachute Regiment. He served in Kenya, Aden and Cyprus on internal security. On 30 January 1972 he was part of the transport platoon and was seconded to Guinness Force. Guinness Force was a platoon made up of soldiers from a variety of units. He was in the half platoon commanded by Colour Sergeant 002. He was a section commander and Soldier M was in his section.

Drainpipe Shot

Soldier 035 was in the Presbyterian Church yard when a shot struck the drainpipe above his head. He did not recall hearing any other shooting at this time.

Going In

Sometime after the shot hit the drainpipe there was an order to move. Soldier 035 was in a four tonne lorry with a canvas top. They drove in behind Support Company who were in pigs. When Guinness Force deployed into the Bogside Soldier 035 was with Soldier M and Sergeant K. In his statement to this Inquiry he gave a very detailed description of being on some kind of low roof not less than one storey high. It was oblong shaped and not very large. There was a waist high balustrade or wall in front along the long end. The Rossville Flats were in front and he was looking at the western wall of Block 1. There were between 4 and 6 of them together on the roof including Sergeant K. They were standing together in a line looking towards the flats. They were parallel to the flats with Rossville Street between them and Block 1.

Pram Ramp

When making his statement to the Inquiry Soldier 035 marked the roofs of Glenfada Park North and Glenfada Park South as possible locations as to where he was standing. However in evidence he said this was wrong and that he must have been at the low wall at the south end of Kells Walk. He said this because his original account to the RMP placed him 100 metres from the entrance to Block 1. However he had read his RMP statement before making his statement to the Inquiry and it was put to him by Michael Mansfield QC that he was obviously giving a detailed description of a definite memory when he repeatedly referred to being on a roof. Soldier 035 conceded he must have been on a roof at some point.

He was shown a photograph of the pram ramp at the south end of Kells Walk. Had he been on the pram ramp he would have been surrounded by a waist high wall and been on a small oblong elevated platform he could have mistaken for a roof. Soldier 035 accepted this was possible.

Firing at Men Crawling Away

In his RMP statement Soldier 035 referred to seeing Soldier M fire two shots towards two men crawling from the rubble barricade along the west side of

Block 1 of the Rossville Flats. He said both men were hit but continued to crawl towards the doorway near the south west end of Block 1. He described one as wearing a brown suit and the other only as being dressed in dark clothing. He said both men "appeared to be dragging long objects with them which looked like rifles". [Kevin McElhinney was wearing a brown suit and was shot trying to crawl to the entrance to Block 1. Hugh Gilmour was shot standing at the entrance to Block 1.]

In his statement to this Inquiry Soldier 035 gives a much more detailed and definite account of the men's movements and their alleged weapons. Here he says it was "very apparent these men were crawling in a military manner rather than a civilian type scramble." In evidence he said by this he meant their movements were controlled and suggested that they appeared to have had military training. He went on in the statement to say, "they were both dragging long, thin, dark objects which I knew immediately to be rifles." He gave detailed descriptions of exactly how they were crawling, exactly which parts of the weapons he could see and how each man was holding their weapon. However in evidence he admitted he could not recall this at all and what he said in his statement was not his memory but what he believed to have happened based solely on his earlier brief account to the RMP. Soldier 035 could not explain why he had not said that in his statement or why the statement was worded as if he was actually describing what he saw. He just said he was trying to be helpful. He could not explain why he said the objects were definitely rifles but in 1972 had simply said they looked like rifles. He said it was a long time ago. He did accept the two men could have been civilians trying to crawl to safety.

Although at no time did Soldier 035 see either man fire or even point a weapon he believed it was right to have shot them. He may have given the order to fire himself but it may have been given by someone else. In his statement to the Inquiry he said, "I would like to think it was me (who gave the order)."

In his RMP statement he said the two men were hit but he now says he assumed they were hit because he could not believe anyone could miss from a distance of 100 yards. The men disappeared from view either into the entrance to Block 1 or around the southern end of the Block. He now says he cannot remember seeing anyone fire or seeing the rubble barricade at all.

The next thing he recalled was being told to guard some prisoners in what he now believes to have been Columbcille Court. He was with 3 to 6 other soldiers and they were just guarding the prisoners against a wall. They had not actually arrested them. He also recalled seeing a priest waving a white handkerchief leading a group of people carrying a casualty. He let the group pass.

Although he made a statement to the RMP about witnessing Soldier M fire and two men being shot he was never asked to make a statement or give evidence to Lord Widgery.

When asked about his RMP statement by Brian McCartney on behalf of some of the families, Soldier 035 said the manuscript copy was in his own handwriting. However he denied it was likely that this had been copied from an earlier draft even though at one point he begins a new sentence before completing the previous one. The error is crossed out and the original sentence completed. He was not aware his statement was withheld from those representing the families at the Widgery tribunal. He said he was not connected with the Widgery tribunal in any way.

Soldier 221

Corporal, Royal Army Medical Corps, C Company, 1st Battalion Parachute Regiment

Made Statements to the RMP [B2165.0017] and to this Inquiry on 13 January 2000 [B2165.001]

Soldier 221 was a 1st Class paramedic and on 30 January 1972 he was attached to C Company of 1 Para. He was deployed with the company whenever they went on an operation but stood back until his skills were required.

30 January 1972

Soldier 221 was at Barrier 14 in William Street with Major 221A, the company commander, and Soldier 204, the Company Sergeant Major. He was carrying an SMG (Sterling sub-machine gun) but was only permitted to fire to protect a patient. He witnessed the riot in William Street but accepted he may have been mistaken when he said in his statement that he had seen petrol bombs. He said he did think he heard the sound of nail bombs exploding. However these could have been CS gas rounds. He also heard gunfire whilst standing behind the barrier. He thought this was a mixture of high and low velocity.

Going In

There was a discussion between Major 221A and those commanding the barrier and Soldier 221 got the impression they did not want to let them go through. However after a short delay the barrier was opened. He went in with the last of C Company. The rioters had run away and the next thing he remembered was seeing a priest leading a group carrying a body. He thought this was in William Street. He then turned left to go down either Chamberlain Street or Rossville Street. He was still with the company commander, the Company Sergeant Major and a signaller. He could not remember when he next heard shooting but thought it was dying down as he went down Chamberlain Street.

Bodies in a Pig

An officer or an NCO (non commissioned officer) asked him to look at three bodies in a pig. He could not now remember who this was but in 1972 he recorded that it was Soldier 220. The pig could have been in Rossville Street. He did not see the bodies placed in the pig and did not think to ask how long they had been in there. He described three men lying on their sides, two with their heads towards the front of the vehicle, one toward the rear. He said they were not on top of each other and had any of them been alive they

would have been able to breathe. He checked for a pulse or breathing and also check their pupils. All three were dead. In his RMP statement Soldier 221 gave a different description of the positions of the bodies. There he said one was on his back, another on his stomach and the third in the coma position.

He said he had no recollection of any argument with a priest over access to the bodies. When he saw them the bodies were not lying on top of each other. In his RMP statement he also said there was still sporadic firing at this time but he said he could not now recall that. He agreed there was no reason why he should not have been called forward to examine the bodies for signs of life before they were placed in the vehicle.

After examining the bodies he reported to the officer who ordered him to look at them and then rejoined the company commander. He treated some soldiers for minor cuts and bruises and a couple of minor ankle injuries.

Soldier 032

**Private, Head Quarters Company, 1st Battalion Parachute Regiment
Made Statements to the RMP on 4 February 1972 [B1613] and to this
Inquiry on 12 May 2000 [B1616.001]**

Soldier 032 was a driver in the motor transport platoon but on 30 January 1972 he was seconded to Guinness Force. In his statement to the Inquiry he said there were rumours that people on the march intended to make political statements and trouble and that they were there to deal with those people. There was a feeling that they were there to arrest Bernadette Devlin. However when he gave evidence he said he did not recall saying this. He said he believed he was just part of an arrest operation.

Soldier 032 usually carried an SMG but on Bloody Sunday they were told to leave their weapons in the vehicles. He was part of a snatch squad.

Guinness Force formed up in a yard behind a high wall. Whilst there Soldier 032 heard a shot and saw some masonry fall from the side of a building above him. Someone said, "they're shooting at us" or words to that effect. As a result of this they were ordered to take their weapons when they deployed for the arrest operation. They got back into the soft skinned lorry and drove a short distance before debussing. In his RMP statement Soldier 032 referred to Support Company being stoned by a crowd at the junction of Rossville Street and William Street. In evidence he said he now thought this happened further down Rossville Street.

In his statement to this Inquiry he referred to hearing bangs which may have been petrol or acid bombs landing but in evidence he said the bangs may have been bricks hitting the vehicles. He said he had small acid burns on the bottom of his trousers but he did not see any acid bombs.

Gunfire

In his RMP statement Soldier 032 referred to coming under automatic fire from the rubble barricade as they debussed however he said he could no longer

recall this. He also said he could no longer recall the shooting coming from the waste ground to his left. He and others, including Sergeant K and INQ 2026, moved to the low wall south of Kells Walk. He identified himself as the soldier in photograph P0261 standing directly in front of Colonel Wilford with his visor raised. He did recall being directed towards a target at the rubble barricade. He then saw two men crawling towards the doorway to Block 1 of the Rossville Flats.

Firing at Men Crawling Away

In his statements Soldier 032 had referred to the rear of the two men trailing a long implement he thought to be a rifle. However in evidence he said he no longer had a clear recollection of a weapon. He said the men were moving together in what he thought was a military fashion but he conceded they could just have been civilians.

In his RMP statements he described the men as wearing a "mid grey coloured suit" and a dark overcoat. In evidence he said he did not think he would have used the expression "mid grey" and that this may have been suggested to him by the RMP.

Soldier 032 said he never felt under any threat because there were enough soldiers watching the men. The man who appeared to have a rifle was never in a position to shoot. Soldier 032 never saw him make any offensive move.

Although in his statement to the Inquiry he referred to hearing shots to his left, i.e. from the waste ground and seeing Sergeant K fire, right next to him, in evidence he said he did not recall anyone firing. In his RMP statement he referred to Soldier L firing and seeing the man jerk as if he had been hit. He then claimed to have seen a man with a pistol run across Rossville Street to Glenfada Park. He now says he cannot recall the man with the pistol.

In his statement to the Inquiry he then says Colonel Wilford arrived and ordered there to be no more firing without a specific order and only Sergeant K, who was the Regimental sniper, was to fire then. However he says he cannot now recall this.

Later he saw a priest arrive and get out of an orange Volkswagen Beetle.

Statement to RMP

Soldier 032 said that he was unhappy that when he provided his statement to the RMP they did not want to take down all the detail. They told him it was not necessary and that they had what they needed. He said this was not just his feeling but others also shared it. They were all told they would give evidence to Lord Widgery but in the end only the people who actually fired and the senior officers did so. He said he was made to sign the statement even though he was not happy with it however he denied being pressurised to lie. He never complained to an officer about the statement. He could not explain why the statement was signed by him on 4 February 1972 but not witnessed until 15:00 the next day. He did not prepare the statement. It was written by Corporal Smith during an interview.

Soldier 032 could not explain why there was no reference in his original statement to the crawling being a military leopard crawl. Nor could he explain why his comment that the man had what "looked" like a rifle had become "what I certainly thought to be a rifle" in his statement to the Inquiry.

Soldier 032 accepted he did not see any reason to shoot the man but said he was not looking at him all the time. He said he believed the firing was within the Yellow Card rules of engagement. He said he did not shoot himself because it was not necessary, others had engaged the target.

Soldier 39

Corporal, Head Quarters Company, 1st Battalion Parachute Regiment Made Statements to the RMP [B1651.0010], to the Widgery tribunal [B1651.0020] and to this Inquiry [B1651.001]

Soldier 039 was part of Guinness Force on 30 January 1972. He had a baton gun and therefore swapped his SLR for an SMG with another corporal. He did not recall being with Soldier M but accepted he must have been since Soldier M said he was his 'buddy', i.e. the rifleman protecting him.

Soldier 039 was in the churchyard when a shot hit the drainpipe. Someone shouted, "the bastards are shooting at us."

Gunfire

After debussing Soldier 039 crossed Rossville Street. He claims to have come under fire immediately and to have advanced to the low wall at Kells Walk whilst under fire. However he did not mention coming under fire in his RMP statement.

Firing Rubber Bullet at Kells Walk Window

He then fired a baton round at a window in Kells Walk. In evidence he claimed not to remember the incident but said he stood by his previous statements. There he had justified his actions claiming to have seen two women on a balcony throwing missiles. He also said there was a photographer with them trying to take photographs. He fired at the window to "clear the people away." They were standing inside the flat with the window to the balcony open. As he went to fire the woman tried to close the window. He fired at it and they disappeared. He then saw one of the women being picked up from the floor holding her hands to her face. The rubber bullet went through the window.

Soldier 039 claimed he believed the women to be a threat and denied he had done anything wrong. In the room were Kathleen Kelly, whose son was shot dead on Bloody Sunday, her sister Martha and her niece Mary. Ms. Kelly's account was that she had been trying to find her son without success and went to see her sister. From the window they watched soldiers firing at the rubble barricade and Martha shouted, "Leave those wee uns alone." There was a journalist with them taking photographs. A short soldier fired a rubber bullet through the window causing glass to shatter, some of which

went into her niece Mary's eyes. On being told this account Soldier 039 said they must have done something to catch his eye and make him fire.

Muzzle Flashes in Entrance to Block 1

Soldier 039 then claims to have seen muzzle flashes in the doorway to Block 1 of the Rossville Flats. He claims there were 4-5 flashes. However these are not mentioned in any of his 1972 accounts to the RMP or his Widgery statement. He claimed he could still recall seeing a weapon being fired from the doorway and suggested it was not mentioned earlier because he was not asked about it.

Firing at Men Crawling Away

Soldier 039 also claimed to have seen weapons on the two men crawling towards the doorway from the rubble barricade. In his Widgery statement he claimed the first man was carrying a Thompson sub-machine gun and the second a short rifle like an American carbine. He claimed both were doing a leopard crawl. In evidence he accepted he did not see either man fire or even attempt to fire a weapon but nevertheless claimed the Yellow Card permitted them to be fired on. He said he never considered the possibility that they might have been trying to get away. He said the first person to see a target would give a fire control order. Thereafter anyone could fire. In his RMP statement he said he pointed out the men to Soldiers L and M and gave the order to fire. However he now says he cannot recall this. Sergeant 002 also claims to have ordered L and M to fire. However he said he could not see a weapon on the second man and ordered a ceasefire after L and M had hit the first man. Soldier 039 said they may have both noticed the target at the same time.

Arrestees

Soldier 039 was then put in charge of a dozen people who had been arrested. He said a priest approached him and he told him to go away in no uncertain terms. Father Bradley was one of those who had been arrested in Glenfada Park and was detained at a wall in Columbcille Court. He tried to get the soldiers to give medical assistance to one of the prisoners who had been shot in the shoulder. Soldier 039 said he vaguely recalled someone with a shoulder injury.

Later Soldier 039 claims to have seen two men in green combat jackets and berets. He said he concluded from their appearance that they were members of the IRA. However he took no action to inform anyone that he had seen them.

INQ 405

Private, Head Quarters Company, 1st Battalion Parachute Regiment Made Statement to this Inquiry on 21 June 2000 [C0405]

INQ 405 was a driver and on 30 January 1972 he drove one of the two Guinness Force 3 tonne Bedford lorries. He was carrying an SMG and 60 rounds of ammunition. This was the only occasion on which he went to Derry.

He claimed to have witnessed the shot that hit the drainpipe of the Presbyterian Church in Great James Street. However his recollection was that the drainpipe was not on a church but on a building next to Barrier 12 through which Support Company subsequently drove.

Gunfire

INQ 391 was driving the first of the Guinness Force trucks. INQ 405 followed behind and parked about 10 feet away from the end of the first lorry. He said he suddenly heard intense high velocity gunfire. This began before he got out of the vehicle. There was a blanket of noise but he could distinguish the sound of SLRs firing amidst the echoes. He did not see anyone firing.

He also claims to have heard a couple of bursts of automatic fire. However he says these were also high velocity and they came from the area of the building to his left at the south east corner of William Street where it joined Rossville Street. He said this gunfire was not directed towards him but he believed it was not an army weapon. At no time did he see any civilians or any soldiers firing.

Missing Statement

INQ 405 said he volunteered to give a statement to the RMP about 10 days later. He was interviewed by an RMP officer at Palace Barracks in Belfast. The RMP officer wrote down what he said but he was never asked to sign a statement. He did not know why this was. He said he was not surprised that demonstrators were killed because of the amount of gunfire he had heard. He also said the news did not bother him because he had become hardened to such things whilst in Northern Ireland.

Soldier 134

Gunner, 53 Battery, 22 Light Air Defence Regiment

Made Statements to the RMP on 3 and 16 February 1972 [B1851.0015 to 0019], to the Widgery tribunal on 18 March 1972 [B1831.0020] and to this Inquiry on 6 December 2000 [B1831.0001]

Soldier 134 was a gunner in the 22 Light Air Defence Regiment and on 30 January 1972 he and Sergeant 040 were stationed in the attic of a derelict building at 3 Magazine Street Upper. From here they had a view down over the city walls towards Joseph Place and Glenfada Park South. The Rossville Flats were on his right and he could see along the south side of Block 2 and into the car park of Glenfada Park North.

Gunfire

Soldier 134 claims to have heard the sound of automatic gunfire which he believed came from a Thompson sub-machine gun. This came from the area of William Street in the region of the Stevenson's Bakery and the swimming pool. In his first statement he timed this gunfire as being at about 16:00 and whilst the march was still in progress. He said he heard baton rounds being fired at about the same time. He also heard the sound of rioting.

He said the burst of automatic fire was about 2 seconds and 6-8 rounds. It was put to him by Arthur Harvey QC that since it was known at about this time two Paras fired 5 rounds almost simultaneously from a derelict building very close to the Stevenson bakery he could have mistaken these shots for automatic gunfire. Soldier 134 accepted this was possible but he did not think what he heard was SLR fire.

In his Widgery statement and his statement to this Inquiry he timed the automatic fire later, after the marchers arrived at Free Derry Corner. However he did not make such an alteration to his original account when making his second, supplemental RMP statement. He also said he heard a few single low velocity shots that sounded like pistol shots. These came from his right. He then heard SLR fire, also from his right, and people scattered. He heard quite a lot of SLR fire and it went on for a number of minutes.

Civilians Shot

From his position Soldier 134 saw a civilian in a long dark coat jogging from Glenfada Park North across Rossville Street. He was followed by a paratrooper. As the man ran towards him along the rear of Block 2 of the Rossville Flats the Para knelt by a lamppost and fired a single shot. Soldier 134 saw the smoke from the barrel and heard the shot. When he looked there was a man lying face down. He believed this was the man he had seen running towards him. This was the account he gave in his first statement to the RMP.

Soldier 134 was now uncertain as to exactly where the Para was when he fired but he thought he was on the west side of Rossville Street outside Glenfada Park South. However he accepted he could have been at a lamppost at the south end of Glenfada Park North.

Soldier 134 was led to believe he might have been mistaken in his belief that he had seen the Para shoot the man in the coat whilst he was running away because Sergeant 040 told him he had seen a man turn and face the Para before he fell. Soldier 134 concluded he could not therefore have seen the man immediately before he fell. He believed he and Sergeant 040 identified the same man by reference to where he fell. Consequently in his second RMP statement he said he did not see the man fall but he still believed he was the man he had seen running. This statement was taken in the presence of Colonel Overbury. Soldier 134 did not know Colonel Overbury and did not know why he was there.

In his first statement Soldier 134 also recorded seeing 3 more civilians fall, all apparently shot. He did not see anyone fire at these men but he saw the bodies on the ground behind Block 2. He placed the first body as being behind Block 2 and close to the northern gable end of Joseph Place. He also saw a man, who had been waving his arms, jump up as if he had been shot. He fell to the ground close to the south gable end of Block 1. The two other men lay between these two closer, to Block 1 than Joseph Place.

Soldier 134's original account of the other three shooting was that they occurred 2-3 minutes after the first and immediately after he heard 5-6 rounds

of SLR fire from his right towards William Street. However in his second RMP statement, where he altered his account as to the first shooting, he said he only saw 3 men shot not four as he had said at first.

Soldier 134 also recorded seeing the bodies being placed into civilian ambulances and witnessing more SLR gunfire causing those helping the men into the ambulances to take cover.

Soldier 134 also saw two men make their way towards him along the rear of Block 2 and into the rear of a house in Joseph Place. One man was supporting the other with his arm around him. The other had his arm inside his jacket and may have been injured. This accords with the accounts of Patrick Walsh and Patsy McDaid. Mr. Walsh helped Mr. McDaid to the house in Joseph Place after he was shot in the shoulder.

Soldier 134 made a statement for the purposes of the Widgery tribunal on 9 March 1972 but was never called to give evidence to Lord Widgery. He was never told why he was not called.

At no time did he see any armed civilians or any nail bombs.

Lieutenant 119

Lieutenant, Anti Tank Platoon, Support Company, 1st Battalion Parachute Regiment

Made Statements to the RMP on 31 January 1972 [B1752.0041] and 4 February 1972 [B1752.0036], to the Widgery Tribunal [B1752.0043] and to this Inquiry in January 2000 [B1752.0009]

Lieutenant 119 was the officer commanding the anti tank platoon of Support Company on 30 January 1972. He joined the army in 1964 and the Parachute Regiment in 1969. He took command of the anti tank platoon in the summer of 1971 having previously commanded a rifle platoon in another company. He spent 16 years in the Paras and left the army in 1983 having been promoted to Major.

“Let’s Get Some Kills”

Lieutenant 119 said he had no memory of the briefings before Bloody Sunday. He specifically denied the allegation made by his radio operator, Soldier 027, that he had said words to the effect “lets get some kills tomorrow” when he briefed his men. Soldier 027 had written in 1975 [B1565.0003] that Lieutenant 119 said they were to “teach these buggers a lesson.” Lieutenant 119 said he would certainly not have made such remarks and denied there was a feeling that hooligans in Derry were “getting away with it.” In his statement to this Inquiry [B1565.0035] Soldier 027 said that the soldier next to him at the briefing, Soldier F, nodded and repeated the words “get some kills.” Soldier F admits to having fired 13 rounds on Bloody Sunday. He killed Michael Kelly at the rubble barricade and may have killed a number of others. Soldier 027 said Soldier F was the first of his platoon to fire. Lieutenant 119 denied the fact that 16 out of his 17 men were carrying SLRs indicated it was never an arrest operation.

Lieutenant 119 said there were only 17 men from anti tank platoon on the operation in Derry because they were under strength at the time. There should have been around 30. They travelled in two pigs.

When they deployed to the Presbyterian Church in Great James Street Lieutenant 119 participated in a command recce with other officers. At about this time a bullet struck the drainpipe on the church above their heads. Lieutenant 119 said he did not recall hearing any other shots at this time although machine gun platoon is known to have fired 5 rounds immediately before or after this.

The original intention was that anti tank platoon would be kept in reserve to provide sniper cover for the other platoons who would conduct the arrest operation. Lieutenant 119 admitted he had never dealt with a civil rights march before.

Going In

Support Company then returned to their pigs and drove through barrier 12 in convoy. In his written and oral evidence to the Widgery tribunal Lieutenant 119 claimed to have seen the lead platoon come under fire. He claimed to have seen bullets strike the ground in front and to the right of the lead pig. He still claimed to have a memory of seeing a bullet strike the ground near the first pig when he gave evidence to this Inquiry. However Christopher Clarke QC, counsel to the Inquiry, played Lieutenant 119 television footage of the convoy entering Rossville Street. This showed the motor platoon pigs were around 100 metres apart and followed at a similar distance by Major Loden's command pig and a ferret car. These were followed by two pigs belonging to the machine gun platoon and the two soft skinned lorries of Guinness Force. Anti tank platoon brought up the rear. When asked by Mr Clarke how he could possibly have seen bullets striking the ground to the right of the front pig from his position in the passenger (i.e. left) seat of his pig Lieutenant 119 simply repeated that that was what he remembered. In fact the front pig turned off Rossville Street well before Lieutenant 119's pig entered it.

In his first statement to the RMP (RMP 1), made the next day, Lieutenant 119 clearly suggested it was his platoon's pigs that had come under fire. He said he had not intended to imply this.

Debussing

Lieutenant 119 said he was one of the first of his platoon out of the vehicles and led his men past soldiers from Guinness Force south to the low wall at Kells Walk. Although he said he had a snapshot of the rubble barricade in his mind he claimed to have no memory whatsoever of what occurred there.

Gunfire

In his first statement (RMP 1) Lieutenant 119 had claimed his men came under fire from snipers in the Glenfada Park flats. However in his second RMP statement (RMP 2) he claimed they came under fire from two different locations, taking cover behind the low wall at the south end of Kells Walk. This time he claimed there was a man with a pistol firing from the south gable end

of Glenfada Park North and someone with what he thought to be an M1 Carbine firing from high up in Block 1 of the Rossville Flats. In answer to a question from Lord Saville Lieutenant 119 insisted he had seen muzzle flashes from the pistol man. However none of the army observers on the city walls claimed to have seen this gunman.

Rubble Barricade

Lieutenant 119 claimed he was not aware at the time that 4 men were killed at the rubble barricade however there is no doubt that Soldier F killed Michael Kelly because the bullet recovered from his body was traced to Soldier F's gun. Michael Kelly was probably the first to die at the rubble barricade and it is likely therefore that the others, John Young, Michael McDaid and William Nash were also killed by soldiers of anti tank platoon. Lieutenant 119, who was with and in command of the platoon, claimed to have no memory at all of the shootings. Even in his 1972 accounts Lieutenant 119 made no mention of the killings at the rubble barricade but they must have occurred whilst he was with his men at the Kells Walk wall.

When giving evidence to Lord Widgery in 1972 Lieutenant 119 admitted to seeing one of his men fire a single shot in the direction of the alleged gunman at the corner of Glenfada Park, but even then he claimed not to know who fired. In fact no one admits firing at this location. Lieutenant 119's only explanation as to why, even in 1972, he did not recall more than this single shot was that he "assumed there was a lot going on." Mr. Toohey asked if a soldier who shot someone would not immediately report that to him as platoon commander. Lieutenant 119 said he thought that would be standard procedure but he had no recollection of anyone doing so. He could not explain why no soldier admitted firing the shot he claimed to have witnessed or why he had failed to include this in his statements to the RMP.

Only one other death at the rubble barricade, other than Michael Kelly, is even partially accounted for. Soldier P admits killing a man at the rubble barricade who he claims fired a pistol. Soldier J admits to firing a shot towards the barricade but claims he missed his target, hitting the rubble. Christopher Clarke QC asked if Lieutenant 119 had ever attempted to determine who killed the men at the rubble barricade but he said he had not. He said it was taken out of his hands because Major Loden initiated an investigation. Lieutenant 119 claimed he never spoke to his men to ask if they had killed or wounded anyone. He said he could not help as to who shot those who died.

Soldier 027 had said in 1975 that when they got to the Kells Walk wall Soldier F knelt down and commenced firing into the crowd at the barricade. Soldier G jumped down beside him and also opened fire. He saw two bodies fall and raised his rifle but could see no one with a weapon. He could not understand what the others were firing at. He estimated 100 rounds were fired in the first thirty seconds. He was surprised how long it took the crowd to realise what was happening. He then heard Major Loden order a ceasefire over the radio and he went along the line of men tapping them on the shoulder telling them to ceasefire. Lieutenant 119 said he did not see any of this. He agreed Soldier 027, as his radio operator, should have been close to him at all times.

He denied there was a ceasefire ordered before he sent men into Glenfada Park.

Glenfada Park

Lieutenant 119 claimed he sent a group of men from Kells Walk into Glenfada Park to cut off the alleged gunman with a pistol. He said these men were under the command of Soldier F and Soldier G however he has never identified who these men were or even how many were involved. The video shot on the day appears to show an entire platoon going round and jumping over the Kells Walk wall in the direction of Glenfada Park. Lieutenant 119 insisted the whole platoon did not go into Glenfada Park but he could not say where they did go. He said it did look as if they all went to Glenfada Park but he was sure they did not.

He claimed he waited at the low wall whilst the pigs were brought forward to provide cover for those who remained. However photographs show the pigs did not advance until after members of Guinness Force replaced members of anti tank platoon at the wall. In particular Colonel Wilford is pictured at the wall with a few members of Guinness Force [EP0002.0008]. Neither Lieutenant 119, his men nor his pigs can be seen. Lieutenant 119 maintained this account, of waiting in Rossville Street, when he gave evidence to Lord Widgery thereby explaining his failure to witness what occurred in Glenfada Park. Lieutenant 119 denied he was lying about having waited for the pigs in order to give credibility to his claim not to have witnessed what happened in Glenfada Park. He denied he knew at the time the killings were unjustified. Christopher Clarke QC invited him to revise his evidence as to not going directly into Glenfada Park but he declined to do so.

Killings in Glenfada Park

Lieutenant 119 claims now not to remember seeing anything of what occurred in Glenfada Park where 4 people were shot dead and another 5 injured. In his second RMP statement he admits to having seen Soldier F fire 2 shots along the east side of the Glenfada Park North car park. He never claims to have known what Soldier F was firing at or to have asked. These are the only shots Lieutenant 119 ever claims to have witnessed in Glenfada Park. He said these were the last shots fired in the car park. Soldier F does not admit to firing shots in this direction. By the time he got there Lieutenant 119 claims there were already 3 bodies lying on the ground towards the south west corner of the car park. Soldier 027 entered Glenfada Park just after Lieutenant 119.

Joe Mahon, William McKinney and James Wray

Although he claims never to have known what happened in Glenfada Park he did say in his first RMP statement that as soon as he entered Glenfada Park Soldiers E and F told him they had killed three youths preparing nail bombs. In evidence to this Inquiry said the statement should have said “preparing to throw nail bombs” as Soldiers F and G had claimed. The contents of this statement were not referred to when Lieutenant 119 gave evidence to Lord Widgery. Counsel for the families at the Widgery tribunal was not shown any of the RMP statements and was lead to believe Lieutenant 119’s first statement was the one he made 5 days later. In his first RMP statement

Lieutenant 119 had said, "there was no evidence of subversive activity" in Glenfada Park. He accepted by this he meant there were no weapons or nail bombs.

The first RMP statement makes no mention of the two shots he claims to have seen Soldier F fire. Lieutenant 119 could not explain how he failed to mention seeing any of his men fire in the statement he made the next day. In evidence to Lord Widgery he did claim to have heard SLR gunfire in Glenfada Park before he got there.

There is a photograph of Glenfada Park showing the bodies of Joe Mahon, William McKinney and James Wray lying on the ground [P0686]. This photograph was never shown to Lord Widgery. Lieutenant 119 said he had no memory of the scene. He denied ever examining the bodies, claiming he was ordered to withdraw before he got to them. He denied it was part of his responsibility to get medical attention for those who had been shot. He said he allowed the Knights of Malta paramedics to tend to the bodies.

Eibhlin Lafferty

One of these, Eibhlin Lafferty, says she approached the bodies from the south west corner of the car park. As she did so a soldier in the middle of the car park fired a shot close to her and said her white coat made a good target but her red cross was even better. Lieutenant 119 denied hearing or seeing this.

Soldier H

The only of his men Lieutenant 119 ever claims to have seen in Glenfada Park are Soldiers E, F, G and J. He claims never to have noticed Soldier H who says he fired 22 rounds in Glenfada Park, 19 of them at a bathroom window. Lieutenant 119 said he reacted with surprise and disbelief to Soldier H's use of ammunition. Lord Widgery doubted Soldier H had fired the shots he claimed but Lieutenant 119 denied ever asking him what had happened. Soldier 027 said Soldier H shot a man in the leg and then went up and "finished him off." Lieutenant 119 made no mention at all of Soldier H in his three statements in 1972 or his evidence to Lord Widgery. He said he could not explain why he failed to see or mention him. He said he did wonder whether in fact Soldier H had simply lost a magazine of ammunition. However Soldier H has always denied this. Lieutenant 119 said he did not know where Soldier H was or what he was firing at. He said he did not know Soldier H very well because he had been working in the officers' mess before joining anti tank platoon.

In evidence to Lord Widgery Lieutenant 119 said Soldiers F and J were on the east side of Glenfada Park with him and Soldiers E and G were on the west side. The only thing he said about Glenfada Park in his statement to this Inquiry was that he "remembered being aware that something had happened". When asked what he had meant by this is said he "must have been thinking in terms of gunfire."

Arrests in Glenfada Park

Lieutenant 119 said he authorised the arrest of about 30 people sheltering at the south gable end of Glenfada Park because he thought one of them

might be the gunman with a pistol. He denied Father Bradley, one of those arrested, was prevented from tending to the bodies or beaten with a rifle. Lieutenant 119 denied any knowledge of a man with a bullet wound to his shoulder. This was Patrick O'Donnell. Mr. O'Donnell was shot and then arrested with this group but was eventually released after the intervention of Father Bradley. However not before a soldier poked him with his rifle saying, "you've a bullet already and you can have another one." Soldier 027 confirmed some of the civilian witnesses accounts of brutality to prisoners. Lieutenant 119 denied witnessing any brutality.

Gerard Donaghy and Gerard McKinney

Two further people, Gerard Donaghy and Gerard McKinney, were shot dead in Abbey Park, just beyond the south west corner of Glenfada Park North. Lieutenant 119 claimed he was never aware that the bullet which killed Gerard Donaghy was traced to Soldier G's rifle. He claimed never to have gone to Abbey Park or to have learnt what happened there. No soldier admits to having been to or fired in Abbey Park.

Return to Glenfada Park

Even though he claims never to have known what happened or even to asked his soldiers who they shot Lieutenant 119 does admit to having returned to Glenfada Park in plain clothes sometime later. He said this visit was not his idea and he was not the only officer present, however he denies knowing who else was there other than RMP officers. Lieutenant 119 said the purpose of the visit was to examine the window at which Soldier H claimed to have fired 19 rounds. There was no damage to the wall or window frame suggesting, if Soldier H was right, he must have fired every shot through the window. The glass had been replaced by the time of the inspection.

Lieutenant 119 claimed he was not aware that at least 9 people had been shot in Glenfada Park and Abbey Park or that a further 2 were killed and another 2 injured behind the Rossville Flats. Soldiers under his command must have been responsible for almost all of these shootings.

Patrick Doherty

Patrick Doherty was shot dead behind Block 2 of the Rossville Flats and close to the northern gable end of Joseph Place. Soldier F admits to having fired along the south end of Block 2 in the direction in which Patrick Doherty fell.

Bernard McGuigan was killed behind the south gable end of Block 1. Patrick Campbell and Danny McGowan were wounded behind Block 2. Lieutenant 119 claimed to have no knowledge of any of these shootings. He also claimed to have no knowledge of Soldier F firing at Block 1.

Loden Shot List

Lieutenant 119 claimed never to have seen the list of alleged engagements apparently prepared by Major Loden. He said he was surprised to learn none of Soldier G's evidence could fit with the shots recorded on the Loden List. Michael Mansfield QC pointed out that the same applied to the account given by Soldier J of his firing. Most of the shots Soldier F claims to have fired also do not appear on the List. Lieutenant 119 could not explain why his men

apparently gave different descriptions of their firing to the RMP and Major Loden. He said he was not aware of any attempt to explain what happened. He said he was aware a shot plot map was created but claimed never to have seen it. He said he was not aware that the shot plot revealed problems in that the locations of the alleged targets on the List did not match the locations of the bodies. He said there was no cover up. Lieutenant 119 said he would have been aware of the result of the ammunition check. This was done by the platoon sergeant, INQ 1694. Anti tank platoon admits to having fired 46 rounds. Lieutenant 119 said he did not recall being surprised at the amount of ammunition discharged.

One member of the anti tank platoon whose name is in the public domain, David Longstaff, claims to have fired a shot at Block 1 of the Rossville Flats. He says he reported the shot but was never asked about it. He never gave a statement to the RMP. Lieutenant 119 said he could not explain this.

Francis Creagh and Raymond Muldoon

On 3 February 1972, 4 days after Bloody Sunday, 2 Catholic men were brutally assaulted by paratroopers in Belfast before being dumped in the Shankill Road. The MoD subsequently paid each man substantial damages in compensation for the assaults. Soldier 027 gave an account of the assaults which he said involved Soldiers F and G. However Lieutenant 119 claimed to know nothing about any such incident and when told the details denied his platoon was involved.

Soldier F and Soldier G

In light of the fact that Soldiers F and G probably killed at least 5 men between them with no apparent justification Christopher Clarke QC asked Lieutenant 119 his view of them. Lieutenant 119 said they were very professional and not the sort of people to shoot without justification. In his statement he said he remembered feeling reassured at the time that Soldier F was one of those involved. He said this was still his opinion.

Answering questions from Arthur Harvey QC Lieutenant 119 said he believed his conduct and that of his men "was as it should be" even though anti tank platoon appear to have killed 11 people and injured 7 more. He also said he made no attempt to re evaluate what had happened after the Widgery tribunal or since. He said, "I just got on with my career." He said he had never asked himself whether he could have done anything better on the day. He denied lying in his original accounts and leaving the soldiers to explain their own actions. Lieutenant 119 denied Soldier 018's account that senior NCOs of another platoon spoke to him about his style of command. However he agreed he had come off an anti tank training course just before Bloody Sunday.

Arthur Harvey QC put it to him that he witnessed "wholesale bloody murder" and lied about it. Lieutenant 119 denied it. Lieutenant 119 admitted he had been involved in two other incidents before Bloody Sunday in which his men had killed British citizens.

Sergeant K

Sergeant, Head Quarters Company, 1st Battalion Parachute Regiment Made Statements to the RMP on 1 February 1972 [B0291], to the Widgery tribunal [B0297] and to this Inquiry [B0311.0004]

Sergeant K was the Battalion sniper for 1 Para. He had a marksman's badge and represented the Battalion at shooting competitions at Bisley. He had been in the Parachute Regiment for 14 years by 1972 and had served in Cyprus and Aden. He retired from the army in 1980. On 30 January 1972 he was a member of Guinness Force and in the half platoon commanded by Sergeant 002.

Inaccuracies in Statement

When he began his evidence to the Inquiry Sergeant K said he was not happy with certain passages in the statement he had given to Eversheds. He claimed he had not said some of the things attributed to him in the statement however he could not offer any explanation as to how the errors occurred. He said he could not remember the circumstances in which he gave the statement, although it was only 3 years ago, and claimed not to know whether or not he had received any legal advice. In fact he had been provided with a draft of the statement before it was finalised and sent to him again to be signed.

Specifically, he said the sniper's rifle (an SLR) and telescopic sight he carried on Bloody Sunday had not been "zeroed to me." By this he meant he had not aligned the sight when firing the rifle at the range. He had said in paragraph 17 of his statement "the sight didn't need to be adjusted as it was already zeroed in" and, "as a matter of practice it was zeroed in at a distance of 100 yards." He also said the sight had cross wires which were aimed at any target and then adjusted up or down according to whether it was closer or further away than 100 yards. Later when questioned by Brian McCartney on behalf of some of the families Sergeant K conceded the weapon was properly adjusted and he would not go out with it otherwise. In fact he was the only one in the battalion trained in the use of the telescopic sight.

He also denied identifying the rifle he claims to have seen been carried by the man at whom he fired. In paragraph 21 of his statement he gave a detailed description of the weapon claiming to have identified it as a Mark 4 .303 Lee Enfield Rifle. There he said that although he only saw the butt of the rifle before he fired he subsequently saw it in full when it was taken from the gunman and carried into the Rossville Flats. He now says he did not see this and claims that he argued with those taking the statement that this was untrue. However he could not explain why they had apparently inserted into his statement something he had not said. In fact the comment that he did see the whole rifle appears in the statement three times, at paragraphs 45 and 47 as well as 21.

Finally as regards the statement Sergeant K said the comment, "at that time in Northern Ireland you always had one round up the spout" was against the

Yellow Card and he must therefore have been referring to his experience in Aden.

30 January 1972

Sergeant K said he could not remember who he was with on Bloody Sunday but said he was with his platoon commander whilst at the Presbyterian Church. He said he did not recall who the platoon commander was. The Inquiry knows it was Captain 200. Sergeant K said in his statement that he normally acted as the commander's bodyguard but he was not doing so on Bloody Sunday. However he also said it was because he was a body guard that he carried his sniper's rifle.

Presbyterian Church

Sergeant K said he was at the Presbyterian Church when a shot hit the drainpipe above his head. He was wearing his gas mask at the time because there was CS gas in the air. He felt fear and an adrenalin rush as he dropped to the ground. He said he did not look to see where the shot might have come from for fear of being shot if he put his head up. He has no recollection of hearing the five shots fired by machine gun platoon from the derelict building in William Street. Shortly after the drainpipe shot they were ordered back to their vehicles. Sergeant K said he thought they were going in to assist Support Company arrest rioters.

Going In

Sergeant K was in one of the two Guinness Force soft skinned lorries when they drove into the Bogside. When they stopped in Rossville Street Guinness Force split into 2 units. Half of the men went to the left, and his half went to the right. He said there were 100s, possibly 1000s, of people; some ran away and others were throwing stones. The stone throwers were not close enough to hit them. He said he remembered seeing the rubble barricade but could not recall the scene at it. He did not remember seeing anyone in front of it, i.e. north of it.

Gunfire

Sergeant K said he could hear SLR gunfire, and rubber bullets being fired, as soon as he debussed. However he said he did not see anyone firing. He was not himself being shot at. He ran with the majority of his half platoon south down Rossville Street towards the low wall at Kells Walk. There were other members of Support Company already there.

Rubble Barricade

Sergeant K claimed he could not recall what the soldiers at the low wall were doing. They had overtaken his unit to get to the wall first. He said he could not remember seeing them fire. However in his statement to the Widgery tribunal he had said these soldiers were firing from the low wall before they moved off down Rossville Street and to the right. His unit took their positions after they left. In oral evidence to Lord Widgery [B0302] he had said they were "firing into the area of the Rossville Flats." Sergeant K said he had no recollection of seeing Michael Kelly, William Nash, John Young or Michael McDaid killed at the rubble barricade. He also said he had no recollection of seeing Hugh Gilmour shot at the entrance to Block 1 of the Rossville Flats.

Firing From Kells Walk Wall

Sergeant K said he was standing just to the left of the wall with Soldier L and Soldier M to his right. He could not remember anyone else being there. At no time was he fired on and he did not recall any nail bombs or petrol bombs being thrown. He took off his gas mask when he got to the wall and looked towards the rubble barricade. He could not see anyone at the rubble barricade but then saw two men crawling towards the Rossville Flats. He brought the telescopic sight to his eye. This gave him a view that was magnified 2½ times.

He said he had a good look at the first man through the sight but could not see a weapon of any sort. However he claimed the second man was cradling a rifle in his arms. He said he could only see the butt of the rifle nestling in the crook of the man's right elbow.

Sergeant K took aim and took it upon himself to fire. He said he did not know if the man had used or intended to use the rifle but he decided to fire anyway. He said he was entitled to fire under the Yellow Card rules of engagement, even though the man was crawling away and he had not seen him fire, because he thought the man was about to use the weapon for offensive purposes. He said the man's obvious intention was to get into the Rossville Flats and use the weapon.

Sergeant K said he aimed at the man's trunk intending to kill him. The two soldiers to his right also fired at least one round each although he claims not to know what they were firing at. However in his original RMP statement Sergeant K said Soldiers L and M fired at the same gunman. There he said he did not observe any of the rounds strike but he believed he may have hit the second man. Sergeant K admits to seeing the man lurch after he fired but he continued to crawl to the flats and was helped inside. He said he was not ordered to fire and did not consider that he required an order. The next thing he recalls is Colonel Wilford standing behind him.

The Rifle

Sergeant K claims the man he was firing at was helped into the doorway to Block 1 of the Rossville Flats. At this point in his statement to this Inquiry Sergeant K claimed someone took the rifle off the man and he then identified it as a Mark 4 .303 Lee Enfield. However in evidence he said he did not know why he had said this because he had never seen the whole rifle. He agreed he was very familiar with the Mark 4 .303 having used one himself on many occasions. He denied he had added the suggestion 30 years later that he had seen the whole weapon because he was in fact uncertain the man did have a gun. In his RMP statement he had only said the man "appeared" to have a weapon. By the time he gave oral evidence to Lord Widgery he said it was a rifle and even did identify the weapon as a .303. However before Lord Widgery he did not claim to have seen anything other than the butt of the rifle and specifically said he did not watch through the telescopic sight as the man was helped into the flats.

In his recent statement Sergeant K gave a very detailed description of a Mark 4 .303 rifle. He said it was nearly 36 inches long, weighed about 14 pounds and had a brass plate on the butt. However the Mark 4 was in fact 44.5 inches long and weighed less than 10 pounds. Sergeant K accepted he knew the weapon very well and could not explain why he had got these details wrong. He denied he had deliberately lied, reducing the length of the rifle in an attempt to explain why he could only see the butt when he claimed it was being carried across the chest of the man who crawled away from him.

Kevin McElhinney

Kevin McElhinney was killed by a single bullet whilst crawling on the ground towards the entrance to Block 1 of the Rossville Flats. The bullet struck him in the centre of his buttocks and was travelling at an angle from right to left. The trajectory of the bullet matches the trajectory of the shot Sergeant K admits to having fired. The evidence available to the Inquiry is that Mr. McElhinney was unarmed and was dragged into the Rossville Flats before he died. There was someone crawling in front of him, that person managed to get to his feet and run to the safety of Block 1.

When shown a photograph of Kevin McElhinney Sergeant K first said it was not the man he shot however he quickly changed his answer saying he never saw the man's face. Sergeant K refused to accept that he could have made a mistake. He said the man he fired at appeared to lurch indicating he had been hit.

Sergeant K identified himself in photograph EP0002.0008 as the soldier standing to the left of the low wall. Colonel Wilford is pictured crouched behind the wall and there are several other soldiers at the wall. Lord Widgery had been told the soldier standing was Soldier L. Sergeant K said he believed Soldier L was one of the soldiers to his right. Soldier 032 has identified himself as one of the soldiers to Sergeant K's right. Sergeant K said he did not recall Soldier 032. Sergeant K denied he was ordered to fire by Colonel Wilford or anyone else. He denied he was protecting anyone.

Soldier 039, who was also at the wall, claims to have come under fire from the rubble barricade. Sergeant K, who was far more experienced, says he was not aware of being under fire. Soldier 039 claims he saw the two men crawling and that the first had a Thompson sub-machine gun and the second was "trailing" a weapon. He pointed the men out to Soldiers L and M and told them to fire.

Soldier L said in his RMP statement that he fired on two men cradling weapons in their arms as they crawled away. He said he was ordered to fire by Sergeant 002. He also claims there was a shot fired from the doorway a few seconds later. Sergeant K said he was not aware of shooting from the doorway.

Ceasefire

Sergeant K said in his statement that after he had fired he had a "distinct memory" of Colonel Wilford arriving at the low wall and ordering a ceasefire.

However he now says the ceasefire could have been ordered by someone else.

Columbcille Court

Sergeant K then went under a walkway and possibly into Columbcille Court. He was not sure exactly where it was but there were no bodies in the area. He did however see 20-30 people who had been arrested. He denied any memory of seeing Father Bradley or anyone with an injury to his shoulder. He said there were enough soldiers dealing with the prisoners so he made his way north back to some derelict buildings on William Street. He said it was his own decision to do this and he remained in a derelict building for about half an hour observing the area. He said there were others with him including a radio operator. Eventually they received an order over the radio to return to the vehicles.

Soldier 010 has said in his statement to the Inquiry that he heard a call that there was an injured man but that as he went to go forward to see if he could help Sergeant K called him back and said "don't be an idiot." Later an ambulance came and took the injured man away. Soldier 010 also says shortly after this someone said they saw a man with a rifle in the window of a derelict factory. Sergeant K was called for and he looked through his telescopic sight and identified the man as a sniper from another regiment. Sergeant K said he could not recall either incident.

Ammunition Check

Sergeant K said there was an ammunition check when he got back to the lorry. This was done by Sergeant 002 or Captain 200. However he accepted there may have been another check at the derelict building. He had no recollection of speaking to Captain 200 or Major Loden about the shot he had fired. He said he probably did tell captain 200 about the shot he had fired and the fact that he thought he had hit the man. However Captain 200's record of what he was apparently told by Sergeant K was that Sergeant K had "missed" a gunman "at the barricade." Sergeant K said he could not remember telling Captain 200 he had missed. He denied he had failed to say he had killed a man because he knew it was murder.

The grid reference which appears in Captain 200's notes as the location of the alleged gunman refers not to the east pavement of Rossville Street near the entrance to Block 1 but the west pavement. Sergeant K could not explain why this was so.

Answering questions from Brain McCartney, representing the family of Kevin McElhinney, Sergeant K agreed as a marksman he was trained to kill with a single shot over distances of 600 yards to a mile. He also agreed snipers had to be able to judge distance, fire from a variety of positions and have no anxiety or remorse. He agreed casualties with single shots indicated sniper fire. He agreed that a shot from about 100 yards across Rossville Street from a standing position was an easy shot for him. He also agreed he retained in his memory the sight of his target through the cross hair in his telescopic sight. He agreed this was not an image that leaves you. It was the only shot he ever

fired in Northern Ireland. However he refused to say he had definitely hit the man he shot at. All he would say was that he believed he hit the man.

Telescopic Sight

Sergeant K had described a completely different type of sight when he gave evidence to Lord Widgery [B0307]. Then he gave a description of a periscope sight with a pointer rather than a telescopic sight with a crosswire. He accepted even now, thirty-two years later, he knew the difference and could not explain why he had said what he had. He denied he had lied to Lord Widgery because he did not want to admit to seeing the image he still retains in his mind's eye of the man he shot.

In evidence to Lord Widgery Sergeant K had also said, "I may have hit him, I don't know because, after that ... I just fired the one shot and I applied the safety catch." Mr. McCartney asked why he would have applied the safety catch on his rifle having apparently wounded a man with a rifle and with gunfire continuing around him. Sergeant K denied he applied the safety catch because he knew there was no threat and that he had just shot Kevin McElhinney, an unarmed 17 year old boy.

Sergeant K said his experience of internal security operations in Aden was completely different to that in Northern Ireland. When asked about those operations and the fact that there it was army practice to shoot selected ringleaders of riots Sergeant K claimed he could not remember if he had killed anyone in Aden or Cyprus. He denied that soldiers lamented the fact that they could not shoot rioters in Northern Ireland as they had done elsewhere.

Sergeant K denied he was wriggling out of admitting what he had done because he knew it was wrong. He denied the changes to his evidence, in particular his statement to this Inquiry, reflected his desire to both cover up his actions and distance himself from the death of Kevin McElhinney. He denied the fact that he had referred to firing at the man's legs, back or head but never his backside was because he knew full well he had shot Mr. McElhinney in the middle of his buttocks.

The Battalion photographer INQ 1970 has said in his statement to the Inquiry that he took a photograph of Sergeant K sitting in the back of the soft skinned truck as they pulled out of the Bogside. INQ 1970 said Sergeant K smiled at him as he did so. Sergeant K denied he was smiling because he was pleased he had got a kill.

Sergeant K denied he could have made a mistake and refused the opportunity offered him by Mr. McCartney to acknowledge to Mr. McElhinney's family what he had done.