

Neutral Citation No:	<i>Ref:</i> KEE11473
<i>Judgment: approved by the Court for handing down (subject to editorial corrections)*</i>	<i>ICOS No:</i>
	<i>Delivered:</i> 11/05/2021

IN THE MATTER OF THE CORONERS ACT (NORTHERN IRELAND) 1959

**IN THE MATTER OF A SERIES OF DEATHS THAT OCCURRED IN
AUGUST 1971 AT BALLYMURPHY, WEST BELFAST**

INCIDENT 2

**THE DEATHS OF JOAN CONNOLLY, DANIEL TEGGART, NOEL PHILLIPS
AND JOSEPH MURPHY**

CORE ABBREVIATIONS IN THIS INQUEST:

- DIFS:** **Department of Industrial and Forensic Sciences**
- MoD:** **Ministry of Defence**
- CIFEX:** **Centre for Information on Firearms and Explosives**
- PSNI:** **Police Service of Northern Ireland**
- FSNI:** **Forensic Science Northern Ireland**
- SLR:** **Self-Loading Rifle**
- UVF:** **Ulster Volunteer Force**
- IRA:** **Irish Republican Army**
- HET:** **Historical Enquiries Team**
- CCRIO:** **Central Criminal Records and Information Office**
- RMP:** **Royal Military Police**
- SIB:** **Special Investigation Branch**
- HTH:** **Henry Taggart Hall**
- APC/Saracen:** **Six-wheeled Armoured Personnel Carrier**
- NICRA:** **Northern Ireland Civil Rights Association**
- CCDC:** **Central Citizens’ Defence Committee**
- NOK:** **Next of Kin**

VFS: Vere Foster School
RVH: Royal Victoria Hospital
SMG: Submachine Gun

Sections	Paragraphs
I. Introduction	[1]-[4]
II. Setting the scene	[5]-[16]
III. Personal details, pathology and ballistics	[17]-[54]
IV. Civilian Evidence	[55]-[104]
V. Military Evidence	[105]-[150]
VI. Additional Evidence	[151]-[180]
VII. Conclusions from the Evidence	[181]-[206]
VIII. Verdicts	[207]

I. INTRODUCTION

[1] This is an account of the evidence and my conclusions and verdict. I have considered all of the evidence heard in this case, which spanned over most of the length of this inquest series at various times. I have also considered all of the papers and the written submissions of counsel. This text does not recount each and every aspect of the voluminous material I have considered and so it should not be assumed that where some detail is not specifically mentioned I have not considered it. I have considered the totality of the evidence in reaching my findings.

[2] In the introductory chapter I set out the law governing inquests in Northern Ireland which I have applied. I have heard this inquest as a judge sitting as a coroner without a jury, with the agreement of all parties. I have kept in mind the investigative obligation imposed by Article 2 of the European Convention on Human Rights ("ECHR"). I have applied the balance of probabilities as the standard of proof. As I also said in the introductory section, the standard of proof is one thing but the state of cogency of the evidence is another as this case relates to events 50 years ago. The court is mindful that memory is affected by the passage of time and so accounts must be examined carefully before findings can be made. In accordance

with my obligations in law I have, upon assessing all of the evidence I have seen and heard, tried to reach a verdict on the core issues. Where I have not been able to reach a conclusion I have explained why.

[3] These four deaths occurred on 9 of August 1971 in an area of waste ground adjacent to Divismore Park, known as the Manse. Inquests were heard at the time which returned open verdicts. All four cases were referred by the Attorney General for a further inquest and by correspondence of 11 November 2011 these fresh inquests were directed. In this correspondence, which is similar in each case, the Attorney General said that:

“While it is clear that the circumstances existing in Belfast in 1971 imposed considerable difficulties upon the Royal Ulster Constabulary in the death of [each person], it is apparent that there was not an effective police investigation into those deaths. Apart from the statements taken from David Callaghan and Gerard Russell, the two men who were removed from the Manse by the army and taken back to the Henry Taggart Memorial Hall, there is little evidence that police made significant attempts to obtain eye witness accounts from civilian witnesses to the shootings. While it is noted that the Coroner had available to him a statement from Desmond Crone, it appears that Mr Crone came to the attention of the police as a result of his role in identifying the body of Joseph Murphy. It seems clear that a number of other potential eye witnesses were named in the statements provided to the Coroner yet statements were either not taken from these persons, or, if they were taken, they were not provided to the Coroner.

I note that at the time of this investigation, under the terms of an agreement between the Royal Ulster Constabulary and the Royal Military Police, the police did not have access to military witnesses and that therefore the investigation of the accounts of the military witnesses was effectively delegated to the RMP. This delegation of responsibility and the lack of rigour in investigations by the RMP have been the subject of judicial criticism, notably by Lord Kerr.”

[4] The Attorney General also said that it appeared a large number of military statements were placed before the inquests which were not subjected to any degree of scrutiny and were not counterbalanced by civilian accounts. He also pointed to discrepancies in the statements particularly as regards the death of Mrs Connolly.

II. SETTING THE SCENE

[5] These deaths occurred in an area of waste ground. A particular focus has also been the Henry Taggart Hall (“HTH”) (also referred to as “the Hall”) where the military were based on the day in question. This location has changed, however I have been able to consider the area in 1971 by utilising maps and photographs and with the assistance of Mr Brian Murphy, Consultant Engineer. The main report from Mr Murphy dealing with this incident is dated 30 January 2019. In that report Mr Murphy noted his engagement with Ordnance Survey NI and he said that of particular interest to this inquest is plan 129-165W (1971). A large number of plans have been provided along with photographs, which have been particularly helpful.

[6] The locus of this incident is an area known as the Manse, situated to the south of the Springfield Road, and the former location of the Henry Taggart Memorial Hall. A care home formerly known as Owenvale Court (renamed Glenalina Lodge) has been built partly over the footprint of the Henry Taggart. Substantial and

significant redevelopment has occurred to the north and rear of the Henry Taggart. To the south and front there has also been redevelopment but it is less extensive. Mr Murphy said that the main change is that the majority of the buildings known as Moyard Flats have been demolished. Plan C from the 1971 Ordnance Survey map has been most useful to me and I replicate it in **Annex 2.1** with permission to set the scene.

[7] It is important to note the changes as follows:

- In Moyard Park, the flats in blocks 1-21, 23-35, 37-47 and 38-50 have all been demolished. The area is now primarily a green space although a Community Centre has been built between the area of block 1-21 and 23-35. The curtilage of Glenalina Lodge occupies most of block 38-50.
- The maisonettes at 80 and 82 Moyard Park have been remodelled and renumbered as 88-90 Moyard Park.
- In Moyard Crescent and Moyard Parade most of the flats are now demolished.
- The Vere Foster School (“VFS”) has recently been demolished. There are features of this area which remain the same, as Mr Murphy said :
 - The Springfield Road which runs east/west remains the same.
 - The general area of Divismore Park and Glenalina Road remains the same both in road layout and house positions.
 - The road layout of Springhill Avenue remains the same.
 - The general area of Divismore Park and Glenalina Road remains the same both in road layout and house positions.
 - The road layout of Springhill Avenue remains the same.

- Springfield Park is broadly similar with the exception of Owenvale Mews.
- The green area between Ballymurphy or Divismore Park in the west to Springhill Avenue in the east is broadly the same with the exception of the encroachment of the redeveloped houses in Springmadden Court. The overall fall in the ground from the Springfield Road to the area of Springhill Drive/Westrock Road will be the same.

[8] Mr Murphy pointed out that Henry Taggart Hall is demolished, as is No. 692 Springfield Road.

[9] The central feature of this area in the past was that a river ran at the back of the houses at 4-40 Springfield Park, underneath the Springfield Road and continued from north to south to the east of Divismore Park and the west of Springhill Crescent. This river has been culverted.

[10] The original black and white photographs provide considerable assistance – particularly photograph 13 from film A which I reproduce in **Annex 2.2** with permission.

[11] On this photograph important landmarks can be seen:

- The gable of No. 2 Divismore Park and the block of houses in Divismore Park from Nos. 6-10.
- The entrance to the field at the Manse just forward of the white car travelling west on the Springfield Road.
- The gable of the house at No 692 Springfield Road.
- The houses in Springhill to the right of No 692 Springfield Road.
- A car can also be seen exiting Springfield Park.
- The Henry Taggart Memorial Hall.
- A sandbagged emplacement near to the footpath on the Springfield Road.

- Entrance gates near to the white estate car.

[12] Mr Murphy's report also referred to level differences between the Springfield Road and the Henry Taggart Hall and the Manse – which is on lower ground. He also referred to the houses at New Barnsley and Moyard being higher than the road. These differences can be seen on the photographs.

[13] Some other undated photographs are attached – one of a sandbagged emplacement (although the exact location could not be confirmed) inserted at **Annex 2.3**.

[14] There is also a contemporaneous photograph of the front of Henry Taggart Hall which has been of use – see **Annex 2.4**

[15] Finally, an aerial photograph of the Manse has been provided by the next of kin. Although the exact date is unknown this photograph has also assisted me in getting a sense of place – see **Annex 2.5**

[16] I have visited the scene and observed the topography around the Whiterock Road. However, the area has changed substantially and so this was of limited value.

III. PERSONAL DETAILS, PATHOLOGY AND BALLISTICS IN RELATION TO EACH OF THE DECEASED

Joan Connolly

[17] At the beginning of this inquest I heard personal details of the deceased from one of her daughters, Briege Voyle. This witness told me that the family lived at 91 Ballymurphy Road. Mrs Connolly was born in 1926, she married her husband Denis on 10 October 1946 and she had eight children. Mrs Connolly was a housewife who enjoyed bingo. I was told that Mrs Connolly welcomed the

deployment of British troops when that began as she saw them as a protection. She would be out providing them with tea and sandwiches. Her eldest daughter Denise married a soldier and a grandchild was born in 1971. Mrs Connolly had red hair; she was described as a housewife. She also got annoyed when soldiers abused people on the streets, she would have shouted back. I was told that she never thought the British Army would hurt her and that she lived for her children and that the family wanted to dispel the story that she was a gunwoman. Mrs Connolly was not associated with a paramilitary organisation. After her death her family were devastated and her children's lives disrupted by the separation that took place.

[18] The post mortem was conducted by Professor Marshall and took place on 11 August 1971 at 3:30pm. The report of Mr Beavis of the Department of Industrial and Forensic Sciences ("DIFS") referred to: lady's coat, blue cardigan, white slip, dress, bra, pants and sandals. The post mortem report recorded that she was wearing a black and white tweed overcoat, green woollen jumper and fawn coloured short sleeved dress.

[19] This report noted that Mrs Connolly was 50 years of age (actual age was 44) at the date of her death on 9 August 1971. The cause of death was described as bullet wounds of face and right thigh and the commentary given by Professor Marshall was as follows:

"This woman was healthy. There was no natural disease to cause or accelerate death.

Death was due to bullet wounds. There was a gaping ragged wound of the left side of the face, together with severe fractures of the facial bones consistent with the transit of one or more bullets of high velocity. There was also a perforating wound of the right thigh, with extensive laceration of the tissues on the inner side of the

thigh and severance of a medium sized artery. This, too, was consistent with the transit through the thigh of a high velocity bullet. Both the facial and thigh wounds would have been associated with severe shock and haemorrhage and it was their combined effect which caused her death.

Autopsy also revealed a bullet wound of the top of the left shoulder, from where a track led downwards and backwards into the body through the left shoulder blade. Behind the left shoulder blade a deformed copper-jacketed bullet was found. There was also a perforating wound of the back of the left hand consistent with the transit of a bullet. These wounds in the shoulder and hand were not serious, however, and they would not have played a part in her death.

The report of the Forensic Science Laboratory shows that at the time of her death there was some alcohol in the body but that amount was too small to have any significance.”

[20] In addition to this contemporaneous report, expert reports were also obtained from Dr Swift, Dr Cary and Professor Crane. A helpful process of discussion took place after which an agreed note was provided between the three experts and read into the evidence on 14 May 2019 as follows:

“Firstly, we each agree that Mrs Connolly died as a result of blood loss from gunshot wounds after a period of initial survival, likely to be measured in tens of minutes.

Secondly, we agree that she would have been able to mobilise to a degree, following receipt of the wounds and that she may have been capable of creating audible vocal sounds.

Thirdly, we each agree that the wound to the left side of Mrs Connolly's face was consistent with having been struck by a deformed high velocity bullet - possibly whilst in a head down position - which had then entered the left shoulder and from where it was recovered for examination.

We agree that a second bullet had entered her right thigh before exiting at the inner aspect, and possibly whilst standing. A bullet had entered between the knuckles of the left hand then exited at the back of the base of her thumb. We agree that this could represent a third bullet.

And, finally, there are no significant points of differences apparent within our opinion."

[21] In relation to Mrs Connolly two other issues arise. First a DIFS report from Mr Beavis, 2 March 1972, dealing with lead detected on the web of Joan Connolly's hand said that this "indicates exposure to the discharge of a weapon and might indicate that the deceased has fired a weapon although I feel that this is unlikely since the distribution was not entirely consistent with this." Mr Mastaglio also dealt with this issue in his report of 15 January 2019 and said mercury findings on the swabs were inconclusive and no characteristic CDR was found on the swabs and such material as found here might be explained by a non-firearm origin.

[22] Also, a report from a retired emergency surgeon, Mr Rocke, of May 2013 suggested that had Ms Connolly had rapid first aid, there was at least a possibility that she would have survived to get to the Royal Victoria Hospital (“RVH”) for more definitive treatment. Mr Rocke also suggested the thigh and face wounds were consistent with a high velocity bullet and the left shoulder and left hand low velocity.

[23] There were some questions notwithstanding the joint report which established the following. Pathology alone cannot determine where the deceased was or the order of shots. It was more likely that she was shot by three bullets. It was not possible to say if the hand injury was caused by a high velocity bullet or not. Nothing suggested she was shot at close range. Nothing in the pathology evidence suggested she was in possession of a gun when shot. She bled to death and while it was estimated that she would have survived for tens of minutes that might be extended if she was calling out for a period of time after her injuries. It was possible that with prompt medical treatment/blood replacement her outcome of survival could have improved.

[24] The ballistics evidence in relation to Mrs Connolly began with the forensic report from Mr Beavis I have already referred to. Clearly a bullet fragment was recovered. He said: “the bullet is the nose portion of a bullet of calibre 7.62 NATO, and is consistent with having been discharged from a military type rifle.”

[25] Ballistics experts were also engaged for the purpose of this inquest, namely Anne Polland, Jonathan Greer, Mark Mastaglio and Anne Kiernan. A joint note was provided as follows in relation to Mrs Connolly:

- “1. The wounds could have been caused with three or four fired bullets. It’s not possible to definitively determine the exact number.

2. The disruptive wound to the left side of the face may have been caused by a rifle bullet in yaw; a tangential strike or from the bullet fragmentary recovered from the shoulder, provided the latter had sufficient residual kinetic energy. A tangential strike is supported by the fact that there was no penetration or perforation of the skull noted.
3. This bullet fragment recovered from the left shoulder was the nose portion of a 7.62 by 51 millimetre calibre rifle bullet. It was identical to an L2 A2 military ball ammunition issued at that time.
4. The side of the nose of the bullet fragment was heavily scored with deep striations, indicating that it had struck a hard object or objects, possibly a metallic one, and had sheered away at the cannelure.
5. The entire base portion of the bullet was missing. This would have had the result of destabilising the fragmented bullet and of reducing its kinetic energy.
6. The rifling marks present on the fragment were of the same general class in terms of number, direction and dimensions as the rifling used in the L1 A1 SLR, which is a self-loading rifle. However, there are other 7.62 by 51 millimetre calibre rifles that have similar rifling characteristics.
7. FSNI, which is Forensic Science Northern Ireland, research has shown that the only 7.62 by 51

millimetre calibre rifles in use in Northern Ireland at that time with 6 right rifling were the self-loading rifle and the FAL type rifles, used by the British military. FSNI, again, myself and my colleague, Jonathan Greer, would contend that these rifles were also in possession of both republican and loyalist groups at that time.

8. Additionally, we cannot rule out the use of another unknown weapon with the same rifling characteristics.
9. The wounds to the right thigh had the appearance of having been caused by a destabilised rifle bullet, passing downwards and to the left.
10. The entry wound to the back of the left hand had been caused by a stabilised bullet. That is one that had not ricocheted from an intermediate object, and could have been caused by either a rifle or pistol calibre cartridge.
11. One can only assign with certainty the injury to the shoulder with the discharge of a 7.62 by 51 millimetre calibre rifle with L1 A1 SLR rifling characteristics. The injuries to the face, hand and thigh may have been caused by the same rifle, the same type or another type of rifle. Additionally, the injury to the hand may have been caused by pistol calibre ammunition.

12. There was no indication of any propellant or soot on the body, i.e., the face or left hand. This indicates that the shots were not discharged from a very close range.
13. It is not possible to determine if the decedent was stationary or moving when she was shot.
14. One cannot determine from solely the wound ballistics where the decedent was when she was shot, nor from what location she was shot from. Shots entering from two directions indicate that the deceased was shot from two directions, or that she turned between shots.
15. There are many orientations that the decedent could have been in order to receive the injuries to the right thigh, the left side or her face and neck, including standing with possibly the head tilted down, bent forwards, crouched or kneeling down, or lying prone. All depending on the elevation of the shooters.”

[26] Given the evidence given by Mr Greer, a request for clarification was made which resulted in an email from the Centre for Information on Firearms and Explosives (“CIFEX”), Police Service of Northern Ireland (“PSNI”) dated 21 May 2019 which stated that an operative had conducted a search to see if Self Loading Rifle (“SLR”) 7.62 NATO calibre rifles were available to Loyalist or Republican terrorists in August 1971. The result was that searches until the end of 1973 identified 29 recovered firearms with 9 attributed to Loyalists and 20 to Republicans. First recovery was on 13 October 1971. First recovery of a Loyalist attributed

weapon was 1 February 1973. Of the 21 weapons recovered, stolen dates were available for 14, of these 2 were recorded as stolen prior to August 1971. The conclusion was therefore: "I cannot establish when these firearms were acquired by either faction and therefore if they were in their possession in August 1971."

[27] This ballistics evidence in relation to Mrs Connolly will obviously have to be read in the light of all of the evidence and I will return to it in the conclusion section where I will comment further upon points raised in evidence.

Noel Phillips

[28] Two family members came to the witness box to provide a personal testimonial in relation to Mr Phillips. These were his brother and niece. They told me that Mr Phillips was one of eight children, born in 1951. He was a single man who worked as a window cleaner. He was also quiet by nature and was not a drinker. The family explained that Mr Phillips liked to dress well and was interested in sport. I was told that he went out like others for "a nosy" on the evening in question and so he ended up in the wrong place at the wrong time. The family members explained that a blackness descended over this family as a result of this death. After it, the family moved out of Ballymurphy. The family were critical of how they were treated by the military as they said soldiers laughed on the day of the funeral and they had difficulties when attending at Laganbank morgue. The family said their main aim was to have Mr Phillips declared an innocent man.

[29] The post mortem examination of Noel Phillips was carried out by Dr Derek Carson, the Deputy State Pathologist for Northern Ireland on 10 August 1971. Dr Carson concluded that Mr Phillips had been struck by at least three bullets and the bullet which struck the right side of the neck would have caused fairly rapid death as a result of bleeding to the right chest cavity. The cause of death was recorded as right haemothorax due to laceration of the right lung due to gunshot (9mm calibre) wound of neck and trunk.

[30] The post mortem notes injuries to the neck described as a circular hole, 8mm in diameter on the left side, centred 4cm behind and 8cm below the outer opening of the ear. Also, a circular hole, 6mm diameter on the right side, centred 3cm behind and 7cm below the outer opening of the ear. The left upper limb had an irregular hole 22mm x 16mm on the back of the upper arm centred 6cm below and 2½cm to the left of the point of the shoulder. Also, an abrasion, 15mm x 6mm horizontally across the ulnar border of the wrist; a circular hole 8mm diameter on the outer side of the thigh and an oval hole 13mm x 8mm on the inner buttock; and a shallow furrow 3cm long and 5mm wide on the medial part of the buttock.

[31] From the wound on the right side of the neck a track could be demonstrated passing behind the upper part of the rib cage before entering the chest cavity – tracking downwards and forwards 150 degrees to the vertical.

[32] A copper jacketed 9mm bullet was recovered under the skin of the abdomen. Dr Carson concluded that there were three bullets, one of which remained in the body. One entered the neck and passed downwards leaving the body on the back of the left arm/shoulder. A second entered the right side of the neck, passed downwards before ending in the abdominal wall. This bullet caused fairly rapid death in Dr Carson's view. The third bullet grazed the right wrist and passed right to left across the buttocks.

[33] In relation to pathology evidence, reports were obtained from Dr Swift, Professor Crane and Professor Cary. A joint meeting took place on 14 May 2019 and following from that a joint agreed statement was read into evidence by Dr Swift as follows:

“We each agree that Mr Phillips died as a result of a gunshot wound to the neck and trunk. After a possible period of initial consciousness, his condition would have

rapidly deteriorated with death likely ensuing within minutes.

We each agree that the gunshot wounds to either side of the neck did not occur whilst he was standing upright, and potentially instead whilst lying on the ground.

We agree that a third gunshot wound to the outer right thigh may have occurred from a different relative shooting position.

We agree there were no shotgun related wounds to Mr Phillips.

We believe there are no significant points of difference within our opinions.”

[34] There were swabs taken from Mr Phillips’ hands which showed no evidence of lead deposits.

[35] The witnesses agreed that pathology alone could not determine the order of shots or the position of the deceased. In answer to my questions, Dr Swift gave helpful evidence that a normal stable bullet in flight will enter the skin nose-on and produce an entrance wound. If a bullet or projectile has struck something beforehand, it may become deformed, the flight pattern is less stable and a different wound pattern is found. Dr Swift confirmed that due to the amount of energy generated, a high velocity bullet creates more damage internally, leaves a larger exit wound and damages bone before exiting. In relation to close range shots, Dr Swift said that was up to a metre in pathological terms.

[36] The joint ballistic note relating to Mr Phillips stated as follows (I will return to discuss this evidence in the conclusions section):

- “1. Dr Carson describes wounds were caused by three or four bullets.
2. A stable 9mm.P calibre bullet entered the RHS of the neck; this bullet was recovered from the upper stomach wall, the bullet having passed downwards through the body.
3. A stable bullet entered the LHS of the neck and exited the left upper arm, clearly with the bullet having travelled downwards and to the left.
4. A stable bullet entered the outer, upper right thigh, exited the right buttock and passed across the left buttock leaving a shallow laceration across this buttock.
5. A horizontal abrasion was present on the right wrist which was in line with the outer side of the injury to the right thigh; this may have been caused by the same bullet which entered the thigh or possibly the RHS of the neck if the arm was raised or by a different bullet.
6. The bullet recovered from the stomach wall was previously described as a 9mm.P calibre (9 x 19mm) full metal jacketed bullet with 2Z profile which was

rifled 6R. (This bullet is no longer available for examination).

7. 9mm.P bullets with 6R rifling characteristics are common to many handguns and sub-machine guns. 2Z profile is consistent with military ammunition in use at that time.
8. It maybe that this type of ammunition was available to paramilitary groups at the time.
9. One can only assign with certainty the injury to the RHS of the neck with the discharge of a 9mm.P calibre handgun or sub-machine gun with 6R rifling.
10. It is likely due to their position and possible similar trajectories that both bullets entering the left and right sides of the neck were fired in rapid succession, either in semi-automatic or fully automatic mode (pistol and/or sub-machine gun), and that the deceased was stooped, crouched or lying down.
11. There was no evidence to suggest from the wound ballistics that these shots were discharged from very close range. We do not know if the clothing had been examined for close range effects.
12. It is not possible to determine if the deceased was stationary or moving when he was shot.

13. It is not possible to determine solely from the wound ballistics where the deceased was when he was shot or from what location(s) he was shot from.
14. The proximity of the entry holes does not assist in determining the position of the shooter(s). 9mm P calibre bullets fired from close range and/or many tens of metres away as a result of competently aimed shots or two rapid un-aimed shots from much further away could have resulted in the same wound tracks. It is not possible to assess which of these possibilities is more likely than the other.
15. Shots entering from two directions (neck and buttock wounds) indicate that the deceased was shot from two directions or that he or the shooter(s) moved between shots."

Daniel Teggart

[37] I heard evidence from Mr Teggart's daughter, Alice Harper, who told me that he was born in 1926 and had married her mother Belle on 17 January 1946. He was a labourer and he had 10 children. The family lived at 29 Westrock Drive, Belfast but they said that they only had a little over a year in that house before Mr Teggart was killed. He was a rag and bone man. Money was tight but family life was happy. The family spoke about the night in question being bright. They spoke negatively about soldiers in the area who sang "where's your papa gone" when they enquired about him. The family explained the profound effect of this death on Mrs Teggart and the children of the family who were split up into different locations after their father's death. In conclusion, the family said that their good name had been taken and blackened and that they wanted Mr Teggart's name cleared.

[38] A post mortem examination of the body was conducted by Professor Marshall, the State Pathologist for Northern Ireland, on 12 August 1971. There were numerous "penetrating wounds" noted on the body of Mr Teggart as follows:

- (i) A penetrating wound on the top of the right shoulder with a track extending into the right upper arm (where the upper arm bone was fractured) and exiting from a wound on the back of the upper arm at the level of armpit.
- (ii) A penetrating wound on the back of the right shoulder. A track from this wound extended outwards and downwards to an exit wound on the outer side of the right upper arm midway between the shoulder and the elbow.
- (iii) A penetrating wound on the right side of the back below the shoulder blade. A track from the wound extended vertically beneath the skin to a laceration on the back of the chest near the medial border of the shoulder blade.
- (iv) A penetrating wound on the back of the right forearm near the wrist. A track from this wound extended upwards and forwards through the forearm muscles to a ragged laceration of the upper part of the right forearm near the elbow.
- (v) A penetrating wound on the back of the left hip overlying the pelvis. A track from this wound extended downwards and to the right to a ragged laceration on the left buttock.
- (vi) Five penetrating wounds on the front of the left thigh. Within the tracks of these wounds were two deformed pieces of lead.

- (vii) A penetrating wound, 8mm in diameter on the inner side of the right thigh. A track from this wound extended backwards to communicate with a ragged laceration on the back of the thigh below the buttock.
- (viii) Three penetrating wounds to the inner side of the right thigh.”

[39] Professor Marshall said these were not all caused at the same time and that Mr Teggart may have lain in the area subject to crossfire. Professor Marshall concluded that the five penetrating wounds to the front of the left thigh and two to the front of the right thigh could have been caused by fragmented bullets after impact with the ground. The lacerations to the right calf and forearm could have been caused by glancing bullets. Two deformed pieces of lead were recovered from the left thigh.

[40] Similar to the other cases, a joint statement was prepared and read in evidence on 14 May 2019 representing the views of Dr Swift, Professor Crane and Professor Cary. In relation to Mr Teggart, the expert view was:

“We each agree that Mr Teggart died as a result of high velocity gunshot wounds to the trunk and limbs, after a period of initial survival and during which he would have been conscious.

We each agree that the variation in internal wound track directions could be explained by either movement of Mr Teggart or being struck from more than one firing position. It is possible the wounds were received whilst bending/kneeling or lying on the ground.

We agree that the wounds to the left thigh were caused by a fragmented bullet(s) having struck an intermediary object(s).

We believe there are no significant points of difference within our opinions.”

[41] In answer to questions, Dr Swift confirmed that there was no evidence of maltreatment of the body. He explained a lack of precision about the number of bullets because of likely fragmentation. There was no evidence of lead on the body. There was however an issue about .22 ammunition being found in trousers attributed to Mr Teggart by Soldier N. I will assess this in due course.

[42] The ballistics evidence was also given in an agreed note. This I set out as follows:

- “1. Dr Marshall had documented 19 areas of gunshot injuries that tallied with the numbering nomenclature visible on the PM photographs.
2. From the descriptions provided by Dr Marshall and without probes highlighting the wound tracks it is not possible to determine the precise number of bullets that the decedent was struck by.
3. It is likely that he was struck by at least eight bullets possibly eleven.
4. The decedent had been struck by bullets hitting his right shoulder, right side of the back, inner aspect of the right thigh, back of the left hip, the back of the right forearm, right shoulder and hip.

5. Due to the size of some of the presumed entry wounds it is possible that some of the bullets struck the decedent after having ricocheted from intermediary object(s) that destabilised the bullets. Some may simply have struck whilst they were in a state of yaw or have hit the body tangentially.
6. The numerous penetrating missile wounds to the inner thighs had most likely been caused by bullet(s) which had fragmented due to hitting a hard surface(s) prior to causing the injuries.
7. The disruptive injuries to tissue and bones depicted and described, together with large exit wounds, were consistent with rifle calibre ammunition, however it is not possible to totally exclude low-velocity pistol calibre ammunition also having been used.
8. No bullets were recovered it is therefore not possible to assign calibre(s) to the wounds save that they could have been caused by 0.30" nominal calibre bullets (this includes 7.62 x 51mm).
9. There was no indication of any propellant or soot on the body - if this was the case then the shots were not discharged from very close range. We do not know if the clothing had been examined for close range effects.

10. There are many orientations that the decedent could have been in order to receive the injuries. The downwards paths of the bullet or bullets that entered the right shoulder would indicate that he was bent over or lying down, facing the shooter(s), when he was hit by the shot or shots, although this would depend on the elevation of the shooter(s). However, the wound track of the bullet that struck him in the right side of the back was directed upwards which indicated that he changed his position or that he was shot from multiple positions, or a combination of both.
11. The fragmentation injuries to the decedent's thighs were indicative of these limbs being adjacent to the surface(s) from which the bullet(s) had struck and subsequently fragmented from.
12. The decedent has wounds to his left side and inner right thigh, which appear to have been caused by stable bullets, one possibility is that he was upright when struck by these bullets, with his left side exposed to the shooter.
13. The one or two bullets that entered the right shoulder then exited the right arm with a downwards wound track would preclude the arm being raised.

14. The order in which the bullets struck the decedent cannot be determined from solely the wound ballistics.
15. It is not possible to determine from the wound ballistics the location(s) from where the shots were discharged.
16. The decedent was either hit by shots entering from different directions and/or he moved position/orientation whilst being shot.
17. The direction of the implied wound tracks through the decedent was not in keeping with someone standing directly over him and discharging a rifle(s) if the former was lying face down on the ground, however it cannot be ruled out that some shots were discharged with rifle(s) at an angle to the body with shooter displaced to one side with the bullets striking at an angle and/or in yaw."

[43] I will consider all of this evidence in the round and I will comment on this and any other matters that emerged in the evidence that I have found significant when I reach my conclusion.

Joseph Murphy

[44] I heard from Mr Murphy's daughter Janet Donnelly who was accompanied by a niece of the deceased. The family described a happy life. They told me that Mr Murphy worked on bin lorries and then as a rag and bone man. He was described as a character. The family were delighted to obtain a house in

Ballymurphy in 1966/1967 as this was sought-after housing. Ms Donnelly remembered the funeral, standing in a black dress in the garden. Soldiers were singing “where’s your papa gone” she said. The family explained the trauma of this death, particularly for Mr Murphy’s widow who went into shock. The body was exhumed in 2014, which was also very hard, and Mrs Murphy died in 2016 on her husband’s anniversary. The family said that they wanted the truth established that the British Army killed Mr Murphy.

[45] The post mortem was carried out by Dr Press who recorded that this was the body of a middle aged man, of average build and weighing ten and a half stone and 64 inches in height. Rigor mortis was present. Hypostasis of purple colour stained the back. Dr Press also noted purplish discolouration of the skin over most of the lower half and also over the lower back. Dr Press reported on a guillotine amputation of the right leg. He also referred to bruising on the left lower limb and around the scrotum. Having performed microscopy Dr Press reported that the kidneys were partially autolysed and so it was not possible to form an opinion as to their state prior to death.

[46] Dr Press gave the following opinion:

“The man appeared to be healthy.

Death was due to a gunshot wound of the right thigh. This had caused severe haemorrhage and had allowed infection to enter the body. The infection gradually spread despite treatment which included the amputation of most of the right leg and gave rise to septicaemia, infection of the bloodstream. This, together with the haemorrhage, caused degenerative changes in the kidneys resulting in kidney failure. The septicaemia also caused bronchopneumonia, an acute inflammatory condition of

the lungs and air passages. The combined effect of these conditions eventually precipitated his death about thirteen days after he was wounded.

The part of the right leg, bearing the wound, had been removed so it is not possible to give any indication as to the range, velocity or direction of the bullet.

A bruise on the inner side of the left thigh and an abrasion on the left shin may have been sustained at the time he was wounded. They were of trivial nature and played no part in the death.”

[47] A joint meeting took place between Dr Swift and Professor Crane on 14 May 2019 as a result of which agreement was reached as follows:

- “(i) We agree that Mr Murphy received a single high velocity gunshot wound to the right thigh, resulting in fragmentation of the femur (thigh bone) as well as the bullet itself creating a complex exit wound and a bullet fragment later recovered in front of the pelvis.
- (ii) We agree that there was no evidence of further gunshot wounds having been received.
- (iii) We agree that there was no evidence of a strike by a rubber bullet or plastic baton round, and that there was no evidence to support the allegation that Mr Murphy had been beaten or kicked.”

[48] The next of kin of Mr Murphy obtained a report from Dr Damian Fogarty, Consultant Nephrologist and the experts commented upon this following a joint meeting that they had on 16 May 2019. From that they made the following comments:

- “(i) We agree with Dr Fogarty that Mr Murphy developed acute kidney injury (AKI) and that this was a factor in his death. There were a number of reasons as to why renal failure would have developed, including initial blood loss, muscle trauma (as a result of the passage of a high velocity bullet), resulting limb ischaemia (due to blood vessel damage) and the subsequent development of infection. Immobilisation may also play a role.

- (ii) It was noted that there was purple discoloration of the skin over most of the lower abdomen, lower back and buttocks. This was not described by the original pathologist who carried out the post mortem examination. However, he did note that the superficial epithelium of the skin (outer skin layer) was detaching over most of the right half of the abdomen. It is our opinion that these changes may describe the effects of septicaemia and ischaemia.

- (iii) We agree that, had there been bruising on the abdomen as a result of additional injuries sustained on 9 August 1971, this would have shown alteration in the colouration or fading by the time of the post mortem examination.

- (iv) The development of septicaemia and renal failure in this case are entirely explicable by the effects and complications of a single high velocity shot to the leg.”

[49] Dr Swift, in answering questions, was clear that there was no pathology to suggest more than one bullet.

[50] There was contemporaneous evidence from Mr Gurd who admitted him to the RVH on 9 August 1971 at 11:15pm.

[51] The body of Mr Murphy was exhumed in 2015 upon application to the coroner and I received several reports relating to the exhumation. A 7.62 bullet fragment was found as a result of this exhumation.

[52] An agreed ballistics note was filed which contained the following conclusions:

- (a) Only the descriptions of the Pathologist, Dr Press, and the Clinician, Dr Gurd, were available with reference to establishing the wound ballistics.
- (b) Following exhumation/post mortem a bullet fragment was recovered from the groin area of the deceased. This was identified as the base/tail portion of the 0.3” normal calibre boat tailed rifle bullet (this includes 7.62 x 51mm).
- (c) The rifling marks present on the fragment were of the same general class (in number, direction and dimensions) as the rifling used in L1a1 SLR. However, there are other 7.62 x 51mm calibre rifles that have similar rifling characteristics.

- (d) FSNI research has shown that the only known 7.62 x 51mm calibre rifles in use in Northern Ireland at that time with 6R rifling were the SLR and FAI type rifles used by the British military. FSNI (AIP and JG) contend that these rifles were also in the possession of both republican and loyalist groups.
- (e) Additionally, we cannot rule out the use of another unknown weapon with the same rifling characteristics.
- (f) The limited material available to us supports the proposition that the decedent received a single 0.30" normal calibre rifle bullet shot to the upper right thigh.
- (g) We have seen no evidence to suggest the decedent was shot twice in the same area of the thigh.
- (h) It is not possible to determine solely from the wound ballistics where the deceased was when he was shot or from what location he was shot from.
- (i) It is not possible to determine if the deceased was stationery or moving when he was shot.
- (j) There is no evidence to indicate range of fire."

[53] Some oral evidence was required particularly because of the strongly held views of the next of kin as to what happened to Mr Murphy. Ms Polland gave evidence and when questioned she confirmed that there was no evidence to suggest that there was a rubber baton round or bullet fired into the original wound. Also, the next of kin instructed a Mr Doyle as ballistics expert and while he did not attend court, two core points were raised with Ms Polland when she was called to give evidence on 15 May 2019. First, Mr Doyle suggested that the JR2 could not with certainty be said to be a boat tail due to deformation. Ms Polland pointed out that

Mr Doyle had not examined JR2 like the other experts who upon examination concluded it was a boat tail. If a boat tail, it was said in evidence, it will have exited the body. A further point from Mr Doyle was that because of the lack of detail in the wound descriptions there could have been a second bullet. Ms Polland said there was no evidence to support that.

[54] The next of kin also relied on the original examination and the description of hypostasis to support a claim of bruising which was caused by beating. This was not supported by the other reports.

IV. CIVILIAN EVIDENCE

[55] I now turn to the civilian evidence, some of which was read in and some of which was given by witnesses who attended. I will deal with the oral evidence first, given that it was subject to examination.

[56] Two witnesses gave direct evidence of their recall of these events from a position close to the field as they were inside their home at 692 Springfield Road. This is obviously an important location, overlooking the Manse where the deceased were shot. Margaret Elmore and Agnes Keenan were sisters living in that house (with the white gable) and they told me they were looking out over the field that evening and that they witnessed certain events. Neither woman made a statement at the time.

[57] Margaret Elmore said that she thought she made a statement on the Whiterock Road in the 1980s. That could not be found. However she was interviewed by Laura McMahon (there is no transcript of that interview) and more recently made a statement to CSNI of 1 February 2019. She gave evidence on 5 March 2019. She said she was at home on the night in question with her sister and her sister-in-law who had children with her. She said after 8:00pm, when the children were in bed, they were at the back of the house when she became aware of a

crowd of about 10-15 persons gathered outside her gate. She spoke to them about being at Springfield Park trying to help residents. She said a woman she later identified as Mrs Connolly was in the crowd, wearing a coat, holding a stick about a metre and a half long. She said she did not see soldiers. Just as she was about to go in she said she heard a single shot, the gates of the Henry Taggart Hall opened, two armoured cars came out and more repetitive gunfire started which caused people to dive for cover and go into the Manse.

[58] The witness said she saw bullet holes in the side of the house. She went inside and said she went into her mother's bedroom which overlooked the Manse. It was bright she said with no obstructions and just below the window was rubble and two people, a man and a woman, were hunched over with their backs to her. They were behind a bush. She said they didn't have anything in their hands. Mrs Connolly began to get up. The witness said she thumped the window to tell her to stay down and she heard the man say "for God's sake, get down". She didn't see the shot but she saw Mrs Connolly turn and then say "Mr I can't see." The witness said she could clearly see half her head was shot off. Shots came close to the window so she moved away. Other than that, Mrs Elmore told me that a young man about 25 years old came in later asking to stay in the house.

[59] Mrs Elmore when questioned about where the gunfire was coming from said the Army and in particular from the Henry Taggart Hall because "the bullets were thudding into this wall" across the field from the Hall. Mrs Elmore marked an exhibit B2/09 (Film A Photo 19) to show the window from which she observed Mrs Connolly and the area where she spoke to the people earlier. This is at **Annex 2.6**.

[60] Agnes Keenan, Mrs Elmore's sister, also gave evidence to me on 4 April 2019. She had the transcripts of interviews with Frank Martin in 2012 and Laura McMahon in 2009 read to her. She also remembered Joan Connolly because she said she was "agitating" (a word she later changed to "agitated").

[61] She said Mrs Connolly had a stick in her hand and was waving it in the crowd which was really boys and young men. She also said she saw the soldiers came flying down the road and then the crowd dispersed. She was not clear about the start of shooting and she could not say where it came from but she did say she heard “an awful lot of shots hitting the gable wall.”

[62] Mrs Keenan did not see the woman as her sister had. She also remembered a journalist who called out to the house pointing out all of the bullets on the gable, but a record of this could not be found. She said she saw the body being moved by soldiers around 2am.

[63] Both of these women were highly impressive witnesses who were visibly upset when recounting events. I rely on their evidence in some respects in my conclusion for a number of reasons. Primarily, I think they were well placed to see what was happening out of the window. It makes absolute sense that if there were bullet holes on their gable wall the shots were coming from the Henry Taggart Hall. I accept this. I also accept the evidence that Mrs Connolly was part of a crowd, gathered on the streets in some form of protest but that she was not carrying a gun. She may have been carrying a stick at certain times but not a weapon.

[64] Two brothers also gave evidence to me, namely Edward and Martin Butler. They were 11 and 9 years old at the time of events. They made statements to CSNI in 2018 but in 1999 they were also jointly interviewed by Mr Mahon and I was referred to substantial parts of that. Unsurprisingly, there are a number of inconsistencies. There is also an account given to Laura McMahon in 2009. The brothers were clearly in the Manse when events were unfolding because Edward Butler was actually shot himself in the right hip. I asked Edward Butler whether he was doing anything suspicious and he said no, he was out earlier watching the rioting and got caught up in the shooting. The boys were over at the pillars it seemed, started to walk home across the field and about halfway over

shooting started which they both said was from the direction of the Henry Taggart Hall. I heard that Martin Butler had also sustained a graze to his hand. All of this evidence I can accept. Where the evidence became more questionable was in relation to direct observation of events. There are limits to what I can rely on. Specifically, in his oral evidence Edward Butler said that he saw a soldier lift a young man of about 18 or 20 years, from the tree line, carry him to the Saracen, then drop him and shoot him towards the chest one or two times. This was not mentioned in his first account to Mr Mahon in 1999. Also, Martin Butler referred in evidence to seeing a man running in an eastern direction, shot, going up in the air and clasp his left- hand side. This was not mentioned in previous accounts. There is an account from 1999 which comes from the joint interview which refers to shots being fired from a Saracen, through a hatch. That account is too confused when tested through the oral evidence and so I cannot take it as accurate enough. Both brothers overall were trying to be helpful. They were very young at the time, and they clearly witnessed a significant event and one was badly injured. They were in the field clearly and on their evidence they were clearly affected by what they saw but I cannot be sure their recollections are reliable. Other than that, I will assess who shot at them when looking at the overall picture.

[65] I will now deal with other civilian witnesses who were called. First, John Maguire. He provided a statement to CSNI of 30 May 2018. He also provided a verbatim interview in 2009 to Laura McMahon and Paul Mahon and he was interviewed by a Mr Meehan in 2012, the written statement of that I have also considered. Mr Maguire said he was there on the day in question and that he saw some of the events which happened at the Manse. Specifically, he said he was with a group of men who took cover at the pillars in the Manse when shooting started from Henry Taggart Hall. He said he was 37 at the time and lived at Whitecliff Crescent. He was on the street and saw young people throwing bottles on Springfield Road. He turned back from where they were and recalled talking to David Callaghan, Dessie Crone and Daniel Teggart. They took cover he said at the pillars but Daniel Teggart tried to run across the field and was shot. He said this was clearly shooting

from the Hall and Mr Teggart was unarmed. This witness also said he could hear Mrs Connolly saying "I can't see." He said a Saracen came into the field and a soldier got out of the passenger side with a short arm and started shooting. He said he had a red beret on. He started running away after this with another man into a house where there were two women and an elderly man, having gone through a hedge. This witness disputed the narrative put by the Ministry of Defence ("MoD") that the Army were firing back. He also disputed that firing was coming from Springmartin despite referring to this potential when spoken to by Mr Mahon.

[66] When Mr Maguire gave evidence to me he did so as an 84- year- old who appeared frail and it is right to say that he was not entirely clear of his position or the position of others at the pillars or Mrs Connolly. I bear in mind that he did not give a contemporaneous account and so details are bound to vary. What I take from his evidence is this: he was there and he saw Daniel Teggart being shot as he ran out. I accept his evidence on that. I am not convinced I can rely on the account regarding Noel Phillips or Mrs Connolly or the Saracen soldier coming into the field as that evidence was not so clear. I will come back to the overall issue of the direction of fire in the concluding section as this issue requires assessment of all evidence.

[67] Thomas Morgan also did not make a statement at the time. He was interviewed by Paul Mahon and Laura McMahan. He was only 15 years of age when he was caught up with events in the field. He frankly accepted in his interview that he was outside on the streets throwing stones at Henry Taggart Hall with Fra Notarantonio among others. He also said that Loyalists in Springmartin were shooting at the crowd in Springfield Park and towards the Manse field. This account, particularly that given to Laura McMahan in 2009, subsequently changed to include shooting from the Henry Taggart Hall. Two other strands of this evidence are important. First, he said consistently he saw two Army vehicles entering the field, but he did not see any shots being fired from them. Second, he clearly identified an Irish Republican Army ("IRA") gunman in the area from a laneway at

the rear of the McStravicks' house. He was with others and recalls Dessie Crone saying "we are your own" for fear they would be shot by the gunman who was in a firing position with a long arm weapon. He was clearly afraid and was carried out of the field by Dessie Crone and Dan Delaney. He was also with Noel Phillips he said. The witness said he could not say the exact position of shots but that "there was talk of Loyalists." He said none of the deceased had guns and that Daniel Teggart and Noel Phillips were shot when running.

[68] Elizabeth Donnelly provided a statement to CSNI dated 29 May 2018. She had previously provided a statement of 8 December 2012 to solicitors. She gave oral evidence to me and said she was 19 years old at the time, lived at 24 Ballymurphy Road and she was a volunteer with the Order of Malta. It is really from that perspective that I will take her evidence into account in relation to the First Aid provided to Eddie Butler at the McStravicks' house. Mrs Donnelly explained that she treated him, which I accept as he was seriously wounded on his right hip where a bullet had entered and exited. This is not really controversial evidence at all. However, Mrs Donnelly also said that while treating Eddie Butler he was conscious and he repeatedly said "she was crying for help and they shot her in the face," referring to Mrs Connolly. The witness was questioned at length about this and she maintained her position on this. Mrs Donnelly presented very well as a witness and I accept that what she said to me about this was right in broad terms, in other words Eddie Butler was saying something to this effect about the woman in the field getting shot in the face. This ties in with what happened and the injuries sustained by Mrs Connolly.

[69] Mrs Anna Breen gave oral evidence to me. She made a statement to CSNI dated 12 September 2018 and a previous statement on 31 October 1999. Mrs Breen did not give direct evidence about events in the Manse but she did see a number of the deceased in advance. In particular, she was with Mrs Connolly before she was killed as they were going to look for their children, some of whom had been helping Fr Mullan. She said she could see what looked like a riot at Henry Taggart Hall.

Mrs Breen said Mrs Connolly was not carrying anything that day. She recounted a story about a soldier she referred to as “Jim Figgerty”, which was a nickname from a Fig Rolls advert, tapping a rifle at them saying “this is for you and you.” Mrs Breen gave evidence about Mrs Connolly, in general that she welcomed the soldiers when they first came to the area but that changed. She also recounted soldiers taunting the Connolly family after their mother’s death, singing “where’s your mother gone” in tune to a song popular at the time. There was, in my view, an air of authenticity to this part of the evidence. I also accept Mrs Breen’s evidence that she was out with Mrs Connolly on the day in question looking for children but there was not much more Mrs Breen could add after that about the events immediately preceding Mrs Connolly’s death and the aftermath.

[70] Ann Callaghan provided a statement to CSNI dated 23 May 2018. She also made a short statement dated 5 November 2010 which referred to events. Ann Callaghan gave evidence to me. She was 18 years old at the time and lived at 637 Springfield Road. On the evening in question she said she was at her bedroom window with her 12- year- old sister, Theresa, and she saw four soldiers come out of the barracks shooting and that they went to the pillars at the entrance to the field where two men were taking shelter. Ms Callaghan said the soldiers pulled the men out into the road and shot the man “like a figure eight” and the other man was also shot on the ground. This evidence was tested during oral testimony to the point where a clear account did not emerge and so it would be unsafe to rely on this testimony.

[71] Robert Russell provided a statement to CSNI of 22 May 2018. He also made a statement of 8 December 2012 and he was interviewed by Laura McMahon in 2009 and Mr Mahon in 1999. Mr Russell also gave oral evidence about this incident, as he did about other incidents. This witness was aged 13 at the time of events and his evidence is that he viewed events from the window of his family home at 37 Springhill Crescent. In particular, Mr Russell said in his evidence that he saw Joseph Murphy being shot. His brother Gerard was shot but survived, however he

has not been able to give evidence at this inquest due to illness, specifically including Alzheimer's disease. I have however been able to consider the depositions of Gerard Russell, which I will come to.

[72] As regards Robert Russell, he did not give any contemporaneous accounts however he underwent various interviews from 1999 which discussed his recall of events in the Manse. That broke down into one incident near a 'stump' of trees and one near the pillars. As this evidence progressed and was subject to examination, a number of problems arose because of inconsistencies in accounts and also a conflict with the evidence of Gerard Russell. Mr Robert Russell has changed his account of what happened in some material respects. As regards the first incident at the stump near trees Mr Russell told Mr Mahon in 1999, in the first recorded account, that he saw two people being shot by two soldiers from four feet away, the soldiers having come into the Manse. In the 2012 statement he said it was one person shot by one soldier. That was the version given in evidence. In the Mahon account he said 30 rounds were fired, but that changed to 6 or 7 rounds in evidence. In evidence he suggested that he did not see the soldier until shooting began, contrary to previous accounts. Mr Russell also thought the person was Mr Murphy, however the other evidence refers to Mr Murphy being shot at the pillars not at this different place. Overall, I cannot rely on such varying testimony of such a significant event. As regards events at the pillars Mr Russell referred to seeing his brother shot there by soldiers.

[73] Again, the varying accounts are problematic. To Mr Mahon, Mr Russell referred to soldiers shooting at his brother at the pillar and someone else. In evidence, it was one soldier who was only shooting at his brother. Mr Russell told Mr Mahon there were 1,200-1,500 people rioting at the Henry Taggart Hall between 5.30am-6.30am, but in evidence he accepted that assessment was unreliable along with the sequencing he explained to Mr Mahon. So I have a difficulty accepting the detail of this account. I do accept that Gerald was shot and that Mr Russell either

saw something or heard about this. However, as I have said he cannot be relied on for details.

[74] Mr Russell did say a member of the Official IRA used a Thompson submachine gun to attack the Henry Taggart Hall in the afternoon. Again, I cannot be sure this is right given the inconsistencies in Mr Russell's account. I accept his general statements, which have a ring of authenticity, that there was rioting during the day and speculation that the Provisional IRA were going to respond towards the Henry Taggart and that there were rumours about Republican shooting towards Springmartin.

[75] Evidence was read and admitted under Rule 17 in relation to Gerard Russell due to his unavailability/illness. It seems clear that he was shot on the night in question. However, there is a question mark as to the location of this. In particular, his brother Robert clearly said that it was at the pillars in the Manse but another civilian witness, Margaret Mervyn (nee McStravick), said in her evidence to me that Gerard Russell was shot outside her family home in Springhill Crescent.

[76] Gerard Russell gave a contemporaneous account of events in a series of depositions in 1971. This is, of course, significant as this is a civilian account from the time. In that, Mr Russell said he and another man were hit by fire from the Springmartin estate and he was struck on the right hip and through the buttocks. He doubted it was the Army. This account remained intact until 2009 when Gerard Russell made a statement to the Historical Enquires Team ("HET") in which he maintained his 1971 account was not correct. In that subsequent account he changed his position to say that a six-wheeled military vehicle drove into the field, the rear doors opened and two soldiers who saw him opened fire once they got out. Mr Russell did not explain why the first account was wrong.

[77] There is a further unusual statement taken in June 2019 with the assistance of a carer Ms Evans. I have obviously to treat this with great caution given that it was

compiled by lip reading, gestures and put together by the carer from a number of stories over the years. It is not evidence which I can safely rely on. The issue is rather whether the 1971 or 2009 account of Mr Russell's shooting is likely to be correct. In my view the 1971 account is to be preferred for a number of reasons not least that it was at the time, also there was no suggestion it was improperly obtained and also the later account does not accord with other civilian evidence.

[78] Brieger Voyle is the daughter of Joan Connolly. She provided a statement to CSNI of 11 October 2018 and she also referenced an interview with Mr Frank Martin in 2012. Ms Voyle confirmed some evidence given by Anne Breen that Mrs Connolly was friendly with the Army when they first arrived. She also confirmed that on the day in question she went with her friend Linda Breen to Corpus Christi Church where they were helping Fr Mullan. She referred to a riot situation in Springfield Park and general chaos in the area. She said her mother was out looking for her children but did not come home and that, in a similar vein to Mrs Breen, the Army had issued some threats towards her mother.

[79] Margaret Mervyn also gave evidence to me. She was Margaret McStravick at the time. She provided a statement to CSNI of 27 February 2019 and she had previously been interviewed by Paul Mahon. Her father, Sean McStravick, gave a contemporaneous account. In her accounts she referred to the shooting of Gerard Russell, who she said was standing with her and was shot in the backside from either Corry's Yard or the yellow cottages at Springfield Road. In her statement Mrs Mervyn also recalled Eddie Butler being helped out of the field and being brought to her house.

[80] Francis Notarantonio also attended to give oral evidence to this inquest although he had declined to make a formal statement. He had previously been interviewed by Mr Mahon. He was 14 at the time of events and he was friends with Mr Morgan and Mr Phillips who was in the Manse field with him. I have to say at the outset that Mr Notarantonio presented as a rather reluctant witness. He placed

his recall of shots around 8:50pm when he was with the others outside the gates of the Manse. He ran into the Manse after this. The description of the shooting given in evidence was from Springmartin. He said he lost contact with Mr Morgan but he was with Noel Phillips, who he said was shot in the back.

[81] Mr Notarantonio reluctantly accepted in evidence that his father and brother were IRA volunteers and he was interned. He also encountered the Butlers in the field and he saw a woman, who he now knew was Mrs Connolly, who said she could not see. He said he saw a Saracen come in and soldiers shoot at people at the pillars. In evidence Mr Notarantonio said of the people he could just hear voices and see silhouettes. This part of the evidence differed from others in the Manse. Overall, this evidence was very hard to follow, and as I have said, Mr Notarantonio presented as so reluctant that I have difficulties placing much weight on this. I accept he was in the field with Mr Morgan but I think his recollection of all events over the three hours he said he spent in the field is very unclear.

[82] Oral evidence was also given by the following, which although not directly by way of witnessing events also has some relevance and which I summarise as follows.

[83] Elizabeth Adams is the daughter of Davy Callaghan. She said she spoke to Joan Connolly at Divismore Park, who was looking for her children. The witness also gave evidence that her father had been abused in Henry Taggart Hall.

[84] Michael O'Hara was primarily an Incident 1 witness, but he also gave evidence of meeting his aunt, Joan Connolly, near Springfield Park and that he had an encounter with 2 Para soldiers on 10 August 1971 boasting about shooting Joan Connolly.

[85] Michael Doherty was primarily an Incident 1 witness, but he also gave evidence of meeting his aunt, Joan Connolly, at the entrance to Moyard Park at approximately 7:00pm on 9 August 1971. He told me that she was agitated because

she could not find her girls, Briega and Joan. Mr Doherty told his aunt that he would look for the girls and that she should go home. He, along with his cousin Michael O'Hara, escorted her part of the way back down Springfield Park. About this time he said that shooting started from everywhere and he was caught in crossfire from the back of the Henry Taggart Hall and from Saracens above Springmartin Road. He described the gunfire as "very heavy from both directions."

[86] Francis Corr was primarily an Incident 1 witness, but he gave evidence about meeting Joan Connolly looking for her children. During evidence he marked Exhibit B2/01 with that location.

[87] In addition to the oral evidence of civilians who came forward to assist me, I heard written, recorded evidence from some. It is important to note that I excused some of these witnesses due to illness; some are also deceased. The statements range from those made at the time to those taken after the event. I have found the following of some evidential value. I am particularly interested in contemporaneous accounts of those who were in the Manse.

[88] Daniel Callaghan is one whose statement I place some reliance on. On 20 August 1971 he made a complaint against the Army, specifically "2nd parachute." The record of this states that he said he had been going to a wake on 9 August 1971 when he was caught up in disturbances and took refuge behind a pillar. Within minutes of positioning himself there he said shooting started "from two sides." He names two men, Mr Murphy and Mr Teggart, as being killed and he said others were wounded. He said at 9:30pm he was picked up after a Saracen came down the Springfield Road. He was picked up in this and brought to Henry Taggart Hall where he said he was trailed along the ground, kicked and struck by rifle butts - he said he was injured as follows: "ribs bruised, can't go to toilet properly, 7 stitches on head, 5 stitches back of ear, bruises" and his glasses were broken.

[89] Desmond Crone also provided a statement at the time which was admitted. He provided a deposition to the original inquest as he identified Joseph Murphy's body. He was with Mr Murphy in the Manse when he was shot and he recalls Joan Connolly and Daniel Teggart in that location. He said in that that he was out with Mr Murphy looking for his son Raymond. He was at the pillars of the Manse talking to Joan Connolly and Daniel Teggart around 8:45pm. He said at no time did anyone in the field behind him fire but "all of a sudden the army at the Taggart Hall opened fire on us." He said Daniel Teggart ran with Daniel Breen towards the river at the back of Divismore Park and Mr Teggart said he had been hit, but because of firing he could not get to him. He said Joan Connolly ran towards the gable at the Springhill houses and shouted "I'm hit in the eye." Her body lay in the field for over an hour until collected by a Saracen which contained the soldiers who placed the bodies in the back "like animals" and one allegedly shouted "kill the bastards."

[90] In addition, other statements were read which corroborate events as follows:

[91] Philomena O'Hara was the cousin of Margaret Elmore and Agnes Keenan who gave evidence. Her statement says she was with them in 629 Springfield Road and that she heard what happened to Joan Connolly and heard bodies being recovered later.

[92] Theresa Callaghan was the sister of Anne Callaghan who gave evidence. She saw soldiers come out of Henry Taggart Hall, shooting into the Manse. Also, according to her statement one pulled two men out onto ground and shot them.

[93] Sarah (Sheila) McCalliskey's account refers to Joan Connolly who she said told her a Para had threatened her a few nights before internment.

[94] Margaret Goodman was Joan Connolly's niece. She recalled meeting a lady who lived on Springfield Road who said she saw Joan Connolly lying in the field calling for help.

[95] Alice Harper was Daniel Teggart's daughter. She identified him at the morgue. She also recalled her mother giving evidence at original inquest and soldiers sniggering.

[96] Malachy McAnespie recounted that in 1971/1972 he saw maps in Springfield Road Barracks with all Ballymurphy residents' names noted on it.

[97] Margaret (Peggy) Burns was a first aider in St Thomas' School on 9 August 1971. She said Joan Connolly's husband came there looking for her. She recalled neighbours talking about Joan Connolly getting a warning from soldiers on 9 August 1971.

[98] Paul Connolly is Joan Connolly's son. His statement provided evidence about family circumstances, rioting on 9 August 1971 and his mother going out to look for her children. He said he saw one man with a pistol on 09.08.71 walking up Ballymurphy Road.

[99] Mary Murphy was Joseph Murphy's wife. She said that he told her about ill-treatment in Henry Taggart Hall after he was shot. She said he talked about ill-treatment by Paras for 3 years after husband's death.

[100] William Ward said that he was with Joseph Murphy, David Callaghan and Daniel Teggart at Manse. He said soldiers came out of Henry Taggart Hall on foot and started shooting. He was shot.

[101] Denis Connolly was Joan Connolly's husband. He made an original inquest deposition in which he said he identified the body of Mrs Connolly.

[102] Robert Phillips was the brother of Noel Phillips. He made an original inquest deposition in which he identified the body of Mr Phillips.

[103] Gerald Teggart was the brother of Daniel Teggart. He made an original inquest deposition. He said he was with him at Springfield Park/Moyard Park when shots were fired and that Daniel Teggart ran towards Springfield Road.

[104] Civilian evidence confirmed that none of the deceased were gunmen/women. I bear in mind that these witnesses may be family members or part of the community. Someone who is independent of that is Stephen Pittam, an Englishman who was living and working in the Ballymurphy area at the time as a student volunteer. He gave his perspective that when the Parachute Regiment came into the area, shortly before these events everything changed. He said there was a real gun battle going on. He said that he was targeted and questioned and beaten by the Army on 10 August himself. He also said he remembered one conversation with a paratrooper who said that in Aden “we knew who the enemy were – here we don’t really know who the enemy are, so we treat everyone as the enemy.”

V. *MILITARY EVIDENCE*

(i) *Military logs/evidence of log keeper M 226*

[105] I now turn to the military evidence in relation to this incident. First, the military logs are of importance in recording events at the time. The full watch keeper’s logs for 2 Para HQ have been provided for 9 and 10 August contained in 21 pages of records. The 2 Para HQ log is a Battalion log and so it contains information from all companies and is wider than Ballymurphy. Incident 2 involves the 2 Para B Company area (V2) and 2 Para Support Company (V5), although the latter is more relevant to Incident 1. M226 provided a helpful statement of 8 March 2019 in which he explained and interpreted the logs. He also gave evidence about these records. I refer to this evidence as follows with words in italics representing M226’s explanations.

**“9 August 1971 2 Para HQ Watchkeeper’s Log and
9 August 39 Airportable Brigade Log**

*“TAC”, which receives the messages, is 2 Para Battalion HQ
(at the material time that was the Operations Room in
Springfield Road RUC Station)*

Sheet 1

04.35 Serial 3

V2 (2 Para B Company) reporting 'Action has started in
Ballymurphy'

*(I interpret this to be a reference arising from the
commencement of Operation Demetrius.)*

- 2 Para HQ informed 39 Brigade

05.02 Serial 6

V2 (2 Para B Company) reporting 'small crowd outside our
location at main gate, stoning vehicles and soldiers as
they go past. Crowd about 100, mainly women'.

- 2 Para HQ informed 39 Brigade

05.16 Serial 7

V2 (2 Para B Company) reporting that the 'Crowd has now
moved down Divismore Park and are regrouping outside
Adams home.'

- 2 Para HQ informed 39 Brigade

05.25 Serial 9

V2 (2 Para B Company) reporting that 'Crowd building barricade at Springhill'

- 2 Para HQ records V5 (2 Para Support Company) keeping an eye on the situation

05.35 Serial 11

V2 (2 Para B Company) reporting 'Quite a crowd building up on interface, 1 baton round fired, would like help from V5 (2 Para Support Company)'

- 2 Para HQ informed 39 Brigade

05.40 Serial 12

SPCoy (2 Para Support Company) reporting 'Springhill Ave blocked by crowd of 100 stoning military movement in Sp (Springhill or Support Company TAOR) but giving crowd chance to de-escalate.'

- 2 Para HQ informed 39 Brigade

05.45 Serial 13

V2 (2 Para B Company) report 'Crowd in front of Henry Taggart about 200 strong. We are being heavily stoned and they are making a lot of noise, 4 petrol bombs thrown.'

- 2 Para HQ informed 39 Brigade

Sheet 2

06.19 Serial 18

V5 (2 Para Support Company) report 'Nail bomb thrown at C/S V56 no casualties. This C/S is at interface.'

(The corresponding Serial 50 at 06.20 on the 39 Airportable Brigade Log for 9 August 1971 suggests this was at the Springmartin interface.)

06.32 Serial 22

V2 (2 Para B Company) reporting 'Crowd of 200 plus outside Henry Taggart. 14 petrol bombs thrown at location. 5 baton rounds fired at crowd. 2 sub units of V5 (2 Para Support Company) deployed into crowd. Crowd dispersed slightly.'

- 2 Para HQ informed 39 Brigade

06.38 Serial 24

B3 (1 Para C Company) reporting 'One sub unit of this Loc has fired 1 baton round at crowd outside Henry Taggart and a further one at crowd at junc (*junction*) of Andersonstown - Finaghy Rds.'

06.44 Serial 26 (and 06.58 Serial 28 and 07.00 Serial 29)

V5 (2 Para Support Company) reports *fatal injury (of what turns out to be a security guard) at Mackies factory, following a bomb. Mackies has a serious fire as a result.*

- 2 Para HQ informed 39 Brigade

Sheet 4

09.19 Serial 64

RUC report to 2 Para HQ that 'Crowd from Moyard trying to get into Finlay Factory'

- 2 Para HQ asks V2 (2 Para B Company) to attempt to get round to take care of this.

09.40 Serial 68

V2 (2 Para B Company) reports that the 'sentry on Henry Taggart has been fired at, approx. 30 rounds of automatic fire. Shots came from flats in Moyard Park. No casualties.'

- 2 Para HQ informed 39 Brigade

(Serial 124 of the 39 Airportable Brigade Log at 10.16 contains a record of a telephone call from a Mrs Shaw in Springfield Park requesting military presence because a crowd from Springmartin attacked flats that morning. It is recorded that Brigade informed 2 Para. Sheet 5 of the 2 Para HQ log sets out what 2 Para were dealing with at that point in time; barricades, petrol bombs, fires, shootings. I cannot tell from the logs if a military presence was sent at that time.)

10.45 Serial 75

V2 (2 Para B Company) reports 'Six petrol bombs being thrown from flats to NE of position.'

- 2 Para HQ informed 39 Brigade

(Serial 179 of the 39 Airportable Brigade Log contains a Sitrep [Situation Report] from 2 Para as at 12.05 on 9 August 1971

recording a summary of what appears to be the more serious incidents that have occurred in the 2 Para TAOR by that point.)

Sheet 6

12.13 Serial 94

BCoy (2 Para B Company) report 'Continued petrol bombing of Henry Taggart.'

(Serial 185 of the 39 Airportable Brigade Log contains the request for permission to use water cannon, and its approval by the Chief of Staff.)

12.57 Serial 106

B (2 Para B Company) report 'Neptune' (water cannon) arrives at B Coy location

(See Serial 86 where it had been being previously escorted to Paisley Park)

Sheet 7

15.42 Serial 121 (and 15.42 Serial 124 from Sp (2 Para Support Company))

Queens *(it is not clear from the entry which battalion of Queens)* report '2 gunmen on roof of Corries wood yard'

Sheet 8

16.50 Serial 139

HQ Brief Sitrep (Situation Report) to companies of 2 Para
B (2 Para B Company) records 'crowd 100 HT (Henry
Taggart), Neptune Store VF
81 petrol bombs (recorded being thrown)
41 rubber bullets (fired by 2 Para B Company)
1 x 7.62 bullet (fired by 2 Para B Company)
35 CS (canisters fired by 2 Para B Company)
Cas Nil (no casualties)'

18.00 Serial 149

(Companies providing Situation report to 2 Para HQ)

B (2 Para B Company)

- Stoning continued Springfield Road
- Barriers 70m SSW of HT (Henry Taggart)
- Barrier 120m further on

Sp (2 Para Support Company) area quiet

*(Serial 268 and 269 of the 39 Airtransportable Brigade Log contains
situation reports from 2 Para at 17.55 and 18.01 on 9 August
1971)*

18.45 Serial 154

'B (2 Para B Company) reports 'Ballymurphy - evening
crowd.'

Intensive stoning - HT (Henry Taggart) Intermittent
stoning - VF (Vere Foster) mostly by kids

Appear to have run out of petrol.

(Serials 282 and 283 of the 39 Airportable Brigade Log of 18.45 and 18.35 on 9 August 1971 may contain some additional information about crowd build ups and some shooting that do not appear on the 2 Para HQ log)

Sheet 9

19.05 Serial 155

HQ communication to what appears to be the Majors of 2 Para B Company (V29), 2 Para Support Company (V59) and Queens (Y29)

CO arranges armd column to relieve B Coy – codename MAFEKING

(Serial 293 of 39 Airportable Brigade Log of 19.15 refers to 2 Para's request to Queens to deal with gunmen in Turf Lodge as 2 Para suspected an attack on Henry Taggart Hall would take place soon)

19.25 Serial 156

B (2 Para B Company) reports '4 shots from Divismore Park aimed at HT – No hits/cas' (*casualties*)

- 2 Para HQ informed 39 Brigade

20.30 Serial 161

B (2 Para B Company) reports 'Approx 150 have come along Springfield Rd to interface to intercept Prots

(Protestants) who had crossed Peaceline. Crowd broken up by Neptune (*water cannon*) and gas.'

20.31 Serial 162

RUC inform 2 Para HQ that "RCs (Roman Catholics) infiltrated into Springmartin area. Armed men also seen."

20.45 Serial 165

Sp Coy (2 Para Support Company) report 'Civy (civilian) in Sp Coy Loc wounded by sniper. Ferrets sent to sort out. Sniper's loc at top of Springmartin/Ballygomartin.'

(See also Serial 166 at 20.45 which appears to be a contemporaneous report from 2 Para B Company, potentially about the same incident.)

(See also Serial 318 of 39 Airportable Brigade Log at 20.45, which refers to "Cat (Catholic) sniper has hit Prot – taken to Paisley Park.)

20.45 Serial 166

B Coy (2 Para B Company) reports 'Shots. Ballygomartin area at junction Springmartin.'

20.47 Serial 167

Queens report 'Shot prod (Protestant) in Ballygomartin'

(I interpret this report to mean that soldiers from Queens have become aware of a Protestant being shot, not that soldiers from Queens shot the individual. It may be the result of the shooting heard and referred to in Serial 165 and 166.)

(Serial 320 of 39 Airportable Brigade Log at 20.48 refers to information received from a Father Murphy that he has just heard that there is a confrontation between Prots and Cats of 200 on each side in Springmartin.)

20.55 Serial 170

B Coy (2 Para B Company) reports 'Firing at Henry Taggart – at least one man hit.'

(I interpret this report as informing HQ that firing at Henry Taggart has resulted in at least one individual, who is not a soldier, being shot.)

21.00 Serial 172

B Boy (2 Para Company) reports 'Second man shot at Henry Taggart.'

(I interpret this second report, which is 5 minutes after the previous report as far as the log is concerned, as informing HQ that shooting from Henry Taggart has resulted in a second individual, who is also not a soldier, being shot.)

(Serials 324 and 325 of the 39 Airportable Brigade Log, both at 21.02, record that 2 Para inform Brigade that two men have been shot at Henry Taggart, and they are trying to recover the

bodies, and then 3 bodies, with an indication that they are not sure about the number.)

(Serials 326 of the 39 Airportable Brigade Log records 2 Para informing Brigade of 1 Cat (Catholic) and rifle at Springmartin Rd captured and 5 civilians killed.)

21.04 Serial 173

Sp Coy (2 Para B Company) reports 'Man caught with rifle in Ballygomartin - he came from Ballymurphy - there has been a lot of shooting in this area.'

21.05 Serial 174

Sp Coy (2 Para B Company) reports '5 possible kills at Ballymurphy.'

(I interpret this third report, which is 5 minutes after the previous report as far as the log is concerned, as informing HQ that shooting from Henry Taggart has resulted in the possibility that five individuals, who are not soldiers, have been killed.)

21.07 Serial 175

B Coy (2 Para B Company) reports 'Firing on position from Moyard flats. Heavy automatic fire.'

- 2 Para HQ informed 39 Brigade

(I interpret this record as indicating that 2 Para B Company positions are taking fire from gunmen using automatic weapons who are based in Moyard flats. There had been firing from Moyard flats with automatic weapons at 09.40, see Serial 68; it is not possible for me to tell from the log whether this firing was coming from the exact same location.)

Sheet 10

21.08 Serial 176

B Coy (2 Para B Company) reports 'Ref shot locals - prob 4 wounded 1 woman dead.'

(I interpret this serial, which is 3 minutes after serial 174 that reported "5 possible kills", as indicating that, of the 5 individuals believed to have been shot, 4 of them are wounded, and the 5th, a woman, is known to be dead.)

21.10 Serial 178

Queens *(it is not clear from the entry which battalion of Queens)* reports 'From flat to NE of Henry Taggart heavy firing at HT.'

(Serial 329 of the 39 Airportable Brigade Log at 21.20 records 2 Para informing Brigade of heavy automatic fire from Moyard flats.)

21.12 Serial 179

Sp Coy (2 Para Support Company) report 'Heavy shooting in Dunboyne Park. No of cas (casualties) not known.'

21.16 Serial 181

B Coy (2 Para B Company) reports 'Windows in flats determined as sniper location. Fire returned, probably one man wounded.'

21.20 Serial 182

Sp (2 Para Support Company) reports 'Hy (heavy) firing in Moyard by my sub-unit and Queens Coy in fire posn (positions) on Springmartin.'

21.22 Serial 183

B (2 Para B Company) reports 'Shooting seems to be dying out slightly.'

21.23 Serial 184

B (2 Para B Company) reports '1 woman still dead in Divismore Park - 5 bodies in HT (Henry Taggart) 1 probably dying.'

(Serial 335 of the 29 Airportable Brigade Log at 21.25 records as a call from an individual who had heard a report that there were armed Protestants moving down from Springmartin towards Ballymurphy. Brigade informed him that troops were deployed looking after the confrontation.)

21.30 Serial 186

B (2 Para B Company) requests 'resup (resupply) of 7.62.'
(I interpret this entry as 2 Para B company seeking a resupply of SLR rifle ammunition.)

21.35 Serial 187

SP (2 Para Support Company) reports 'At least one more wounded civilian in Moyard has been taken into the flats by civilians.'

(I interpret this entry as potentially implying that there has been a previous instance of a wounded civilian being taken into the Moyard flats, in addition to the subject entry, but I cannot see an earlier report of that on the log.)

21.35 Serial 188

(This appears to have been erroneously recorded or typed as 21.25, and should, I consider, be read as 21.35 when one considers the Serials from 185 to 194.)

SP (2 Para Support Company) reports 'Hy (heavy) firing against V71 (A Coy) in Dunboyne Park.'

21.36 Serial 189

(This appears to have been erroneously recorded or typed as 21.26, and should, I consider, be read as 21.36 when one considers the Serials from 185 to 194.)

SP (2 Para Support Company) reports 'Missing man of Queens still missing. Am moving towards Springhill Avenue to see whether he has been shot.'

21.38 Serials 190 and 191

(This appears to have been erroneously recorded or typed as 21.28, and should, I consider, be read as 21.38 when one considers the Serials from 185 to 194.)

(I would also tend to read the two serials as one, as they appear to be one Situation Report received from 2 Para B Company.)

B (2 Para B Company) provides a Sitrep (Situation Report) to HQ.

Sitrep: a. 1 Sangar at VF under fire from New Barnsley
b. Also firing from bank on far side of rd and Moyard flats. The high velocity weapon probably from Adams' house or 2 men in front.

Injuries: 1 woman with face blown off
1 back, 2 chest, 2 legs
The wounded man has died

21.38 Serial 192

(There is no time associated with this Serial; I consider it is likely to have been in response to the SitRep information from 2 Para B Company, and therefore to be in and around the same time as 2 Para B Company provided the SitRep.)

HQ informs 2 Para B Company "Difficult to get ambulance up as recently shot up in Falls."

(Serial 340 of the 39 Airportable Brigade Log at 21.40 records 2 Para informing Brigade of a vicious battle in the area of Henry Taggart, Cats (Catholics) attacked, firing shots, throwing stones etc. Cats (Catholics) also attacking prots (Protestants) in Springmartin. 2 Para retaliated, large number of shots fired. At least 6 people have been hit. 1 has been recovered, there may be a dead woman in the road. 1 man (cat) (Catholic) has been lifted carrying a rifle in Springmartin area.)

21.45 Serial 193

B (2 Para B Company) informs HQ '1 of the wounded will die unless moved quickly.'

21.48 Serial 194

Queens (it is not clear from the entry which battalion of Queens) reports '200 in Highfield estate breaking up houses and causing other damage.'

Sheet 11

21.50 Serial 195

B (2 Para B Company) reports 'Probably two people killed in Moyard flats judging by screaming and wailing within.'

21.55 Serial 196

SP (2 Para Support Company) reports 'Phone call from Corries Timber yard. Under fire from Springhill 2 soldiers in here but pinned down.'

21.56 Serial 197

SP (2 Para Support Company) reports 'Still sniper in Moyard but Springmartin area is quiet.'

21.58 Serial 198

SP (2 Para Support Company) reports '1 fairly certain kill and 3 wounded at HT as seen from Springfield Road.'

22.00 Serial 199

(This appears to have been erroneously recorded or typed as 22.00, and should, I consider, be read as 21.00 when one considers the Serials from 197 to 203 NB: erroneously said 21.00.)

B Coy (2 Para B Company) informs HQ 'Have made an announcement concerning ambulances – since then only one shot has been made.'

22.07 Serial 200

(This appears to have been erroneously recorded or typed as 21.07, and should, I consider, be read as 22.07 when one considers the Serials from 197 to 203.)

B Coy (2 Para B Company) reports 'Require plasma for Starlight.'

(I interpret "Starlight" as a reference to the medic with 2 Para B Company.)

22.08 Serial 201

B Coy (2 Para B Company) reports 'Ambulance report passing Queens 15 mins ago has still not arrived.'

22.10 Serial 202

Queens *(it is not clear from the entry which battalion of Queens)* reports 'Ambulance moving to HT now.'

22.15 Serial 204

RUC report to 2 Para HQ that 'mbush of crowd Army have captured one gunman and shot another in Springmartin.'

(See also Serial 371 of the 39 Airportable Brigade Log at 22.15 which appears out of sequence.)

(Serial 361 of the 39 Airportable Brigade Log at 22.15 records a radio announcement from what appears to be Radio Falls that has been passed to Brigade. It may be the subject announcement was made at 20.30 that evening. The public announcement is recorded as referring to rioting and shooting in Ballymurphy and a claim that Brit Army thugs were beating up the people of Ballymurphy. Brigade informed 2 Para and 3 Queens.)

22.25 Serial 206

SP Coy (2 Para Support Company) reports 'Ref Amb (ambulance). They still refuse to go down. Previously agreed to go down with Pig escort. RMO (Regimental Medical Officer) has gone up to escort.'

22.27 Serial 207

SP Coy (2 Para Support Company) reports 'Amb still refuses to go in, a Pig from my c/s going to help.'

22.30 Serial 208

SP Coy (2 Para Support Company) reports 'Man has now died.'

22.40 Serial 209

V5 (2 Para Support Company) reports 'Confirmed that during interface shooting J Vaughan aged 16 was shot in back. He was evacuated.'

(This may refer to the shooting recorded at 20.45 and referred to in Serials 165, 166 and 167 above; also Serial 364 of 39 Airportable Brigade Log at 22.30 and Serial 373 at 22.46.)

22.41 Serial 210

V2 (2 Para B Company) report 'We have been fired at three times from area of Moyard Park.'

22.42 Serial 211

Y2 (Queens) report 'We have fired 12 x 7.62, 2 x 9mm, 2 x baton rounds.'

(I interpret this as the relevant Queens unit confirming how many shots they have fired, and from which type of weapon.)

22.44 Serial 212

V2 (2 Para B Company) reports 'soldier hit in right upper arm. Does not need RMO.'

(See also Serial 366 of the 39 Airportable Brigade Log at 22.45)

22.53 Serial 213

Civilian call to 2 Para HQ records 'A Mr Napier states Father Mullan is being (possibly should be 'lying') in a field behind Moyard Parade. He is dead.'

(This appears to be the first reference in the logs at 22.53, that a priest was killed.)

(See also Serial 368 of the 39 Airportable Brigade Log at 22.55)

(Serial 370 of the 39 Airportable Brigade Log at 23.01 records what appears to be 14 matters in the hands of RMP; some of the individuals appear to be relevant.)

(Serial 382 of the 39 Airportable Brigade Log at 23.05 refers to firing from Moyard from 2 points, 1 high velocity weapon used, 3 rounds returned.)

23.16 Serial 216

B3 (1 Para C Company) report 'An amb (ambulance) has arrived at RVH (Royal Victoria Hospital) with a victim of shooting in Ballymurphy.'

(It is not clear from the log who this victim is, though I note that Serial 209 referred to a 16 year old boy, who had been shot in the back, being evacuated.)

Sheet 12

(NB: someone either in recording or typing, appears to have made a mistake with the serial numbering on the final page of the log for 9 Aug 1971. It should have commenced at Serial 218 (following on from the end of page 11), instead it commences at Serial 195 (which is erroneously following on from the end of page 10.)

(Serial 394 of the 39 Airportable Brigade Log at 23.20 refers to a conversation had, or to be had with Father Murphy with instruction to say that Father Mullan may not be dead only wounded. He left his home at 45 Springfield Park to tend to a wounded man in a field above Moyard Parade by a Printing Works. He needs first aid. 2 Para checking.)

23.25 Serial 196 (*this should be 219*)

RUC report to 2 Para HQ that 'Father Mullan has been taken to RVH.'

(When you look at page 8 of the 2 Para Operations report of 24 August 71 this RUC report may well not be accurate as the Operational Report states that his body was recovered next day. This illustrates just how confusing the situation was.)

23.52 Serial 206 (*should be 229*)

RMO (Regimental Medical Officer) reports 'Second soldier wounded. Flesh wound upper arm ...' soldiers

(The soldiers, who were both named, were taken to the Royal Victoria Hospital; it is not clear in what shooting their injuries were sustained.)

(Serial 402 of the 39 Airportable Brigade Log at 23.49 records 2 Para informing Brigade that Father Mullan – ill in hospital – seen on BBC News.)

10 August 1971 - 2 Para HQ Watchkeeper's Log

(Serial 11 of the 39 Airportable Brigade Log for 10 August 1971 at 00.40 records 2 Para reporting that there was a 99% chance that Father Mullan is at the Mater Hospital.)

(Serial 12 of the 39 Airportable Brigade Log for 10 August 1971 at 00.43 records 2 Para informing Brigade that a civilian has entered Springfield Road RUC Station confirming that Father Mullan was dead – Brigade informed HQNI.)

Sheet 2

01.47 Serial 18

V2 (2 Para B Company) report 'Have found body of woman who was shot earlier on. Taking it to Henry Taggart Hall.'

(Serials 40 and 41 of the 39 Airportable Brigade Log for 10 August 1971 at 02.00 records the RMP informing Brigade that Father Mullan was lying in state at 48 Moyard Park. Last rites were administered by a priest from the Monastery. HQNI were informed.)

RMP also reported from the City Morgue where 5 bodies were recorded present; 2 of the bodies were said to relate to the shooting at Henry Taggart Memorial Hall.)

(Serial 44 of the 39 Airportable Brigade Log for 10 August 1971 at 02.10 records 2 Para informing Brigade that a Catholic priest had come to Vere Foster School and claimed to have administered the last rites to Father Mullan.)

04.22 Serial 27

V2 (2 Para B Company) report 'There are 3 men moving round our loc (location). They are armed. We are trying to get them out inot (in to) the open.'

04.50 Serial 28

V2 (2 Para B Company) report 'There are now armed men around our location in the following places: 2 men on roof of flats in Moyard Crescent firing down. 3 men in open ground between our loc (location) and Springfield Park. 1 man in bushes on Moyard Parade.'

Sheet 3

05.40 Serial 29

V2 (2 Para B Company) reports 'Men who were in posn (position) round our location withdrew at first light.'

- Brigade informed

(Serial 101 of the 39 Airportable Brigade Log for 10 August 1971 at 06.10 records 2 Para informing Brigade that 1. Man on balcony of Moyard flats is dead. We had been observing it all night. 2. Believed to be 3 bodies in a house in Moyard Crescent, one of them may be Father Mullan.)

06.12 Serial 32

V2 (2 *Para B Company*) reports '1 man on balcony of Moyard flats is still there as he is dead.'

- Brigade informed

06.13 Serial 33

V2 (2 *Para B Company*) reported 'A man has reported that there are three bodies in a house in Moyard Crescent, one of them is a priest, Father...has been asked to go and check. Brigade informed.'

07.25 Serial 39

V2 (2 *Para B Company*) reported 'One body has been brought out of 39 Moyard Parade. Sex not known.'

07.26 Serial 40

V2 (2 *Para B Company*) reported 'Another body has been brought out. Sex not known.'

07.28 Serial 41

G1 (2 *Queens A Company*) reported 'Some men have placed a cross and a black flag on open ground between my location and V2 (2 *Para B Company*).'

07.40 Serial 42

V2 (2 *Para B Company*) reported 'A third body has been brought out of a house in Moyard St.'

- Brigade informed

(Serial 116 of the 39 Airportable Brigade Log for 10 August 1971 at 07.40 records 2 Para informing Brigade that were 2 ambulances in Moyard – unfortunately I cannot read the rest of the Serial.)

(Serial 119 of the 39 Airportable Brigade Log for 10 August 1971 at 08.10 records the SIB (RMP Special Investigation Branch) informing Brigade that Father Mullan was in the RVH – shot in back (dead). A redacted name is also in the RVH, also dead having been shot in number of places. 3rd body still on balcony.)

(Serial 157 of the 39 Airportable Brigade Log for 10 August 1971 at 12.15 records 2 Para informing Brigade of an explosive device thrown at Vere Foster School from Moyard Crescent.)

(Serial 230 of the 39 Airportable Brigade Log for 10 August 1971 at 16.00 2 Para reporting guarding houses in Springfield Pk.)

Sheet 7

19.50 Serial 150

V2 (2 Para B Company) reported “‘Crowd stoning Henry Taggart’

Sheet 8

21.30 Serial 175

BCOY (2 Para B Company) reported 'Vere Foster under fire.'

21.35 Serial 177

BCOY (2 Para B Company) reported 'Ref firing - from 3 flats, not returned fire yet.'

21.52 Serial 183

V2 (2 Para B Company) reported 'Under fire from Divismore Park again, not effective. Not returning fire this time.'"

(ii) Military Witnesses

[106] In dealing with the military evidence in this case I am struck by the fact that I have not heard evidence from any soldier who fired shots on the night in question in relation to the deceased. Rather I have heard evidence about the overall command from General Howlett, the scene in Henry Taggart Hall and the aftermath when soldiers collected bodies from the Manse. I have also seen the original ciphered soldiers' statements which I admitted under common law to assess as part of the overall picture. That is in the context of a failure to trace these ciphered soldiers which I have commented upon in my introductory section.

[107] I start with General Howlett who gave evidence before me. He was the Commanding Officer of 2 Para at the relevant time. He held the rank of Lieutenant Colonel, stationed at the Battalion Headquarters at RUC Springfield Road. He was aware from briefings of Operation Demetrius and in this inquest he filed a third statement to deal with the 2 Para operations report. He made two previous statements for CSNI of 29 June 2018 and 8 March 2019. There is a note from his

conversation with HET of 16 February 2010. He did not give evidence or attend the original inquests.

[108] In terms of operations, General Howlett confirmed that B Company of about 100 men were placed at Henry Taggart Hall under the command of M45. He said that the choice of M45 was deliberate as he was an experienced soldier and he was calm so he was the right man for the job. He confirmed from the logs that there was a requirement for more ammunition around 9:30pm after a lot of firing which he said was directed at the Hall from the south west, which he marked with an arrow on a map. He arrived at the hall around that time. As regards Ulster Volunteer Force (“UVF”) fire, he said he had never heard that before, he rarely saw them and they did not take the Army on. He cannot recall any debrief and he said he left the hall to M45’s command after the firing. He said the Royal Military Police (“RMP”) would have investigated but weapons would not have been taken away. Overall, he said internment was the “busiest day” of his life. General Howlett spoke about his knowledge of Fr Mullan which I reference in Incident 1. The map marked by General Howlett is at **Annex 2.7**

[109] It was put to General Howlett that there were no weapons found with the deceased and the families say they are innocent people. In answer to questions General Howlett said there was uncertainty at the time as to who was IRA but now he could say that the deceased were not members of the IRA firing at the Army. He was not so sure about associations or physical proximity. He allied the latter comment to his knowledge that this was a pro-Republican area. As regards alleged Army brutality he said he had never heard it at the time and did not think it was true. The General did not see any bodies inside or outside the Hall when he was there.

[110] The MoD submissions record that General Howlett was questioned as follows:

“if the Coroner ultimately finds that what happened here is that a number of innocent people, entirely innocent people were shot dead, you – your position is that your well-trained soldiers opened fire on people who were firing at them and instead of killing those people and injuring them with their fire in fact they missed and shot entirely the wrong people?”

He replied:

“I’m not quite saying that, but it’s quite close to it. What I’m saying is that you will not always hit the person you are firing at. It may even, as has already been suggested this morning, you may fire at somebody and it even goes through their body and hits somebody else or it misses the body they’re firing at and somebody else is – is hit.”

Sir Geoffrey accepted that the people killed were not IRA gunmen and he concluded by extending his condolences to the family.

[111] M45 was the Officer Commanding B Co and in overall command of those in Henry Taggart Hall (and Vere Foster School). He said it was 60 soldiers, although as is apparent in the evidence the exact number has varied. M45 gave comprehensive evidence about ordering fire from Vere Foster School in response to gunfire from Moyard flats. He described actually seeing a gunman on a balcony with a Thompson gun who was shot dead. That is relevant to incident 1. Regarding Incident 2, the Manse, he could not comment on the ordering of fire as he was at the school and M130 was in charge on the ground. He did have evidence to give about requesting a ceasefire by loudhailer and he saw bodies in the Hall afterwards.

[112] In relation to his accounts he provided two statements to CSNI of 30 June 2018 and 20 December 2018 and a RMP statement of 15 August 1971. He also spoke to HET on 15 October 2011.

[113] M45 maintained that Special Investigation Branch ("SIB") investigated these matters and he could not accept any issues with that. As regards the people, he said Mrs Connolly was very obvious as she had been at the Hall making noise on the day and she wore a brown and yellow coat. He was challenged about this as the autopsy said a black and white tweed coat. He maintained his position about Mrs Connolly.

[114] He had not heard of civilian evidence, particularly the account of Davy Callaghan that was put to him. Davy Callaghan said that he was injured when taken into the Hall. In reply M45 said if that was right it was unacceptable. He said M130 who was in charge in the Hall was a second lieutenant, the lowest rank and not the most experienced. He accepted that soldiers may not have hit what they were aiming at but he denied any knowledge of indiscriminate fire. As regards the debrief to General Howlett when he arrived, he could not recall exact details but he did say there was a fence which the crowd tried to pull down during the day. He said that they were warned and backed off. He said there was no truth to the story that the camp was being overrun, when the Manse shooting started. He thought ciphred Soldier A, was M130.

[115] M130 is deceased and may well be Soldier A. Soldier A gave a statement on 2 March 1972. He was a second lieutenant in 2 Para in command of the soldiers in Henry Taggart Hall. He described events during the day on the Springfield Road outside the Hall. Early on in the day rubber bullets and CS Gas were deployed to disperse a crowd outside the Hall.

[116] The initial weapon fire was placed at around 7:21 and described as four shots from a high velocity weapon from a gunman at 712 Springfield Road. Soldier A also

referred to “fierce hand to hand fighting” between rival Catholic and Protestant factions and shooting until 3:45 when there was a lull.

[117] According to Soldier A at 9:00pm the Army at Henry Taggart Hall came under fire from a number of gunmen firing automatic weapons from the Manse, described as waste ground between Divismore Park and Springhill Crescent. It was, he said, from the wooded area near 1 Springfield Park. There was return fire which was heavy directed at 5-8 weapons, return fire being deployed to flashes over a 15-20 minute period. Then Soldier A said he ordered men to stop firing “to enable more control to be given.”

[118] A number of military witnesses gave evidence of the situation in Henry Taggart Hall, the first being M97 who made a statement of 20 September 2018 to CSNI and who was interviewed by HET on 4 January 2011 by telephone. He did not recall a telephone conversation. There were some distinctive aspects to this evidence as follows from this witness who was a Corporal Section Commander involved in arrests as part of the internment operation. First, he described disorder during the day, with a large crowd at one stage outside the Hall, throwing missiles at soldiers. Then he described being in the Hall and using a ladder to get up to a small ventilation window from which he and other soldiers could assume a position. From there, when looking out, at the gable end of the Hall around 8:00pm he said he noticed several gunmen with weapons “brazenly” walking down the Springfield Road towards the Hall. One he recognised as James Bryson, as he had been involved in his arrest a couple of weeks before. He said he shouted to Bryson “I can see you.” In evidence he said to me that he could not believe it. After that he said there was high intensity fire which created debris from the roof. He got down the ladder and moved to a window ledge at the front of the building. He said he saw guns firing from the wasteland from behind a bank/rolling ground. He said he saw flashes not the firers. He cut a circular hole in the glass to fire two rounds by way of double tap. He did not see if he had hit anyone. He did not know any other soldier who was there firing. As he said, it was a manic situation, it was dusk and there was debris

around. He thought fire was coming three ways: from the waste ground, from New Barnsley and from Moyard. He also remembered taking in some of the bodies. He thought he recognised a woman who was brought in dead as he thought he saw her earlier in the day shouting outside the Hall. He thought she looked like his mother-in-law but he could not be definitive and he said there were lots of women out at the Henry Taggart Hall.

[119] M97 could not recall any formal debrief or being asked to make a statement and he did not recall making any report at the time as he said things were happening quickly and he was rushed. Regarding seeing Mr Bryson he said he thought he told the platoon commander but there was no record. This witness marked where he was shooting at on a map.

[120] Unlike M97, M249 gave evidence that he had not fired a weapon at all when in Northern Ireland. He provided a statement of August 2018 because he was at Henry Taggart Hall. He said he never saw any gunmen but he could hear gunfire directed towards Henry Taggart Hall. His main evidence was that he took ammunition to the Hall - this it was suggested meant he was Soldier D, which he denied. M249 also recalled M910 being injured when in the Hall. He said he was a lance corporal in Drums Platoon B Company 2 Para. He gave some other general evidence that there was a radio in the sangar and that there was shooting sporadically during the day including when he went out on patrol.

[121] M157 never fired a weapon he said and could give no direct evidence of events relating to the deceased in this incident. Similarly, M140 a private, did not recall shots being fired by him or others.

[122] M282 was a private in 6 Platoon, B Co, 2 Para. In addition to evidence of logistics he also gave evidence to me in relation to gunfire on the night in question and collection of the bodies. He thought the first gunfire was between 5:00 and 6.00pm when he was making his way between the school and the Hall. The bulk of

his evidence was about recovery of the bodies. He said he did not see any weapons or shell casings on the two bodies located, who were a man and a woman. He said in evidence that shell casings were subsequently found in the hedgerows although I did not think this was particularly convincing given its late introduction and it does not coincide with other evidence. He said the woman had injuries particularly to her leg and he positioned her at the gable end of a house just in front of the hedgerow which was just a foot from where he found her. He said the man was in his 30s or 40s and cold to the touch. He was with M113, on foot he said. He also said there must have been a debrief but he could not recall. He also said that the four man retrieval group followed and he did not communicate with them. M113 gave evidence by video link. He had no recollection of any shooting on 9 August 1971 or of any bodies being recovered.

[123] M1374 was also a private who was in Henry Taggart Hall when he heard gunfire that night. He also recalled M130 saying "do not fire unless you identify the gunman." He recalled M130 carrying a woman into the hall and other casualties coming in. He could not actually see the waste ground himself. He also thought there was gunfire coming from Springmartin. He did not fire any shots he said or see any soldier fire shots.

[124] M156 was a private and a member of the Drums platoon. His evidence principally related to M910 being struck within the Hall which was by way of ricochet. He obtained treatment for him. He referred to some rumour about a woman being shot after she tried to pick up a submachine gun but he could not say where that came from.

[125] M118 was the chaplain for 2 Para in 1971. There were two, a Catholic and a Protestant. M118 was an Anglican. He had previously been contacted by HET in 2011 and said he recalled going to the Hall with General Howlett. This was after the shooting he said, he was asked to go up onto the roof to find a missing soldier and he felt scared about that. He recalled a telephone call with a civilian priest who was

asking for the shooting to stop. He had no knowledge of the dead in the Vere Foster School, he only recalled helping two civilians at a wall outside the Hall get medical attention. He categorically denied the suggestion put to him that people in the Hall were abused by him or by the Catholic priest Fr Weston.

[126] M132 provided a statement of 4 September 2018. He was a Regimental Medical Officer with Headquarters. He provided an account to HET in 2010. Overall, he said medical facilities were limited on the ground. He said his job was really to assess, treat and get the injured to hospital if needs be. He knew Mr Mumford who he said was relatively inexperienced. He had no real recollection of being in the Hall. He expressed sincere condolences, said that he could not assist much further and that he had not seen or treated anyone killed. He was in contact with one soldier, lightly injured and a civilian who he later became aware was Gerard Russell.

[127] M284 was a Private, radio operator in Vere Foster School - he had no direct recollections.

[128] M910 was the soldier who was injured in the base. He gave evidence to confirm this although he was uncertain of exact details including the time he was injured. M916 confirmed the injury and medical treatment.

[129] M1294 was on sentry duty in the sangar outside the Hall in the afternoon of 9 August. It appears that he was relieved later on but he did give evidence of the earlier events outside the Hall, which involved an angry crowd of 100-150 throwing objects. He said he did not fire his weapon that day or during any of his tours of Northern Ireland.

[130] Two RUC witnesses also gave helpful evidence to me, Mr John Jackson and Mr Rolf Crawford McGookin. These witnesses made depositions in 1972 about events. They were both stationed at Andersonstown on the day in question.

Mr Jackson said he could recall rioting at the Springmartin Estate/Springfield Park and an interface confrontation between Catholics and neighbouring Protestants in the area. He said there was an uncontrollable crowd of some 200 people and only two policemen. The military took control and he heard a number of shots but did not see any gunmen. He also saw rioting outside the Henry Taggart Hall.

[131] M1438 provided a statement to CSNI in January 2019 and he gave evidence. He was a signaller attached to B Coy at Henry Taggart Hall. He said the sangar at the front of the Hall was riddled with bullets as it was under fire from early afternoon. He explained that he was operating the radio between patrols and passing on messages. He described a fairly chaotic scene in the Hall due to all of the activity. He actually told me that he tripped over a body when going to the toilet. He said the treatment of those interned was rough but not untoward.

[132] M572 was in the Hall, having gone over there in riot gear. Once in, he again described soldiers standing on benches. He said about 8pm shooting started immediately in front of them then later from waste ground. He did not fire a single round. He said he thought he went out later with the other soldiers to retrieve bodies. Other than that he did not have a strong recollection of events.

[133] M553 had no strong recollection either of specific events. He was a private and member of Drums Platoon and he simply recalled the order to take cover for what he said was 20 hours while shooting went on. He provided a statement of 2 April 2019 and had previously been interviewed by HET in 2010. He said he never fired his weapon and did not see anyone fire and he accepted that he had been subject to disciplinary action in relation to other matters. He disputed an assertion made in a previous statement for another case that he was "involved in the battle of Ballymurphy." He said he was in the Hall and that was it. An account given by this witness was not accepted at a previous inquest and so credibility issues were raised.

[134] M283 provided a statement to CSNI in August 2018 and had previously spoken to HET. He was a private who could not recall anything.

[135] M506 gave evidence to me. He said he was in the Hall but primarily he was on one of the sangars on the roof of Vere Foster School. He did not fire himself but he said he saw soldiers fire at the Manse. He thought there was fire between Loyalists in Springmartin and a crowd in Ballymurphy. He described the soldiers as showing "great restraint." Other than that, the witness was quite confused about the sequence of events which therefore cannot be relied on.

[136] M574 was inside the Hall and gave general evidence about it. Of more import was his examination in relation to SIB statements and whether he was D or I. He recalls making a statement but denied being either soldier and I cannot take that much further.

[137] M1292 was an escort in the ambulance carrying casualties but he did not recall them having gunshot wounds and so he had little to add. His evidence was admitted under Rule 17.

[138] Some of the military witnesses also gave evidence that was critical of the army and specifically the Parachute Regiment. Of particular note in this regard is the evidence of M597, Nigel Mumford and Henry Gow which I will now consider, bearing in mind that the next of kin have made a case that there was endemic brutality displayed by the Army.

[139] M597 was a member of A Company of 2 Para based at a TA Centre at Sunnyside Street. His evidence of specifics centred around another incident in which he said his commanding officer did not support him. He effectively said that there was a culture of covering up within the regiment and that included covering up killings. M597 also made a statement that an adjutant, M226, had said about the shooting of the petrol bomber in the other incident "the only mistake you made was

not killing the ...” I recalled M226 to get his version and he denied making this statement and he convinced me that it was not a credible point. M597 did not really add much of value for me.

[140] Mr Nigel Mumford gave more substantial evidence. It is fair to say that credibility issues arise from his evidence, which I will summarise. Mr Mumford was a medic from 23rd Parachute Field Ambulance attached to 2 Para B Company. He provided a statement for CSNI and he also provided some evidence in relation to a book he has written ‘Who Cares Who Wins’ about his experiences in the Parachute Regiment. It is clear from this and YouTube videos that Mr Mumford has a media presence which he uses to share his perspective on the overall conduct of the Parachute Regiment. He was also questioned about his own treatment of the injured/deceased, particularly Mr Murphy who it was alleged he had mistreated and essentially contributed to his death. He denied being Soldier M who is described as the medic and he in fact said he had never made a statement to the RMP. He said he was a medical assistant, with poor training but effectively he did his best. He said there was brutality towards civilians in the form of them having sandbags put over their head and being pushed, kicked and generally physically beaten and abused. He said General Howlett knew about this and stood by. I pause to observe that General Howlett said this was all nonsense made up to sell books.

[141] Mr Mumford said he was the first person shot at that day outside the Hall. He said that he shouted “Up the IRA” and “by the neck” towards the rioters and that produced a reaction from the crowd. He said he fired two shots in the air and ran back inside. When questioned about divergences in his evidence and the book and what actually happened he bizarrely said the book was wrong because he was in Tahiti and a French man stole his notebook. This story speaks for itself and stretches all credibility to the limit. His evidence also veered into sensational general comments rather than specific facts I could rely on. He also tended to laugh hysterically in evidence particularly by way of example when it was suggested that the padre had engaged in brutality.

[142] In his evidence Mr Mumford also explained the treatment he gave to the injured and denied he did not do his best. He said he was asked to plant ammunition on a body but when asked by whom he could not give a name and he could not explain why he did not put this in his book. Specifically he rejected the suggestion that Mr Murphy was shot in the leg in the Hall or that he bore a share of the responsibility for the death. As the evidence continued I became more and more convinced that Mr Mumford is not a reliable witness and that it would be unsafe for me to rely on anything he said. Overall, his sensationalist style of answering and confrontational/argumentative attitude did nothing to impress me or make me think that I could disaggregate parts of his evidence upon which I could rely. That also means that I do not accept his evidence of denial that he is Soldier M, the medic. All of the evidence points to him being Soldier M and it is ridiculous to suggest otherwise.

[143] Mr Henry Gow is a former military man, now a barrister. He also attended in person to give evidence to me. This man also published a book in 1995 entitled 'Killing Zone' about his experiences in the Army. In August 1971 he was a member of A Coy 2 Para. He had limited involvement in the events, he certainly did not witness any shooting and his role appeared limited to escorting a resupply of ammunition to the Hall. He did however make allegations of a more general nature against the Parachute Regiment and it was this he was primarily asked about. He made highly charged comments about Parachute Regiment behaviour which included information of an extremely distressing nature about another deceased man. He described an uncaring and indiscriminate culture which involved soldiers effectively gloating about death. I find his accounts hard to believe. His demeanour in the witness box was dismissive of any challenge. I think this man has highly exaggerated military bravado and that is irresponsible on his part and not something which assists me in this inquest. That is not to say that some military behaviour was inappropriate as I have already said and will refer to this in my conclusions.

[144] M155 was a Private in B Company. He was a bodyguard for M45 who was the commanding officer. He recalled gunfire at the front of the Hall coming from opposite it and Ballymurphy but he did not see anyone shooting. He was part of the mobile retrieval group who went to the Manse in a vehicle. He saw Mrs Connolly but did not know where exactly she was and he saw a male casualty by a tree.

[145] M1434 said he was the driver of the vehicle that went across, as he said reversed in, and then recovered the bodies.

Rule 17 witnesses

[146] Other evidence had to be admitted under Rule 17 due to the witnesses being unfit or deceased. Also in some cases evidence was attempted. That was the case for M151 who tried to give evidence; the attempt was jettisoned when his incapacity became clear. Some prepared answers were then read in as he was the Company Sergeant Major. Also, unfortunately, M12 who was the Company Commander of Support Company was unable to give evidence either. A statement was available from him dated August 2018. In that he said that Soldier D may be him but he could not be sure. This evidence is of more relevance to Incident 1. M32 was a Lance Corporal with B Co. He also could not give evidence due to a serious head injury from 1992. In a previous account to HET he said he had fired shots on to the waste ground.

[147] M150 is deceased – he was a Private, 19 years old, in the Hall who said in his note from HET that there was rioting outside the Hall and shots fired at it from early evening but he did not fire. M142 was a sergeant who HET thought was Soldier C but he died in December 2014 so no evidence is forthcoming from him. M138 was a Corporal in 4 Platoon B Company. He referred to an attack on soldiers on the roof of the school sangar. He said that he fired directly at gun flashes which he could clearly see past the HTH on the other side of the Springfield Road. He was unable to say if he hit anyone. M270 did not have direct involvement in events. His statement

referred to two factors, namely a rumour that the IRA Ballymurphy Unit were trying to get an attack going on the base and that there was Loyalist paramilitary activity in Springmartin. M170 was also in the Hall but did not see anything. M750 referred to the crowd outside the Hall who were rioting all day and that soldiers had to avoid missiles. He said this started in the morning after the arrest operation. He was struck by a lump of concrete for which he needed medical treatment and as he was receiving that he heard shots but he did not see anything.

[148] M505 was a Signals Officer. His evidence was also admitted under Rule 17; M505 lives outside of Europe. He provided a statement to the Coroners Service before disengaging entirely from providing any further assistance. He was a 19 year old private on 9 Aug 1971. He was in what appears to be the Hall with eight or 10 other soldiers who were all positioned at the narrow windows which were high up on the wall. He said that when incoming gunfire became heavy the soldiers were ordered to return fire. They were told to fire in the direction of gun flashes. He said he does not know who gave the order. He did not know how many soldiers returned fire. M505 fired around 20 rounds from his SLR, changing the magazine once. In his statement M505 does not deal with whether or not he believes he hit anyone. He did not make an RMP statement.

Ciphered Soldiers

[149] I also received the evidence contained in the statements filed by ciphered soldiers A-P. The difficulty with this evidence is that it is unknown whether the soldiers are deceased and so the evidence was admitted at common law. In their written submissions the MoD have also referenced a number of soldiers' statements from other inquests under the heading HET Central Criminal Records and Information Office ("CCRIO") Soldiers. I have considered these as follows:

Ciphered Soldiers and [HET CCRIO Soldiers]

Soldier A

This soldier provided two depositions at PSNI5 p2-12 and an RMP statement p13-17, all of which appear to contain the same narrative. This may be M130, who is deceased. He went into the waste ground to see if anyone had been hit or any weapons found but he did not identify with any specificity where the injured were found. No weapons were recovered from the waste ground and no explanation is offered as to why. It is perfectly arguable that Soldier A was obliged to avoid speculation.

Soldier B

This soldier provided two depositions at PSNI5 p18-21, and an RMP statement p22-23.

He ran out to the front of the hall and took up a position in its south east corner. He recorded that he could see muzzle flashes from "some 5 or 6 weapons" positioned around the wasteland in front of and slightly left of his position on the other side of the road. He saw a man running across the wasteland carrying a rifle. He fired two rounds of 7.62 from his SLR and the man dropped to the floor and lay still. A man ran out of the bushes and grabbed the rifle then ran back into the bushes. Throughout this period, they were being fired upon from front, right and left.

Soldier C

Soldier C provided a statement to be found at PSNI5 p24-38. He records having noted four gunmen initially. The first gunman fired from the area between Nos 3 and 5 Divismore Park, with a second firing from New Barnsley, with one round returned at this second gunman. Heavy volume fire came from a gunman on the roof of a garage at the side of 21 Divismore Park. Soldier C said he fired one round at the third gunman and hit him, knocking him off the roof. A second man (the fourth in total) climbed on to the roof and fired at him. Soldier C fired two rounds at him and saw him fall off the garage roof. He said he then heard a number of weapons being fired from somewhere to his left and front [of the Manse]. The sentries returned fire. Soldier C said he moved forward in front of an APC to see what his sentries were firing at. Soldier C changed weapon to a .303 rifle (which he said he borrowed from Soldier O) with a telescopic sight. Once in the forward position, he said he shouted for his section to "pick their targets and not fire as rapidly as they were doing."

He then saw a man kneeling in grass in the centre of wasteland with a rifle. He saw flashes and fired two shots after seeing flashes. The gunman fell forward. He then saw another gunman with a light calibre weapon kneeling behind a tree stump firing at a forward sentry post. He immediately fired three rounds at the man and can't say if he hit him or not but the firing stopped - "in all probability I did hit him." Then he saw what appeared to be a man standing near the east side of the waste ground. This man was firing in the standing position armed with a

pistol of the semi-automatic type. He saw this man knocked back across the fence obviously shot. His men were still firing at a gunman in the south west corner of the waste ground who was firing back with single shots. The person knocked back over the hedge stood up and continued firing at the Army. This person was hit again in the exchange of fire from the HTH as the person dropped back out of sight alongside 692 Springfield Road behind the hedge. Soldier C states that his men were shouting at him that persons were crawling forward along a gully and taking weapons from the men they had shot.

Soldier C said then that at about 2205 hrs his section went into the wasteland under the platoon commander (Soldier 'A') and recovered five men suffering from gunshot wounds. Soldier C does not say whether he went along on this mission himself but it was at this point that it was discovered that the person firing the pistol who had been knocked over the fence and then shot was in fact a woman whose body was brought in later. By the time a military ambulance arrived at 2325 hrs two of the wounded men had died. The injured were conveyed to the hospital. He made a check of his men and ascertained that a total of 106 rounds of 7.62mm, 6 rounds of 9mm and 5 rounds of .303 had been directed at the gunmen to the front of the hall.

Soldier D

Soldier D provided a statement appearing at PSNI5 p39-50. This soldier took part in the arrest operation in the early hours of 9^h August. At 1600hrs he took up duty at the forward observation post near the front gate accompanied by a member of 2 Parachute Regiment. Rioting had been ongoing during the course of the day and afternoon. He was present in the observation post with Soldier I. He had to run through a hail of bricks to reach the sentry post. He was relieved at 1630 hrs but back to the sentry post at 2000 hrs. A number of shots were fired from Springmartin Road area but not at the Army position. It is more than possible that this was shooting from Loyalists. There was a crowd in the area numbering about 200 by this stage stoning and petrol bombing the Hall. There were also rival (Loyalist) crowds in the vicinity of Springfield Road/Springmartin Estate.

By 2050 hrs, a crowd of men from Ballymurphy ran across the Springfield Road towards Springmartin Road. As large crowds of Protestants were reported in that area, he fired CS gas at the crowd. The crowd disappeared behind houses in Springfield Park. A few minutes later Soldier D heard a number of bursts from automatic weapons and single shots. It was not possible to say who was firing at whom. The Ballymurphy crowd started to drift back from Springmartin Road and he overheard two girls shouting that somebody had been shot. He assumed the person shot was amongst the Ballymurphy crowd.

About 10 minutes later the crowd moved off the Springfield Road into Divismore Crescent, out of sight. At this point the military came under heavy fire from about six automatic weapons positioned one along to the right on the Springfield Road behind a barricade and about four to the front in the Manse. The gunmen were positioned behind bushes at the forward edge of the wasteland and at the back corner in the trees. A weapon was also being fired from somewhere to the left in Springfield Park. He returned fire at the waste ground to his front. The shots were aimed at muzzle flashes across the wasteland. He fired 12 rounds from his SLR hitting about three of the gunmen. Soldier I also returned fire at the same time as did the remainder of his section from both inside and outside the Hall. Owing to the darkness he was unable to recognise any of the gunmen nor can he say with certainty the exact position he shot them. The gun battle lasted about 15 minutes before the gunmen ceased firing. It was then that he saw two persons lying on the waste ground. He saw a man run out from bushes and take a pistol from the body lying in the open ground. This person ran into a corner near to 81 Springhill Crescent. He describes this man as wearing a light-coloured denim jacket. He also sees two of the men he had shot at the far edge of the waste ground being dragged away by other people in the darkness. He was not able to describe the two gunmen. He could hear further shots but did not return fire. Five injured people were then brought in from the waste ground by the platoon commander. He did not see any of these injured people. He estimates that 500 shots were fired at the

Army position, but he was not in a position to say how many shots the Army fired.

Soldier E

Soldier E provided a statement found at PSNI5 p51-56. At 2105 hrs he was on duty inside the Henry Taggart Hall when it came under attack by armed gunmen. He moved outside and took up a position behind an armoured vehicle. Other members of his platoon were returning fire. He saw a gunman positioned beneath some bushes on the forward edge of the wasteland. Fire was being directed at his position, so he fired five rounds from his SLR at the gunman. He cannot say if he hit anyone. A few seconds later he saw an elderly man running across the open ground armed with a rifle. He was running from right to left. He fired three rounds from his SLR (7.62) and the man dropped to the ground. Other soldiers were also firing at the line. A few moments later he saw the figure of a woman near to the gable end of 692 Springfield Road standing behind the bushes armed with what he thought was a pistol. He fired two rounds at the woman and she fell to the ground behind the bushes near to the houses. About 10-15 minutes later, he said, all firing stopped and he could see a number of men lying about the ground where he had been firing. He accompanied the platoon commander in an armoured ambulance to the waste ground. There he recovered the body of an 'elderly' man who was lying face downwards in the centre of the wasteland. The man was conscious. He cannot say if it was the same man he had shot. Five

men in all were recovered from the wasteland suffering from gunshot wounds. All were taken to the Henry Taggart Hall to await the arrival of an ambulance. Later he also accompanied the platoon commander to the side of 692 Springfield Road, where they recovered the body of a woman whom he had shot when he saw that she was armed with a pistol. No weapons are mentioned as having been recovered.

Soldier F

Soldier F gave a statement at PSNI5 p57-63. At 2105 hrs he was inside Henry Taggart Hall when he heard gunfire. He took up a position near to the main door. Fire was coming in from six or seven different locations, which are not specified. He saw a man crouching in the middle of the Manse with a weapon. This man fired at Henry Taggart Hall and Soldier F fired one round from his SLR. He cannot say whether he shot this man but the man did not return fire. This shooting continued for around 15 minutes.

Soldier G

Soldier G has a statement at PSNI5 p64-69. This soldier was in the Henry Taggart Hall at 2100 hrs when he heard the sound of gunfire. He took up a position at the forward right hand side of the building. The fire was

being directed at the building from a number of different positions to the front and side. He saw muzzle flashes coming from the waste ground in front of the hall and slightly to the left. The flashes were coming from at least two different locations in bushes bordering the far side of the waste ground. He saw a man break cover from the bushes and start to run across the wasteland. He fired two rounds from his SLR, and the man fell to the ground. Within minutes he saw another man who appeared to be balding slightly get him to his feet and attempted to run back across the open ground. This man was carrying a rifle. Solder G fired 7 rounds from his SLR. The man dropped to the ground and lay still. At this time there were a number of people running about the waste ground being fired upon by soldiers. All the persons running about were firing weapons.

Soldier H

Soldier H provided a statement PSNI5 p70-75. At 2105 hrs he was in Henry Taggart Hall when he heard automatic gunfire directed at his location from the Ballymurphy estate. He took up a position behind an armoured vehicle in front of the Hall. The fire was coming from a number of weapons from positions within an area of waste ground immediately to the front and slightly left. He directed his attention along Springfield Road towards Springmartin estate as a gunman had been reported in that area. Members of his platoon were returning fire. He then saw a man behind a concrete lamp standard in Springfield Park near the junction with

Springfield Road. He saw he was armed with a Thompson submachine gun. He immediately fired two rounds of 7.62 from his SLR, but did not see what happened to the man as he immediately regrouped inside the Hall.

Soldier I

Soldier I gave a statement at PSNI5 p76-87. He took part in the arrest operation in the early hours of 9 August 1971. Rioting took place during the course of the morning and the rest of the day. There was a crowd of about 200 involved. By about 1600 hrs he had been joined by Soldier D in the forward observation post overlooking Divismore Park. The crowd were standing at the junction of New Barnsley Park and Springfield Road. Barricades had been built across the Springfield Road about 20 yards on the Turf Lodge side of his position. A second barricade had also been built 20 yards from Divismore Way and Springfield Road. The barricades were constructed of paving stones. About 80 petrol bombs had been thrown throughout the day. Both he and Soldier D were relieved at 1600 hrs and returned to the observation post at 2000 hrs. A large crowd of Protestants had gathered in the area according to reports and at 2045/2050 hrs the Catholic crowd ran towards Springmartin. He fired a number of CS gas cartridges at the crowd.

A few minutes later he heard shouting and screaming followed by a number of shots from the wasteland. He

could not see the crowd from his position and therefore could not say who was firing or in what direction. About five to 10 minutes later the Catholic crowd returned to his location and he heard two women saying that someone had been shot. He understood that they had been talking about someone out of their own crowd. Suddenly the crowd dispersed from the front of his location and the area became quiet. It was obvious to him that the Army were about to be attacked by gunfire.

About five minutes later, he said six gunmen opened fire at his location. One gunman was firing at the soldiers with a Thompson submachine gun from behind a barricade at Divismore Way. Another gunman was firing from somewhere in Springfield Park and the remaining four gunmen were positioned on the waste ground to his front. He could see the muzzle flashes from four different positions in that location. This witness describes the concentration of fire as "quite considerable" and he immediately returned the fire by firing 13 rounds of 7.62 from his SLR. He fired aimed shots directed at the muzzle flashes and he is certain that he shot at least two of the gunmen. The remainder of his section along with Soldier D was also firing. A heavy concentration of fire was directed at the gunmen to the front of the waste ground.

"Owing to the darkness" he cannot say where in fact his shots went except that he shot one of the men in the back who had run out of the bushes and picked up the weapon used by one of the gunmen that had been shot.

Eventually, when the shooting stopped he saw about three bodies lying still in the waste ground. He later learned that his platoon commander had removed five bodies. He cannot give descriptions of men he shot except they were all armed.

Soldier J

Soldier J gave a statement at PSNI5 p88-91. He said he was normally accommodated in Henry Taggart Hall. He had been in the Springfield estate until 1320 hrs when he went back to the Hall, which was being attacked by petrol bombs and a water cannon was in use. He was then in position in front of the Hall. At 2100 hrs he saw movement in the bushes at the left of the waste ground opposite. Shots fired from that position and bullets hit our armoured car. He saw flashes of the firing weapons and an outline of a person standing near the bushes. His location came under heavy fire with most of it coming from the waste ground. He fired five aimed shots from his SLR at the person he could see in the bushes; then he saw this person clutch his lower body and fall to the ground so he was sure he registered a hit. He lost sight of him, then heard the order to stop firing. A patrol went out later to check on the waste ground but nothing found near the bushes where he had directed his fire.

Soldier K

Soldier K provided a statement at PSNI5 p92-97. He records that at 0900 hrs the first petrol bomb was thrown.

He said this continues in morning and afternoon, when CS gas and rubber bullets were used as a means of crowd control. At about 2050 hrs he said he was outside the Hall when he heard the sound of gunfire coming from Springfield Road/Ballygomartin area. It was small calibre and not directed at the soldier's position. About five minutes later he saw a crowd return from the Springfield Park area back to the front of his position.

At about 2100 hrs they came under a constant attack from about 10 weapons being fired at them from Springfield Road and Springfield Park, with the larger number being located on the wasteland in front of and slightly left of his position i.e. the Manse. He took cover behind an armoured vehicle parked in front of the Hall. As other members of his section were returning fire, he said he saw a man armed with a machine gun firing at them from behind a hedge nearest the Springfield Road on the waste ground. He immediately fired four rounds of 7.62 from his SLR and the man dropped to the ground.

He then changed position and saw a man armed with some form of gun lying behind a lamppost in Springfield Park. This man was firing single shots at his position with a semi-automatic weapon. He fired another four rounds of 7.62 at the gunman. He cannot be sure if he hit him but the firing stopped. He is unable to say what happened to the gunman as he was recalled inside the Hall. He later saw the armoured vehicle go to the waste ground and return with five men suffering from gunshot

wounds. He estimates a total of between 500 and 600 rounds were fired at the military from the gunmen.

Soldier L

Soldier L provided a statement at PSNI5 p98-103. He records that there had been rioting throughout the day by a crowd of about 200 people gathered outside the Hall. At about 2100 hrs, he said, the military came under fire from a large number of automatic weapons located somewhere to his front and slightly left. He took up a position inside the Hall, sighting through an open window. He saw a number of persons "crawling along the ground" armed with an assortment of weapons. He could see muzzle flashes from a number of locations and saw a woman dressed in a coat crawling through the grass at the far edge of the wasteland. She was firing some form of pistol towards the military. As he was watching her he saw her drop violently to the ground as though she had been shot. The woman then got to her feet and started to run towards the nearby hedge. He then fired one round of 7.62 at her from his SLR and saw her thrown over the hedge. At this point the remainder of his section were putting down a heavy barrage of fire. He then saw a man armed with a rifle and dressed in a donkey jacket crawling towards the military position through the grass. He fired one aimed shot at the man and saw him fall to the ground. Other soldiers were firing at him. He did not fire any more rounds and returned inside the Hall once the firing had ceased.

Soldier M

Soldier M gave a statement at PSNI5 p104-120. He is described as an NCO and a medical assistant in Vere Foster (when Soldier A brought in five casualties.

- (a) Daniel Teggart, 45 years old, hair balding brown, 5'6", blue terylene suit, striped shirt. Casualty stated thought he had been shot by Protestants and crossing a field when shot. Died 2240 hrs. When he removed his dark blue trousers he placed them on the floor beside him and did not search them.
- (b) Noel Phillips, about 20 years old, shoulder length brown hair, 5'8", white denim jacket, blue jeans.
- (c) Gerard Russell, about 28 years, ginger shoulder length hair, moustache, 5'8", green trousers, donkey jacket. Track suit top. He stated he was gunned down from behind by members of the IRA whilst he was watching the Army get shot at.
- (d) D Callaghan, about 53, hair balding brown, 5'6", work clothes, stated on his way from work and was innocent.
- (e) Joseph Murphy, 45 to 50 years old, brown hair, 5'1", blue jumper, corduroy trousers. Before losing consciousness said he did not know who had shot him.

- (f) Joan Connolly around 0315 hrs. 35 years old, ginger shoulder length hair, 5'3", blue specked coat, dark shirt, pale blue jumper. Gunshot wound left hand thumb.

He said that had an ambulance been allowed to arrive when requested there was a good chance that Mr Teggart and Mr Phillips would have had a better chance but could not arrive due to gunfire in the locality.

Soldier N

Soldier N gave a statement at PSNI5 p121-126. He was on duty at 2359 hrs in the Hall. He carried out a search of clothing to establish identities and on searching a pair of dark trousers removed from Daniel Teggart found 38 rounds of .22 ammunition, which he gave to the SIB sergeant [M26].

Soldier O

Soldier O provided a statement at PSNI5 p127-133. At 2100 hrs he heard the sound of heavy firing coming from the Springfield Road area about 200-300 yards away from his position. He ran outside and took cover behind a water cannon vehicle. He saw smoke coming from a piece of waste ground about 300 yards away on the other side of the Springfield Road. A few minutes later he saw the figure of a man crouched behind a tree stump and wearing a dark jacket firing a rifle in the direction of the Hall. He fired one round from his .303 'sniping rifle' and

was not sure if he had hit the man due to the concentrated power of fire but immediately saw him slump down onto the tree stump and the firing from the position stopped. At this stage Soldier C borrowed his sniping rifle and fired two rounds from it but he was unsure whether he had hit anyone; although he said he had scored two hits on different gunmen. He then gave the rifle back.

A gunman firing from a white 1100 car positioned on the right-hand side of the road and to the right of his position was then pointed out by Soldier Q. He did not fire back as he could not get a clear view of the gunman after changing position. He then reverted back to his original position behind the water cannon vehicle and heard someone shout that firing was coming from the petrol garage situated directly across the Springfield Road from the Hall. He looked across (although he is imprecise about where to) and saw a gunman firing from what sounded like an automatic weapon at the Hall. He fired one shot from his rifle after which the bursts of shooting from the garage stopped; although he does not know if his shot hit him. He did not fire any further shots that night.

Soldier P

Soldier P has a statement at PSNI5 p134-145. He took part in the arrest operation in the early hours of 9 August 1971, which was completed at 0520 hrs of that morning resulting in 18 persons being detained. He describes leaving the Vere Foster School and going to the Henry

Taggart Memorial after hearing of a crowd gathering there. On arrival he saw a crowd of about 200 people, mainly women and children, in Divismore Park. This crowd moved onto the Springfield Road and started throwing stones, bottles, bricks, pieces of broken paving stones and petrol bombs at the military personnel. He also describes youths and men constructing two barricades across the Springfield Road opposite 637 and 659 Springfield Road. The stoning and petrol bombing continued and at 0935 hrs approx 300 shots were fired at his position from two automatic weapons, one located immediately to his front in Divismore Park, the other in or near 11 New Barnsley Parade. One of his men fired a shot at a gunman in Divismore Park. Attacks from the crowd continued throughout the morning and afternoon from stones and petrol bombs during which time 38 rubber bullets and 11 CS gas cartridges were fired and during the afternoon a water cannon was brought into operation.

At about 1800 hrs the crowd dispersed and he returned to the Vere Foster School. At 2103 hrs he heard a heavy concentration of fire coming from the direction of the Taggart Memorial Hall and it was reported that the Hall was under attack from a number of gunmen from the area of open ground on the north side of Divismore Park. It was also reported that his men were engaging the gunmen. The engagement lasted 10-15 minutes. During the attack the Vere Foster School came under fire from one of the flats at 21 Moyard Park where two gunmen were firing, one an automatic rifle and one a rifle. At the

same time a rifle was also being fired from the same block of flats in the direction of Springmartin. Fire at the school was also coming from Springmartin and the Moyard Parade area.

He ordered three men on the school roof to engage the gunmen in 21 Moyard Park. A short gun battle ensued between his men and the gunmen and after a short time the latter ceased firing. During this exchange he could hear shots from the area of Springmartin, some of which were directed towards the school and others in Moyard. Although firing from automatic weapons could be heard from the Ballymurphy area all shooting directed at them ceased at 2148 hrs until 2237 hrs when fire from a .22 weapon and a high velocity weapon was directed at the Vere Foster School from Moyard Parade. As a result of this attack one soldier was wounded in the right upper arm. Five shots were heard at 2323 hrs but were not directed at this location nor was their source identified. Sporadic firing continued from Ballymurphy until approximately 0200 hrs on 10 August 1971, when all firing in the area ceased. This shooting was not directed at this location. At 0555 hrs the body of a man was seen lying on the balcony of 21 Moyard Park. Two unknown civilians came to the school gate to report that three bodies including that of a friend were lying in houses in Moyard Parade. This was 0600 hrs; a civilian ambulance arrived at 0655 hrs and collected a body from 38 and from 46 Moyard Parade. During the morning of 10 August SIB arrived and wished to view from the school roof the position where the priest was killed, marked with a black

flag. The priest was killed on the waste ground behind and between 80 and 82 Moyard Park. It was apparent that the sentries were unable to see or shoot into that area as in one case the view was obstructed by trees and in the other by a block of flats. The only position in the whole school from which the black flag could be seen was some three yards north east of the southern exit from the school. At no time was a soldier on duty at this door as it was totally unnecessary.

HET Soldier 1 [CCRIO file Soldier A]

This soldier had been on duty at Vere Foster. At 2020 hrs the building was fired upon from the general direction of Springhill Crescent about 200m south east of his position. He left the building and went up to the roof sangar on the extreme south east corner of the school building. His aim was to direct the fire of the sentries located on the school roof and the ground sentries who he subsequently positioned.

From about 2020 to 2030 hrs the school came under fire from three points:

- (a) Springhill area;
- (b) A long range rifle from Corpus Christi Church: the fire from Corpus Christi was of a heavy calibre high powered rifle. In all, seven rounds were fired from the Corpus Christi Church.

- (c) The block of flats running in a north/south direction adjacent to Moyard Park. The rounds fired from the Moyard areas came from a heavy calibre automatic weapon like a Thompson .45 SMG. Around 50 rounds fired in bursts and single shots.

Shortly after his arrival he called B (HET Soldier 2) to join him and C (HET Soldier 3) who was already on the roof. He located D (HET soldier 4) and E (HET Soldier 5) in a roof gulley running in a northerly direction from his position and about 20 metres away from him. He was not able to locate the firing from the Springhill area.

As a one ton APC left the Hall south of his position, and travelled along Springfield Rd to Springhill, he saw three men moving in the area of some waste ground on the southerly side of the right hand bend about 100m from the Hall. "I am convinced one of these men was armed" as he saw him firing towards the APC as it left the Hall grounds.

Soldiers 3 and 4 and he each fired two aimed shots at the man carrying the weapon and after his second shot he saw him fall; he cannot say if he was hit or had taken cover. After the shots were fired, the APC arrived at the point where the three men had gone to ground. He ordered cease fire and kept the three men under observation until they were brought back to the HTH.

He then turned his attention to the Moyard Park flats and saw muzzle flashes from the veranda of 21. He fired three aimed shots after which the firing ceased. Soldier 4 called to say a man was firing from the northern side of the veranda on the same floor. Soldier 4 was ordered to engage and he did so with Soldier 5. After a few seconds of the engagement no further firing came from this flat. Firing then came from the northern side of the flats at 80 Moyard. No fire was returned as the gunman could not be seen; he said that no shots were fired from the Finlay Factory area during the night.

HET Soldier 2 [CCRIO file Soldier B]

He was based at Vere Foster School (VFS). At 2020 hrs VFS was fired on from Springfield Crescent area. He took up a position in a sangar with soldier 1 and 3.

He saw firing coming from the waste ground on the southerly side of a right hand bend in the Springfield Road about 100m from HTH. He saw between three and six men taking cover behind trees and bushes and lying in a gully in the waste ground. All of these men were firing in the general direction of the VFS and HTH using automatic weapons on both burst and single shot.

One man was behind a tree on the waste ground and was revealing himself at intervals to fire towards our position with an automatic weapon. He fired two bursts of about 20 rounds altogether. As he appeared on a third occasion Soldier 2 fired five aimed shots in quick succession at

him. On the fourth shot he staggered but did not fall. He then fired the fifth shot and the man fell and no more shots were fired from this man's position. The rounds fired by Soldier 2 were 7.62mm from an SLR.

Shortly afterwards the APC left the Hall and went to where the men were located on the waste ground. He said "I am aware that" the personnel in the AFC brought a number of dead/wounded from the waste ground to the HTH but did not see them before they left the HTH.

Shortly after their position came under fire from Moyard flats and specifically the veranda of the upper flat of No. 21. Soldier 1 instructed him to engage the gunman and he fired approximately five 7.62 rounds at gun flashes from behind a dustbin on the veranda. Soldier 1 also engaged the target and the firing from the veranda then ceased; he does not know how many rounds Soldier 1 fired.

Almost immediately, Soldiers 4 and 5 engaged a gunman firing from a window next to the veranda at which he had fired. He saw gun flashes from the window but neither Soldier 1 nor he fired at this target. After the target was engaged by 4 and 5, the firing ceased. He does not know how many rounds were fired at the flat window. He left the sangar around 2200 hrs to go to the main school. About an hour later he was injured when a round fired from the west of the school passed through a window on the western wall. He received a slight injury in the rear of his right upper arm. He went to the RVH for treatment.

His statement is dated 11 August 1971.

HET Soldier 3 [CCRIO file Soldier C]

At 2020 hrs he went to the roof sangar on the SE corner of VFS. Soldiers 1 and 2 were present. As he arrived, the sangar came under fire from some waste ground to south of Springfield Road about 100m west of the Hall.

He saw four or five persons in the waste ground area, at least two of whom were firing at them with automatic weapons, firing bursts and single shots. The men were concealed behind trees, hedges and a gulley. He saw one man firing at their position and fired one round from his SLR. This was aimed and whilst he cannot say if the man was hit there was no further firing from that area.

Shortly after an APC drove from the Hall and brought a number of dead/injured to HTH. He did not see these persons before they were removed from the Hall.

At about 2030 hrs his position was fired upon from the flats to the west of the Moyard Park Road, the flats running north/south. The fire was coming from two or three gunmen located on the veranda and in an adjacent window of the upper flat at the extreme southern end of the block, which he now knows to be No. 21 about 120 yds from his position.

After the firing started he left to join Soldiers 4 and 5 who were in a position at the end of a roof gully about 20 yds north of the sangar. There was insufficient room there for him to engage the gunmen. He estimates Soldiers 4 and 5 fired around 20 to 25 rounds of 7.62mm rounds from their SLRs over a 15 to 20 minute period. He recalls seeing one man thrown back from the window, presumably having been hit. He did not fire any further shots even though there was sporadic fire as he could not identify the locations of the gunmen. His statement is dated 11 August 1971.

HET Soldier 4 [CCRIO file Soldier D]

At 2020hrs in sangar outside main entrance of VFS. The building came under fire from the south west direction. He could not see where this fire was coming from. After a few seconds he heard fire being returned from the sangar on the top of the roof.

He knew the men on the roof only had ten rounds of ammunition each, he took more ammunition up to them. He left Soldier H in the sangar and went up to the roof where he found Soldiers 1, 2 and 3 in the sangar. He handed over the ammunition and went over to the position of Soldier 5 who was at the end of the roof gully about 20 yards north of the sangar. At this time, they came under fire from a block of flats located on the eastern side of Moyard Park, running in a N/S direction. The fire was coming from the veranda and the window of the upper flat (21). He could see the muzzle flashes of

three weapons, one automatic and the others either rifles or SMGs being fired on single shot. The reports sounded to be from heavy calibre weapons. The windows and veranda were about 100-200 yds away.

The gunman on the veranda was engaged and 'silenced' by Soldiers 3 and 2.

Soldier 5 and he then engaged the two gunmen firing from the window next to the veranda. He fired a total of 25 rounds from his rifle at the gunmen. After about 10 rounds he saw one of the men fall backwards. Soldier 5 and he fired about the same number of rounds at the two gunmen and he saw the second gunman fall in the flat after which Soldier 5 and he ceased firing.

The engagement with the gunmen is estimated to have lasted about twenty minutes. He did not fire again that evening although the VFS came under sporadic fire from about this time until 0400 hrs. This was as he could not identify the gunman's position. He then suggests he "just remembered" he did fire once more at about 2200 hrs. He saw a male carrying a rifle on the roof of the flats in Moyard Park and saw him behind the fifth chimney from the southern end of the flats. He fired two aimed shots and he disappeared. He did not see any of the three men in the flat after he and Soldier 5 had engaged them.

His statement is dated 11 August.

HET Soldier 5 [CCRIO file Soldier E]

At about 2020 hrs Soldier 5 had just been relieved from sentry duty at the sangar at the SE corner of VFS when his position came under fire. He took cover in a gully about 20 metres north of the sangar.

He was fired at from a veranda and adjacent window of number 21, a top flat at the southern end of Moyard flats. He was joined by Soldier 4 and identified three gunmen firing a submachine gun, a rifle and a pistol at different times.

On the instructions of Soldier 1, Soldier 5, along with Soldier 4, engaged the gunman located in the flat window. Soldier 1 had silenced the gunman on the veranda, who was thrown backwards behind a dustbin.

Soldier 5 fired about 25 rounds of 7.62mm from his SLR. All were aimed shots. Soldier 4 also fired about 25 rounds and shot the gunman who was armed with a sub-machine gun causing him to be thrown backwards into the flat. After about 20 minutes the firing stopped. Sometime about midnight he saw the body of a male person lying on the veranda.

HET Soldier 6 [CCRIO file Soldier F]

In the sangar in the NE corner of VFS. He was shot at from Moyard Park flats (automatic weapon). He could not return fire given his position within the sangar.

Shortly before 2100 hrs saw a group of men standing on the waste ground to the south side of Springmartin. The group grew to 200 and a group of about 100 men ran from Moyard Crescent towards the Springmartin group. They were stoning each other and eventually the group from Springmartin were driven back from the waste ground onto the Springmartin Road near to the junction with Blackmountain Grove. The two groups were standing confronting each other and shooting started from the crowd in Springfield Park into Springmartin. He heard the sound of a machine gun and a .22 being used. He saw soldiers move along Springmartin Road and the crowd from Springfield Park retreated back towards his position and also in the direction of Ballymurphy.

Shortly after this he heard the sound of very heavy shooting coming from the front of the HTH. He could not see where the firing was coming from. He then came under fire from a gunman at the electricity substation north of the school. He could not pinpoint the gunman. Shortly after he came under fire from a man positioned SE of Finlay's Factory armed with a rifle. He could see the muzzle flash. He fired one shot and cannot say if he hit him, but the firing stopped.

[150] M26's evidence correlates with that of Soldier N. This witness lives outside the jurisdiction. He was a sergeant in Special Investigations Branch of the RMP. He provided a statement of 10 August 1971 in which he said he received 38 rounds of .22 ammunition on 10 August 1971 which Soldier N told him he had recovered from the pockets of Mr Teggart. M26 then sealed these in a plastic bag, labelled them and

passed them to DI Meehan on 16 August 1971, subsequently however this exhibit could not be found.

VI. ADDITIONAL EVIDENCE

[151] In addition, I received some other categories of evidence in various forms. First, I received a statement from a Mr Anthony McEvoy pursuant to Rule 17. This was unusual evidence as it related to Mr McEvoy's father's recollections, now deceased. Mr Frank McEvoy, the father, was said to have made various comments to his son about events at the time. It is clear that Mr Anthony McEvoy took great care to compile his statement and that he wished to assist this inquest. I admitted this evidence, even though hearsay, to allow me to consider absolutely everything of relevance. It cannot be definitively said where Mr McEvoy was or whether he was an actual observer of events such as the public disorder set out in his son's statement or the alleged brutality of the padre in the Hall. It is also clear that Mr McEvoy was deeply troubled by events and suffered from post-traumatic stress disorder. Overall, I cannot rely on this evidence as a reliable account of events given uncertainties about what Mr McEvoy experienced and the fact that this is hearsay.

[152] Further evidence was given regarding alleged Loyalist UVF activity. One witness, C3, gave oral evidence of this incident which he said came from his own knowledge and experience. On examination the specifics of this evidence seem to relate more to Incident 1, however C3 did give general evidence of Loyalist activity in the area. In particular, in terms of firing positions he said that there were "Prods at Springmartin" and also Army positions there. He also said he saw an armed man who was definitely a Loyalist, down behind the flats, carrying a .303 rifle.

[153] Other evidence of Loyalist activity contained in the written statement of Witness X was read into the record. I have also dealt with this in relation to Incident 1. I had hoped this witness would be called, however he would not agree to give evidence in the presence of a lawyer of the next of kin. The evidence was therefore

read in by way of an agreed summary for me to consider in full. This witness is in an unusual category as he had no direct knowledge of events. Rather, he was described as an interlocutor as he had spoken to UVF veterans and recounted their version of events at the time. The statement is dated 26 May 2018. In addition, various questions were put to the witness via solicitors. These replies are comprised in correspondence of 2 November 2018 and they were also received into evidence for me to consider. Further evidence was received in relation to the weapon purportedly used.

[154] The witness said in his statement that due to utterings in the local community he met veterans and listened to their story. He said that:

“Everything is relayed to me verbally and I have made no record of same. I am not able to supply information in relation to the source of the information. Furthermore, I am aware that some of the veterans are passing on information gleaned from different sources. It is unclear whether this information is first hand. I cannot associate a specific piece of information with a specific source.”

[155] The witness referred to an initial letter of 4 May 2018 which began the process and led to the statement and further questions. The import of the evidence is that Witness X said from information from the veterans that there were active service UVF units in the area and specifically a sniper, Mr Thomas West, and a spotter, unidentified. Mr West was said to have used a specific Mauser weapon. Mr West was reported to have confirmed ‘hits’ in the field between Moyard and Springfield Park and also on the Springfield Road close to the Henry Taggart Memorial Hall. No identities were given but Witness X said the targets identified by the spotter were either IRA gunmen or people engaged in rioting. The rationale given was that “rioters were targeted as they were attacking the residents of Springmartin whilst also providing cover for IRA gunmen to shoot towards Springmartin and the Henry

Taggart Hall.” The UVF sniper, Thomas West, identified by Witness X is now deceased. Witness X said the UVF acted to avoid detection.

[156] In addition to Mr West and the spotter, Witness X also referred to a number of active service units in the area who were said to have taken part in a gun battle over 3 days. His evidence revealed there were usually five men in a unit. His evidence referred to activity directed towards them, hence the engagement. There was no detail given as to the number or identities of IRA gunmen but reference was made to an IRA gunman being apprehended by the Army in the Springfield Park area.

[157] Much evidence was provided by Witness X in relation to the Mauser weapon. I asked at an early stage of this inquest that this issue be examined by police. That examination was conducted and reports were provided to me of June and November 2018 (PSNI) and September 2018 (FSNI), which make clear that there was no forensic link between any of the recovered bullets and this type of weapon. There was also a map provided by Witness X which marks firing points from Springmartin.

[158] I will come back to this issue of UVF activity in a moment. I am also asked to consider whether the UVF may have been responsible for some of the deaths in this incident. This was a point pressed by the MoD, which obviously goes further than the more general suggestion of UVF presence/activity in the area.

[159] The corollary of UVF activity is the assertion that there was IRA activity in the area. This was postulated by the MoD as a clear reason for shooting by the Army. The MoD rightly reminded me that no IRA member has come to give evidence to me. I pause to observe that Witness X referred to the veterans from the UVF coming forward and wanting to tell their story when hearing the Coroner’s appeals for information. The evidence of IRA activity comes from various sources of evidence including civilian evidence I have heard. In addition, I heard from Mr Gerry Adams in relation to this issue and Mr Pdraig Yeates.

[160] Mr Adams attended and gave evidence before this inquest on 8 May 2019. He did not make a statement of events at the time but he recounted how he was in the area on the day in question. I have considered the statement Mr Adams made dated 14 January 2019. It is of course correct, as the MoD submissions stress, that Mr Adams was not witness to any of the events with which I am concerned. This means that his evidence is of limited value. However he was asked to explain his position on IRA activity on the day in question and whether or not he was a member of the IRA. I understand why such questions were asked, however I must observe that my role is not to determine wider issues such as Mr Adams' alleged connection with the IRA. When pressed, he denied that he was a member of the IRA. He said that he was chairperson of the local branch of Sinn Fein.

[161] Mr Adams was asked to assist on the general position at the time. He was asked could he assist with details of IRA activity on the day and the names of anyone involved. This was a valid line of questioning however it did not yield any result of substance. Mr Adams said he did not know the number of IRA units that were in Ballymurphy on the day in question or any information as to who from the IRA was present. In contrast Mr Adams gave fulsome evidence about the Army actions in pursuing internment, which he said was an all-out assault on the Catholic community. He also said that the IRA reacted in a certain way after the immediate aftermath of the internment raids which was effectively not to engage for strategic reasons. His evidence contains the following view:

"I cannot give you a first-hand explanation but insofar as my knowledge of the area insofar as listening to what other people were saying and so on and so forth, it is my belief that the IRA, and I think it was a very sensible decision, decided not to engage the British Army, except in a very token way, both in terms of all the safety of the local community but also, I presume, for the safety of their own volunteers."

[162] Mr Adams did say that he saw two masked men appear who provided covering fire whilst Mr Eddie Butler was rescued. He also said he witnessed a man with an artificial leg (Mr McStravick) pull a door from a shed and use it to haul Mr Butler to safety. This account differs from that of Mr McStravick's daughter, Ms Mervyn, but it is not particularly material. Of more moment is Mr Adams' acceptance that two masked IRA men were in the area at the relevant time. Mr Adams also said that he heard there were IRA men at Moyard flats and that there was engagement mid-afternoon. He said it was not in the evening but he had no direct knowledge of this and so his view of the timing of IRA involvement cannot be determinative. Mr Adams was also aware of other IRA activity and also rumours of Loyalist activity but he could not be definitive about any of the accounts.

[163] When broken down Mr Adams gave a view of the local population's resentment to internment. That perspective was recounted by others and it is something I can accept. Other than that Mr Adams convinced me that there was IRA activity in the area in question on the day but his evidence does not establish the nature, extent or identities of those involved. It is a pity that I have not received a clearer picture of all of this.

[164] Mr Padraig Yeates came and gave oral evidence to the inquest on 10 September 2019. This was primarily due to a pamphlet he had written when in Belfast on 8 August 1971 entitled 'The Battle of Belfast.' The pamphlet was exhibited to his statement of 31 May 2019 and 9 September 2019. Mr Yeates was at the time of writing the article associated with Clann na hEireann, a British based Irish Republican Group. He gave very frank evidence, which I appreciate. He said his writing was clearly and obviously designed to further the Official Republican cause and so was propaganda and had to be read in that light. It also contained hearsay accounts and so had to be read with caution.

[165] One particular limb of his evidence, which was drawn from his experience with a radio station on the day, was what he said was an awareness that the UVF were a threat to the Catholic community in the area. At least that was the report coming in. He said he went to a house with an acquaintance to look for a gun to defend from the UVF, but when no weapons were forthcoming he went to the Northern Ireland Civil Rights Association (“NIICRA”) office to get some other form of help. He said he heard gunfire around 8:00pm which he believed was coming from Springmartin. That is really all Mr Yeates could say and he stressed that he could not be fully sure of the accuracy of events he reported on given the hearsay nature and the propaganda use.

[166] In addition to this evidence about IRA activity, I examined some records as a result of evidence given to me about two identified persons alleged to be IRA members, operating in the area at the time. This was evidence given by an Incident 1 witness, Mr Clarke, and so I deal with that in Incident 1. As I say there, I am satisfied that Mr Clarke was correct to associate both the named persons with the IRA; however the evidence does not assist me in reaching findings about specific events. The same applies to this incident as the material I received and the evidence I have read allows for a broad view of IRA activity to be taken but does not assist with specific findings regarding these deaths.

[167] I also received some evidence pursuant to Rule 17 about identification of the deceased and procedural issues. I will not recite all of this. However, it is important to mention the statement of Joseph Murphy’s wife and her recollections of conversations in the hospital as this is relevant to what may have happened to Mr Murphy.

[168] I have already referred to the expert medical evidence. In addition, evidence taken from the time includes the following. Dr Gurd of the RVH, in a deposition which is undated, referred to Mr Murphy being admitted at 11:15pm on 9 August 1971, apparently having been shot in the right thigh.

[169] Dr Gurd reported as follows:

“On examination there was an entry wound on the upper aspect of the right thigh and an exit wound on the medial aspect - bleeding ++ from the medial wound. There was gross swelling of the thigh and no function distal to the injury. X-ray showed a grossly comminuted fracture of the upper third of the shaft of the femur. A bullet was also detected on x-ray in front of the symphysis pubis. Operation was deferred until the next day because the patient was so ill. On 10 August 1971, the edges of the exit and entrance wounds were excised, and the passage of the bullet probed and cleaned. The bullet lying in the symphysis pubis was not removed. Routine treatment - Thomas’s splintage.”

[170] Dr Paul Osterberg FRCS also made a deposition which stated that on Friday 20 August 1971 he performed an operation on Mr Murphy. He said:

“The leg was grossly swollen and indurated, especially in the upper thigh, where there was a bullet wound with a grossly comminuted fracture of the upper third of the femur. As the viability of the leg was impaired it was decided to do a guillotine upper thigh amputation and this was carried out. The operative findings showed gross tissue necrosis in the upper thigh.”

[171] There is also a record that Richardson A.E. Assaf certified death occurring at 12:50pm on Sunday 22 August 1971 in the Respiratory and Intensive Care Unit of the RVH.

[172] At an earlier stage in preparation for these inquest proceedings, permission was given to exhume the body of Mr Murphy and that took place in 2015.

[173] There is also a statement (undated) of Mary Murphy, and a record of her interview with Paul Mahon on 2 March 1999 which is of relevance. The following is a summary from both sources. Mrs Murphy said to Paul Mahon that her husband left the house around 7:30pm and that sometime after 9:00pm she heard he had been shot as Dessie Crone (now deceased) came to her house and told her. Mrs Murphy recounted that she was told her husband was standing with a group of men talking when the Army opened fire from the Henry Taggart Hall. Apparently, when the shooting started, the men all fell to the ground and it was while on the ground that Mr Murphy was shot. Mr Murphy then said that she went to the Henry Taggart Hall the next morning around 7:00 am to ask about the wounded. The Army were outside brushing up glass and upon her making her enquiries one soldier said "we don't want to know about you or your fucking wounded, take yourself off the fuck." Mrs Murphy recounted that her husband told her not to worry he was only shot in the leg, but in the Henry Taggart Hall they shot rubber bullets at point blank range into him. He said to her that there was one young soldier who came to his aid and tried to help and he got a busted mouth from another soldier for that; that was the soldier who had fired the rubber bullets. Mr Murphy said they put him in a darkened room with other wounded and every time the Army came in they were kicked and beaten. Davy Callaghan was next to him. Mr Murphy said that the Army padre was the only one to help as he intervened, and also the young soldier who was from Exeter.

[174] Mrs Murphy said in her account that her husband had a drinking problem but he was a good man. She then described how her husband deteriorated and had an amputation after a main artery had busted. She said she spoke to him about an hour before that and that was their last conversation. The doctor told her the operation had been a success but Mrs Murphy said she was not told about the spread of

gangrene. Mrs Murphy described being given her husband's leg after the operation which she buried.

[175] Mrs Murphy also described constant raids on her house after her husband's death. She also described events at the inquest in March 1972 where she said some soldiers tried to interact with her and buy her a cup of tea/lunch. She said that they said they knew her husband was an innocent man and apologised for the loss of him.

[176] There are some other miscellaneous statements which I have considered in the round. Paul Connolly was excused for medical reasons from giving evidence. He is the son of Mrs Connolly and he described the severe effects of his mother's death. He also said that his mother went out about 8:00pm to look for Briege and Joan and that was the last he saw of her. She was wearing a coat, not carrying anything. Mr Connolly also gave evidence regarding the death of John McKerr. He also said that he was asked whether he saw any firearms when he was walking around the estate and he saw one weapon, a pistol, held by a man whose name he would not include in a statement.

[177] Joanie Crone was interviewed by Laura McMahon on 7 April 2010. She is the wife of Dessie Crone who it was said was with Joseph Murphy when he was shot. She was 78 at the time of the interview. She also said in the interview that Mr Murphy was her full cousin. She said he was sober that night when he went out and she heard he had been shot when her husband returned and told her. There is nothing of substance in the interview.

[178] Two statements witnessed by an S D McClelland of 23 August 1971 also appear to have been obtained by the Catholic Church ("Central Citizens' Defence Committee"). The first has the name redacted but is thought to be from a Sean McStravick. He said that at 8:50pm the shooting started. Later at 9:50pm he heard a child crying which he realised was coming from the side of the house which backs

onto the field. The child identified as Eddie Butler said "I'm shot." This man went to help, describing the fire from the Hall becoming heavier. He therefore said he, his daughter and man called Mr Patrick T shouted at the lad to crawl along the side of the fence to a hole beside an ice cream van. He dragged the boy through the hole who said "my wee brother is out there too." He said he went out with his wife and constantly shouted at the army to stop firing as a child was shot and they needed help. He said an Army spokesman then called through a loud hailer that he would cease fire for two minutes to allow the children to get out of the field. Two men from a house opposite ran into the field and lifted the two older boys and brought them back to his own house and two girls from a first aid post at St Thomas' school arrived and carried Edward out on a makeshift stretcher.

[179] The other statement is from Patrick T and is made in connection with the shooting of Edward Butler. This statement largely replicates that of Mr McStravick. In his statement Patrick T said he was at the home of Mr and Mrs McStravick at approximately 8:50pm. He said there was heavy gunfire outside directed towards the house coming from the direction of Henry Taggart Hall and Springmartin. At around 9:00pm he said he heard the child crying from the field and he along with the others brought the child into the house where they saw he was wounded and had lost a lot of blood. Patrick T Said he lifted the boy's leg and there was a gash underneath his testicles where it appeared the bullet had passed through his leg. He was crying and asked for his mother and then said he wanted his brother who was in the field with another kid and Patrick T then made contact with him. He said that he tried to go out and again gunfire was directed towards the door of the house, a bullet coming through the kitchen window, through a cupboard and lodging in the wall. He then described asking the soldiers to cease fire and how the other two boys were rescued from the field and the Knights of Malta arrived and assisted Edward Butler.

[180] An interview of Willie Ward with Paul Mahon of 9 February 1999 was also provided. Mr Ward said he was out on the night in question with some of the

deceased when shooting started and he ran away with a man called Dan Breen. He said he was hit in the shoulder by a bullet. He said he ran into Gillen's house, where Dan Breen was and stayed there until the next morning. Mr Ward suggested he was out on the street awaiting the return of a body for a wake to a house nearby.

VII. CONCLUSIONS FROM THE EVIDENCE

[181] Following my consideration of all of the evidence I have come to my findings as follows. The core questions are whether I consider the shootings of the deceased to have been caused by the British Army and whether they can be justified. I must decide these questions on the balance of probabilities bearing in mind the frailties of evidence after such a passage of time. In two cases, those relating to Joan Connolly and Joseph Murphy, I am also asked to consider whether inadequate medical treatment contributed to the deaths. In the case of Daniel Teggart I am asked to consider whether he had ammunition upon him when brought into the Henry Taggart Hall.

[182] This incident has been particularly difficult to determine because of the nature of events. It is obviously not a single incident. These events also occurred during a fast moving and sometimes chaotic evening when many people were out on the streets including children. People were clearly angry about the introduction of internment and tensions were high. Also there was clearly no proper investigation at the time by RMP or other agencies.

[183] I have already said that given the passage of time and the weakness of associated historical recall it is impossible for me to be absolutely precise about exact locations and movements of people. However the log notes I have been provided with are of use in painting some time frame of events, specifically that there was hostility directed towards Henry Taggart Hall at various stages in the day. That accords with civilian and military evidence which variously describes activity at the Hall in the nature of a riot.

[184] On the basis of what I have heard and read I am not satisfied that there was any sustained shooting at the Hall through the day. I accept that there may have been some sporadic gunfire and that people were gathered, shouting, throwing stones and other missiles and those in the Hall would viably think they were under attack by the community. Of course, no one was shot outside the Hall which rather makes the point that the riot earlier in the day was containable.

[185] It is the early evening events which are more problematic because four people were shot dead in the field. The logs suggest that this activity starts around 9:00pm but they are not definitive in relation to exactly what happened. I have considered all of the evidence as to how this came about and who might be responsible.

[186] In my view, the fact that standard issue British Army bullets were found in the deceased is determinative that they were shot by the British Army. Whilst I can accept that there was UVF paramilitary activity in the area I am not satisfied on the basis of the evidence I have heard that this caused these deaths. That is because there is simply no evidence of any cogency or specificity that UVF gunmen shot at these people in the Manse.

[187] In trying to establish facts, the direction of the fire relative to where the deceased were located is important. In this regard the evidence from the two women (Margaret Elmore and Agnes Keenan) who lived at 392 Springfield Road was compelling. They told me that bullets hit the gable wall of that house. Logically, the most likely place from where these bullets came was the Henry Taggart Hall. The very helpful evidence given by Mr Murphy, Engineer, supports my view on the balance of probabilities about the direction of the fire. The ciphered soldiers also said they were firing from this position. The military witnesses who came forward who were stationed at the Hall also said there was firing from there. Having considered all of the evidence there is no real doubt in my mind that each of

the deceased was shot by British Army fire coming from the direction of the Henry Taggart Hall.

[188] The next question is whether the deceased were armed or doing anything that would justify shooting them. In answering this question I bear in mind that I have not heard from one soldier who gave direct evidence on the point. I did admit the ciphared statements under common law because I do not know whether these soldiers were deceased or unavailable to give evidence for some other reason. It is very unfortunate that I could not hear their account of what actually happened. These statements do paint a picture of heavy gunfire coming from a number of locations including the waste ground. They refer to engagement over 10-15 minutes around 9:00pm. They also refer to the fact that it was dark and that shots were aimed at muzzle flashes. They refer generally to people with guns, including a woman with a pistol. They also refer to seeing people remove weapons from some people who were shot.

[189] I have considered these statements as part of the overall assessment of this case however there is a limit to their value as the witnesses have not been questioned and the statements themselves do not provide specific evidence in relation to the deceased. While various ciphared statements refer to gunmen and a woman they do not square with the evidence I have heard and so I am not satisfied that I can correlate the deceased with any of these general statements made at the time. No one has come and explained the military response in relation to each of the deceased to me. Specifically, no military witness has told me that they shot at these persons who were armed or even that they shot at an armed person in the immediate vicinity. By contrast, I have heard ample civilian evidence which I rely on and this points to the fact that none of the deceased were armed. Also the evidence I have heard establishes that no arms were found on or near the deceased. In addition, there is no evidence of gunshot residue which satisfies any evidential standards.

[190] The point that seems to be made as justification for these deaths is that there was IRA activity and that if IRA gunmen shot at the Army, they were justified in shooting back. I have considered this submission carefully. The ciphered statements provide a background of gunmen in the area shooting at the Henry Taggart Hall. I am satisfied that there was some IRA activity in the area. Civilian witnesses have referred to this and also M97 provided an account of a named individual in the area which I found to be credible. I cannot say how many gunmen there were. On the basis of the accounts I have heard I do not think that there were large numbers of gunmen but there was some presence and evidence that they shot at the Army.

[191] It is also impossible for me to say who fired the first shot without any direct military account of this. I accept the argument that when faced with armed gunmen shooting at them soldiers were entitled to protect themselves. However, the fact that there was some engagement by gunmen does not automatically answer the question in this case as to whether or not there was justification for the killing of those who died in the Manse. That is because there is no evidence to actually link the deceased with the IRA activity I have mentioned. There is not even military evidence of direct proximity to IRA activity given the failure of witnesses to come forward to explain events.

[192] Also, while certain suspicions are raised in the papers about guns being removed from the deceased, there is absolutely no evidence of this. The evidence I have points the other way, that the deceased were unarmed. Also, none of the deceased were claimed as members of the IRA, none had military trappings at their funerals and their death notices highlight no association.

[193] Each death must be accounted for, any response to violence directed against the State has to be necessary and there has to be a minimisation of risk in order to protect life. Also, the military, with the benefit of training and expertise, must manage the situation within legal parameters. I accept that on occasions this may

have been difficult in Northern Ireland given the nature of the conflict, but each fatality has to be explained.

[194] I then turn to the Army response to events in the Manse. Whilst the ciphered soldiers' statements refer to reasons for actions, none of these witnesses came forward and this evidence was untested. I am prepared to accept that force may have been justified to deal with armed gunmen who posed a risk. However, I am satisfied that accounts of persons said to be directing fire at the army do not relate to the deceased. In this regard I bear in mind that I did not hear from all military witnesses particularly those who fired during this incident. The extent of the response is also graphically illustrated by the fact that Eddie Butler, a child, was shot whilst in the Manse. Hence the evidence before me does not provide justification for any of these specific deaths.

[195] The commanding officer M130 is deceased and could not give evidence. It is thought he might be Soldier A. I note that M45 told me that M130 was the lowest rank to be in control and that he was not experienced. Soldier A's statement is noteworthy as it states that some direction was given to cease firing to "enable more control to be given." This comment provides a glimpse into what may have happened but it is obviously not determinative.

[196] I now turn to the medical treatment of the deceased. I preface my findings by acknowledging that this is a very delicate issue. The description of how Mrs Connolly died is graphic and disturbing. There was some evidence about how swifter medical treatment may have saved Mrs Connolly. I have reviewed this and considered it carefully. I bear in mind that the medical standards of 1971 are not the medical standards of today. I do consider there was a basic inhumanity associated with leaving Mrs Connolly in the field for so long and in relation to how she was transported to the Hall. Those actions were not taken with the greatest measure of diligence or respect. I am of the view that swifter medical care would have assisted

as the medical expert said but I cannot say it has contributed as a cause of death on the basis of the evidence I have heard.

[197] As regards Mr Murphy, the expert evidence, including that obtained by the next of kin, does not support the case that he was shot by rubber bullet(s) at the Hall. I therefore do not make that finding. However, in his case I also think he was handled with some insensitivity within the Hall and his family were also badly treated. It is right to raise conditions in the Hall. I am asked to conclude that brutality was displayed towards the injured and dying. I do not go so far as that but I do think that some personnel were triumphalist and abusive towards the able bodied who were brought in, including by means of physical abuse. I have heard evidence from civilians on this and it accords with evidence I have heard in other incidents. The treatment was heavy handed and was part of a prevailing tough culture within the regiment which might have been deployed elsewhere but which was wholly inappropriate when directed towards those detained by the Army on this day.

[198] The only issue about the actions of the four deceased arises in relation to Daniel Teggart. There was no weapon found near him or gunshot residue. However, there was some evidence at the time of ammunition found in his trousers. I have considered this evidence from Soldier N. The deposition states: "I made a search of the clothing to establish identities and on searching a pair of dark coloured trousers removed from Henry Taggart I found 38 rounds of .22 ammunition." In his undated and unsigned deposition, Soldier N stated: "I made a search of clothing to establish identities and on searching a pair of dark coloured trousers removed from Daniel Taggart I found 38 rounds of .22 ammunition." M26 was the SIB Sergeant who recorded the statement referred to above. He made a statement which is dated 10 August 1971 and was also admitted. He stated he received the ammunition from Soldier N, who told him they were recovered from the trousers of Daniel Teggart. M26 stated he gave the ammunition to a Detective Inspector on 16 August 1971. This ammunition is no longer available.

[199] On this issue the Army medic, Nigel Mumford, also gave evidence between 8 and 10 April 2019. In his statement to the Coroners Service, he alleged he had been asked to plant ammunition on the wounded, but he had refused to do so. Mr Mumford also stated that had there been such a quantity of ammunition in the trousers of Mr Teggart, he would have noticed this at the time he removed them. It is the Next of Kin's case that when received into the Henry Taggart Hall, Mr Teggart was not in possession of ammunition and that if .22 rounds were recovered from his trousers, they were planted there.

[200] The MoD submit that .22 ammunition was found by Soldier N in trousers attributable to Daniel Teggart and that there is evidence upon which it would be open to the Coroner to find that Mr Teggart was in possession of ammunition at the time he was taken into the Henry Taggart Hall. I have considered both perspectives and all of the evidence in relation to this. Having done so, I am not satisfied on the balance of probabilities that this fact is proven. I say this given the seriousness of the allegation. Fundamentally, I cannot understand why if this were true there was no further examination of the ammunition which would have connected it to Mr Teggart. Also, I did not hear from soldier N and that means his evidence was untested. No other witness has given direct evidence of this allegation yet there were military witnesses in Henry Taggart Hall who gave evidence. This was quite an amount of ammunition yet it was not mentioned by other witnesses who were in proximity of the deceased such as those who recovered the bodies. This would also have been quite a revelation and so I cannot understand why it was not mentioned by anybody who gave evidence.

[201] I have considered all perspectives and all of the evidence in relation to this issue. Having done so, I am satisfied on the balance of probabilities that Mr Teggart did not have ammunition on his person which came from him.

[202] Other than these matters, I heard more general evidence about alleged

brutality of soldiers in relation to other events. I make no findings on this issue save to say that I found the evidence of Mr Mumford and Mr Gow to be fantastical in many respects particularly as it was related to books they had written. There is some other evidence of an insensitive Army response in the Hall and heavy handed behaviour towards civilians generally which is more reliable and which I have referred to above.

[203] Accordingly, having established that the deceased were all killed by the British Army, I find that the State has failed to discharge the onus upon it to establish that the shootings of the deceased were justified. I find that there is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.

[204] I must also consider the management of this operation. Having done so, I find this was lacking in certain respects on the basis of the evidence I have heard. I wholeheartedly accept the perspective of military witnesses I heard from who said they felt frightened and under attack. Many of them were young men at the time who told me that they were simply obeying orders. On the basis of the evidence I have heard there does not appear to have been clear guidance given to young soldiers on the ground as to what they should do and that there was a perception that everyone was in the IRA or associated.

[205] I do not lose sight of the fact that others who were armed put civilians in the area at risk of danger on this day. However, the Army as trained soldiers have a duty to protect lives and minimise harm. The use of force was clearly disproportionate given the number of civilians around in a highly charged atmosphere after the introduction of internment and as soldiers were in a protected position in the Hall.

[206] The Yellow Card does ensure that the least amount of force should be applied in order to protect lives. This was not adhered to as I have found that the use of force was disproportionate. The evidence establishes that the deceased were unarmed and

posing no threat. This was a tragedy for all of the families who have had to live with the memory of events. I cannot be any more definitive as to who fired the fatal shots in each case save to say it must have been members of the Parachute Regiment stationed at Henry Taggart Hall.

VIII. VERDICTS

[207] Therefore the verdicts are as follows:

Joan Connolly

- (a) The deceased was Joan Brigid O'Hara Connolly, female, of 91 Ballymurphy Road, Belfast.
- (b) Mrs Connolly was born on 28 October 1926.
- (c) Mrs Connolly was a married woman and a housewife.
- (d) She died on 9 August 1971 in the Manse Field, Springfield Road, Belfast.
- (e) She died as a result of gunshot wounds to the face and right thigh and as a result of blood loss from these wounds.
- (f) Mrs Connolly's death was caused by fire from soldiers in the Parachute Regiment.
- (g) She was unarmed and not acting in any other way of threat.
- (h) The shooting of the deceased has not been justified by the State.
- (i) The use of force by the Army that resulted in her death was disproportionate.
- (j) No proper investigation was carried out into this death.

- (k) There is a violation of Article 2 given the manner in which this shooting occurred without minimisation of risk.
- (l) The rules of engagement for soldiers in force at the time of this death, namely the Yellow Card, were not adhered to.

Daniel Teggart

- (a) The deceased was Daniel Teggart, male, of 29 Westrock Drive, Belfast.
- (b) Mr Teggart was born on 10 October 1926.
- (c) Mr Teggart was a general labourer.
- (d) He died on 9 August 1971 in the Manse Field, Springfield Road, Belfast.
- (e) He died as a result of high velocity gunshot wounds to his trunk and limbs, after an initial period of consciousness.
- (f) Mr Teggart's death was caused by fire from soldiers in the Parachute Regiment.
- (g) He was unarmed, not acting by way of threat and he did not have ammunition on him which came from him.
- (h) The shooting of the deceased has not been justified by the State.
- (i) The use of force by the Army that resulted in his death was disproportionate.
- (j) No proper investigation was carried out into this death.
- (k) There is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.

- (l) The rules of engagement for soldiers in force at the time of this death, namely the Yellow Card, were not adhered to.

Noel Phillips

- (a) The deceased was Noel Phillips, male, of 18 Whitecliff Parade, Belfast.
- (b) Mr Phillips was born on 6 December 1951.
- (c) Mr Phillips was a window cleaner.
- (d) He died on 9 August 1971 in the Manse Field, Springfield Road, Belfast.
- (e) Mr Phillips' death was caused by fire from soldiers in the Parachute Regiment.
- (f) He was unarmed and not acting in any other way of threat.
- (g) He died as a result of gunshot wounds to the neck and throat. After a possible period of initial consciousness, his condition deteriorated rapidly and death likely occurred within minutes.
- (h) The shooting of the deceased has not been justified by the State.
- (i) The use of force by the Army that resulted in his death was disproportionate.
- (j) No proper investigation was carried out into this death.
- (k) There is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.
- (l) The rules of engagement for soldiers in force at the time of this death, namely the Yellow Card, were not adhered to.

Joseph Murphy

- (a) The deceased was Joseph Murphy, male, of 19 Ballymurphy Parade, Belfast.
- (b) The deceased was born on 22 August 1971.
- (c) Mr Murphy was a rag and bone man.
- (d) Mr Murphy died on 9 August 1971 in the Manse Field, Springfield Road, Belfast.
- (e) Mr Murphy's death was caused by fire from soldiers in the Parachute Regiment.
- (f) Mr Murphy died on 22 August 1971 from injuries sustained to his leg, after operative interventions.
- (g) The deceased was unarmed and not acting in any way of threat.
- (h) The shooting of the deceased has not been justified by the State.
- (i) The use of force by the Army that resulted in his death was disproportionate.
- (j) No proper investigation was carried out into this death.
- (k) There is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.
- (l) The rules of engagement for soldiers in force at the time of this death, namely the Yellow Card, were not adhered to.

Signed: **Mrs Justice Keegan**
 Coroner

Date: **11 May 2021**

ANNEX 2

INCIDENT 2: THE DEATHS OF JOAN CONNOLLY, DANIEL TEGGART, NOEL PHILLIPS AND JOSEPH MURPHY

2.1 TBM Consultants Plan C/Ordnance Survey Map 1971

2.2 Film A Photograph 13 (important landmarks)

2.3 Photograph of sandbagged emplacement

2.4 Photograph of front of Henry Taggart Hall

2.5 Aerial Photograph of the Manse

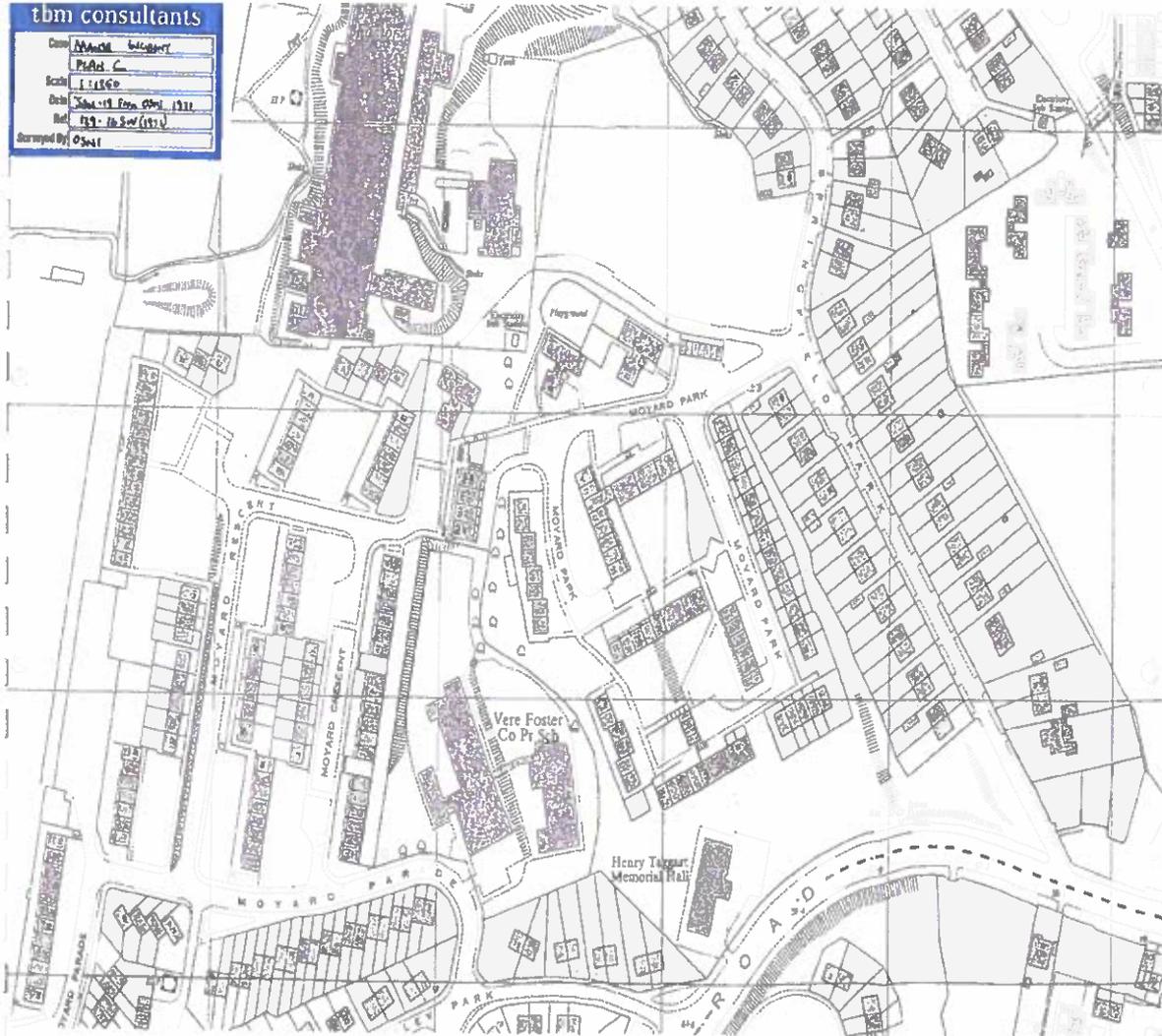
2.6 Exhibit B2/09(photograph marked by Margaret Elmore)

2.7 Map marked by General Howlett

2.1 TBM Consultants PLAN C /Ordnance Survey Map 1971

tbm consultants

Client:	MANOR WOODS
Project:	Phase 2
Scale:	1:1100
Date:	Sept - 19 Dec 2011
Ref:	119 - 11.501 (11.1)
Drawn By:	OSM

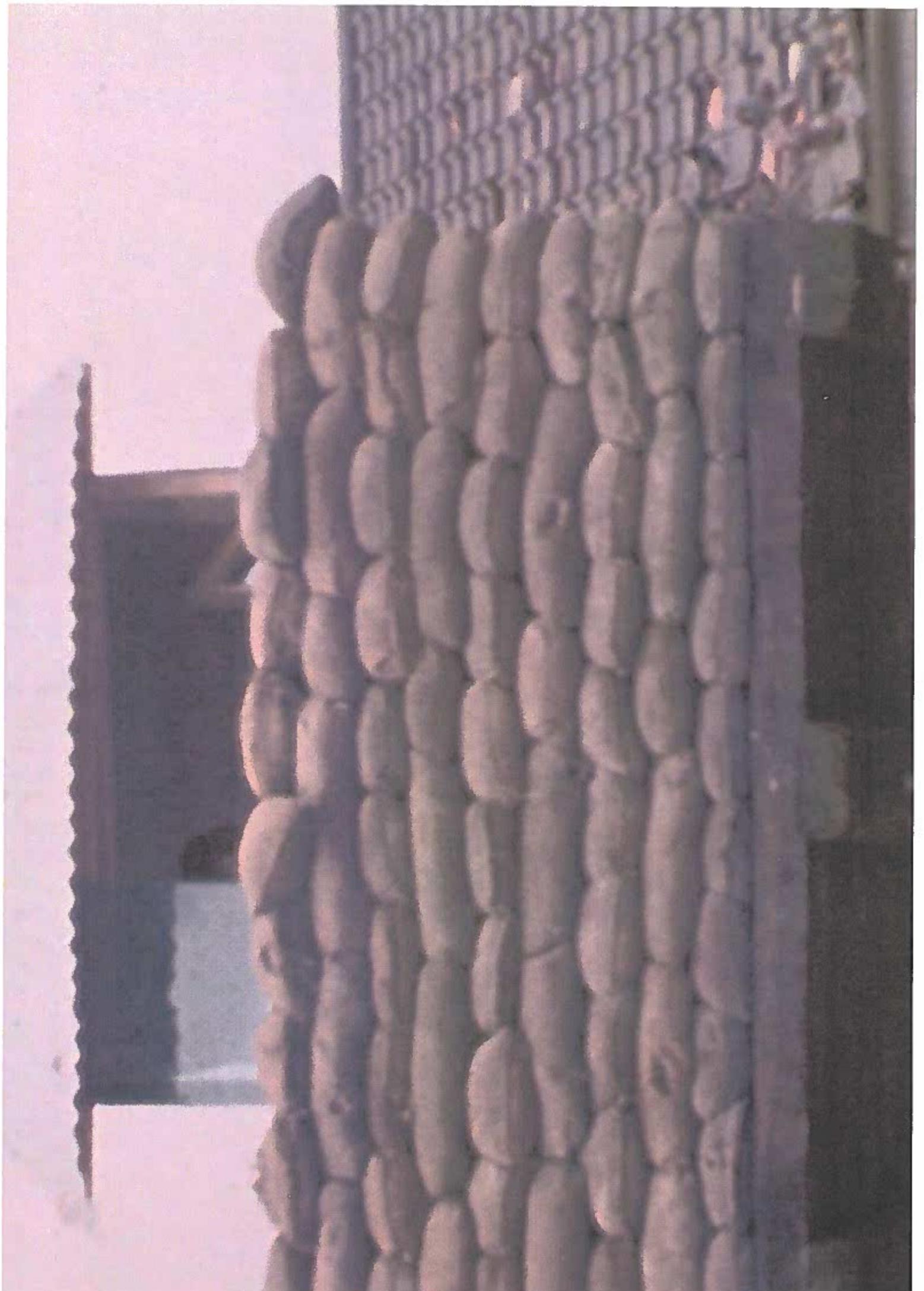


2.2 Film A Photograph 13 (important landmarks)

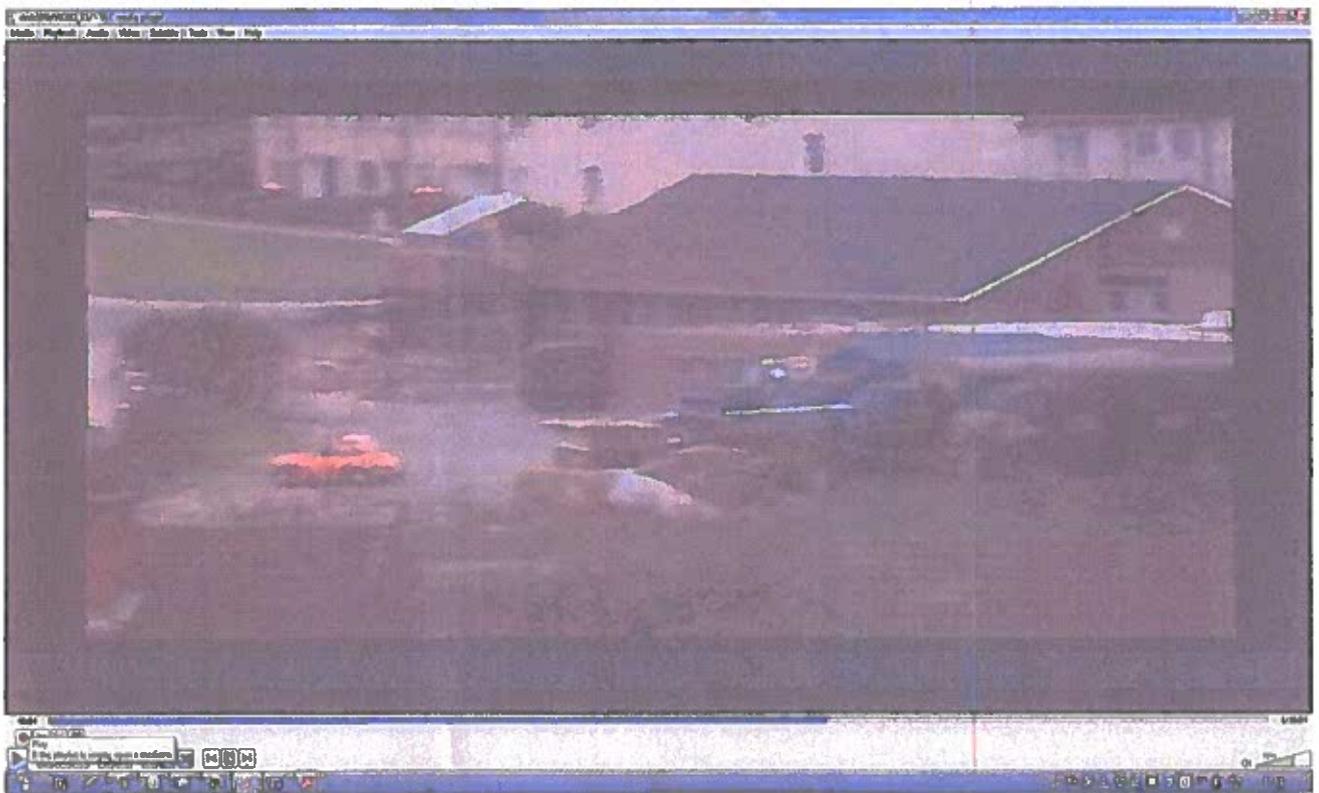
Film A 35mm Aerial



2.3 Photograph of sandbagged emplacement



2.4 Photograph of front of Henry Taggart Hall



2.5 Aerial Photograph of the Manse



**2.6 Exhibit B2/09 (photograph marked by
Margaret Elmore)**

Film A 35mm Aerial



Hugh Mullan 09-08-71

EXHIBIT 62/09

2.7 Map marked by General Howlett

▼ 🔍



© 330,148 374,193 Netras
Ordnance Survey of Northern Ireland - Crown Copyright and Database Right Ordnance Survey of Northern Ireland

