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

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

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**INCIDENT 4  
THE DEATHS OF JOHN LAVERTY AND JOSEPH CORR**

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**CORE ABBREVIATIONS IN THIS INQUEST:**

- RMP:**                   **Royal Military Police**
- MoD:**               **Ministry of Defence**
- IRA:**               **Irish Republican Army**
- RUC:**               **Royal Ulster Constabulary**
- SLR:**               **Self-Loading Rifle**
- APC/PIG:**           **Humber armoured personnel carrier**
- HET:**               **Historical Enquiries Team**
- CSNI:**              **Coroners Service of Northern Ireland**
- SITREP:**           **Situation Report**
- SIB:**               **Special Investigations Branch**
- CCRC:**             **Criminal Cases Review Commission**
- ALJ:**               **Association for Legal Justice**
- SMG:**              **Submachine Gun**
- HQNI:**             **Headquarters, Northern Ireland**
- PSNI:**             **Police Service of Northern Ireland**

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## ***I. INTRODUCTION***

[1] This is an account of the evidence and my conclusions and verdict. I have considered the evidence heard between 20 May 2019 and June 2019. 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. With the agreement of all parties I have heard this inquest as a judge sitting as a coroner without a jury. 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. The cogency of the evidence is another issue as this case relates to events almost 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] Incident four in the Ballymurphy sequence concerns the deaths of John Laverty and Joseph Corr on 11 April 1971. Mr Laverty was aged 20 years of age when he died. He lived in the local area at 17 Whitecliff Parade with his parents and siblings. Mr Corr was a married man aged 43 who lived with his wife and seven children at 24 Divismore Crescent, Belfast.

[4] It is common case that these deaths occurred in the early hours of 11 August 1971 in and around the Whiterock Road. There was unrest in the area at the time. The military were present in that C Company, 1<sup>st</sup> Battalion, the Parachute Regiment were engaged in an operation coming down an area known as the Mountain Loney into the Whiterock Road. It is accepted that the soldiers engaged in fire, the issue is whether the deceased were firing at them at the relevant time.

[5] On 12 October 1972 inquests took place into the deaths of both men before the coroner, Mr Elliott. Open verdicts were recorded at this time. The cases were then referred by the Attorney General for a fresh inquest. By way of letter of 16 September 2011 the Attorney General wrote *inter alia*:

“I note that it appears, from the information available, that the investigation into the death of your client’s relative does not appear to have been thorough or effective. In this regard I note the evidence of C to the original inquest confirming that neither the police nor the military police approached soldier B to take a statement from him until 21 July 1972, almost one year after the incident in question. While C told the inquest that he would have expected Soldier B to have made a report accounting for his having fired rounds of ammunition, he does not seem to have obtained a copy of any such report, nor does he appear to have been pressed upon this

point by the Coroner. Furthermore, Mr Corr died in hospital more than two weeks after the shooting. If the allegation that Mr Lavery and Mr Corr were part of a group of 3-4 people, at least two of whom had been firing shots at the army, had been made contemporaneously, it seems surprising to say the least that swabs were not taken from his hands in hospital, as, for example happened in the case of Joseph Murphy. Similarly, there is no indication that swabs were taken from the hands of Mr Lavery. This appears to indicate either that the allegation that the two men had been firing weapons was not made at the time or that there was a complete failure to investigate on the part of the police and the Royal Military Police.

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 the investigation of the accounts of 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.

I further note that the account of soldier B appears to indicate that he was the point man in a foot patrol, i.e. the soldier in an exposed position at the front of the patrol. His statement indicates that he came on one male person lying down on the pavement and that he also saw a trail of blood leading away from that spot up a pathway to one of the houses and off into the garden. Despite this

admission that he was aware of the possible presence of an armed man in the garden of the house, his statement surprisingly simply continues 'I continued my advance down the Whiterock Road past the barricade and across the Springfield Road.' The statement neither indicates that he took any action to investigate the possible presence of an armed man in the garden nor to warn his military colleagues. Due to the fact that Soldier B was not present at the inquest and his statement was simply read out by another soldier, there was no opportunity to question Soldier B on the issues arising from his statement."

[6] Military and civilian witnesses have given evidence about these deaths. I also heard pathology and ballistics evidence which I will discuss herein. I had the benefit of engineering evidence provided by Mr Brian Murphy, Consultant Engineer. I also considered maps and photographs of the area. Finally, I have been greatly assisted by the submissions of counsel for the next of kin and the Ministry of Defence ("MoD").

## *II. SETTING THE SCENE*

[7] The location of the shooting was examined by Mr Brian Murphy, Consultant Engineer. Mr Murphy filed a comprehensive report dated 9 May 2019 and further photographs in a report dated 21 May 2019, an 'update report 1' dated 25 May 2019 and 'update report 2' dated 7 June 2019. Mr Murphy also gave helpful evidence to me in person.

[8] Mr Murphy used Ordnance Survey maps from 1972 and 1971 to explain the area. He also used some contemporaneous photographs. He highlighted the similarities and differences between the 1971 location and the present day as follows.

The general location at issue is the Whiterock Road as it progresses to the junction with the Springfield Road. The critical sites were a house at 227 Whiterock Road, where Soldier B is thought to have fired from, and the houses just further on down Whiterock Road at numbers 205-217, where the deceased were located. The road into this area is known as the Mountain Loney.

[9] Mr Murphy explained that the road layout and gradient of Whiterock Road is substantially the same, the houses from 201 to 227 Whiterock Road remain in the same place, the road layout and gradient of Dermott Hill Park, Green Road Gardens and Parade remains the same, the houses within Dermott Hill Park, Green Road Gardens and Parade remain essentially the same albeit that some houses have been extended. Houses have been built at the site near to the corner of Dermott Hill Park and Whiterock Road.

[10] There are some differences in the topography which Mr Murphy explained as follows. He said that a pavement has been added to the northern side of the Whiterock Road above house No. 227, on the southern side of the road in this vicinity the road has been slightly realigned and some new houses have been built.

[11] Mr Murphy drew attention to the fact that the roadway rises from the traffic island at the junction of Springfield Road going up the road 6.875 metres over a distance of approximately 130 metres. Also, he pointed out that the pavement outside the houses from 201 to 221 is above the road by varying heights - at a maximum of 1.427 metres at No. 215 Whiterock Road. There is a retaining wall dividing the roadway from the pavement with steps down which can be seen in the maps and photographs. I note that there were metal railings on top of the retaining wall in the recent photographs. I refer to the following map which shows the general area. This is attached and found at **Annex 4.1**.

[12] During the inquest we used Plan 3 during the oral evidence and a variety of witnesses marked locations on it. Plan 3 is an Ordnance Survey map from 1972. I

have already said that this is a difficult exercise which can never be entirely accurate at this remove of time but for completeness sake I record the following markings that were made on Plan 3 (as annexed to these findings):

- (1) Exhibit B4/02, marked by Joseph Marley, civilian witness - a '1' in red is marked where he got to as part of "the charge" up the Whiterock Road (**Annex 4.2**). There were also photographs attached to his statement (marked JM/02), in which he identified house No. 201 Whiterock Road where he sheltered from the army (**Annex 4.3**).
- (2) Exhibit B4/03, marked by military witness M432 - 2 red marks outside 205 and 219 respectively where he saw injured men (**Annex 4.4**).
- (3) Exhibit B4/05, marked by M380 - a large red circle between 217 and 209 covering the pavement area where the injured men where (**Annex 4.5**).
- (4) Exhibit B4/06, marked by M368 - 2 marks, '1' and '2', re injured men outside 211 and 213 (**Annex 4.6**).
- (5) Exhibit B4/07, marked by M344 - a red 'X' at 217/ 215, a red 'C' for injured man at 209 and 'B' for barricade at junction of Whiterock Road and Springfield Road (**Annex 4.7**).
- (6) Exhibit B4/08, marked by Brian Murphy - photo position update (**Annex 4.8**).
- (7) Exhibit B4/11, marked by M443 - 'B' at very top of Whiterock Road (**Annex 4.9**).

[13] As noted above, the witness Joseph Marley provided photographs (**Annex 4.3**). These are marked A, B, C, D and E. Photographs A, B, C, D show the area at the time and in particular the way down from the mountain onto the Whiterock

Road. Photograph E is not contemporaneous but shows houses and the road at the time, explained by Mr Marley in his evidence.

### *III. FAMILY TESTIMONIALS*

[14] I heard from relatives who provided pen pictures of the deceased. Eileen McKeown is the daughter of Joseph Corr. She gave evidence that his parents had four other children; he had two brothers and two sisters. He attended St Comgall's School in the Lower Falls. After school he became employed in Short Brothers as a machinist. He married his wife Eileen and they lived first in the Lower Falls before moving to Ballymurphy. At the time of his death the family had plans to emigrate to Australia as Mr Corr had a brother there. The children did not get to see their father in hospital after he was shot and they were evacuated from the Ballymurphy area to a convent in Dublin where they were when he died. Eileen McKeown gave evidence of the effect of her father's death upon the family as follows:

"Mummy had to go to work after daddy died. She didn't get any financial help whatsoever. She didn't get a widow's pension, she didn't get free school uniforms, or free school dinners for us. I have no idea how she did it. It was so hard for her. Then mummy had a hard life, I was only nine and there were two kids below me as well as the older ones. There was no compensation paid to my mummy. She didn't even get anything from his workplace other than a letter that came from some Shorts workers not long after daddy died which said 'May your subhuman husband and his pals rot in hell.' The army told the media and the media put it out there he was an

IRA gunman. That's why she got the hate mail from his workmates.

When the media said he was a gunman, they blackened his name and blackened our family's name."

[15] Mrs Eileen Corr, the deceased's widow, made a deposition under oath for the original inquest in which she said that "he was never involved in any trouble and was employed for 20 years with Short Brothers and Harland."

[16] Carmel Quinn also provided a personal testimony by way of pen picture in relation to her brother John Laverty. She said that he was named after his uncle John who had fought in World War II. He was the fifth of eleven children in a close knit family. He was described as happy and he was the prankster of the family. Ms Quinn provided a clear recollection of John laughing during the preparation for her eighth birthday party on 3 August 1971 and of his waving goodbye until she was out of sight when she was evacuated from Ballymurphy on the introduction of internment six days later. That was the last time she saw him alive.

[17] John Laverty's father Thomas gave evidence at the original inquest at which he said that his son "was not a member of any subversive organisation and he did not know anything about guns or have knowledge of firearms."

#### *IV. PATHOLOGY*

[18] Post mortem examinations were carried out on both of the deceased. In respect of Joseph Corr, Dr John Press carried out an autopsy on 29 August 1971. His findings were admitted under Rule 17. The report of autopsy also records that during the course of the examination photographs were taken by Constable Sinclair, Royal Ulster Constabulary ("RUC") Photography Branch.

[19] In the autopsy report Dr Press records that there were gunshot wounds in the following situations:

**“Trunk**

- (i) An entrance wound on the right side of the back, centred 4½cm to the right of the midline and 3cm above the level of the iliac crest. It was a round hole, 6mm diameter, surrounded by a zone of healed abrasion, about 2mm broad. Its left margin shelved outwards whilst the right was undermined. A probe inserted into the wound extended upwards and forwards at an angle of about 40° to the horizontal plane with a deviation of 45° to the right.
  
- (ii) An exit wound on the right side of the chest in about the mid axillary line, centred 8cm above the level of the ilia crests. It was a roughly round hole, about 9cm diameter, with necrotic margins.”

[20] In his opinion section Dr Press wrote as follows:

“The man appeared to have been healthy. Death was due to a gunshot wound of the abdomen and chest. A bullet had entered the right side of the back of the abdomen, had passed forwards, upwards and to the right lacerating the bowel and liver before leaving the body through the right side of the lower chest where it fractured four ribs. These injuries gave rise to peritonitis, an acute

inflammatory condition of the abdominal cavity, and by interfering with his breathing they also gave rise to bronchopneumonia, an acute inflammatory condition of the lungs and air passages. The pneumonia and the peritonitis eventually precipitated his death about thirteen days after he was shot despite treatment in hospital.

The wounds were of a type caused by a bullet of high velocity. In view of the time interval between infliction and death it was not possible to make any estimate of the range from which the weapon was fired.

If he were erect at the time the weapon was fired then the bullet must have come from behind, to his left and upward.”

[21] In relation to Mr Lavery, Dr Derek Carson, Deputy State Pathologist, conducted the autopsy on 12 August 1971. Dr Carson recorded that photographs were taken at his direction by Sergeant Penney, RUC Photography Branch.

[22] Dr Carson first noted that the following clothing was removed from the body:

- “1. A blue shirt with long sleeves, buttoned at the front and blood stained at the back.
2. A white vest intact at the neck-band but torn down the left front.
3. A pair of blue jeans with a large tear at the right thigh.
4. A pair of white underpants.
5. A pair of brown laced boots.

6. A pair of blue patterned socks.”

[23] Dr Carson then recorded:

“Gunshot wounds were present in the following situations:

### **Back**

- (i) An oval entrance wound, 14x7mm, on the right flank, its long axis directed downwards and to the left an angle of 45°. Its upper end lay 17cm below the lower angle of the scapula and 11cm from the mid line. It was surrounded by a collar of reddish abrasion 2mm wide. Its lower right margin shelved outwards whilst its upper left margin was under-cut.
  
- (ii) An elliptical exit wound, 10x4½cm on the left lower chest, its upper left margin 8cm below and 5cm to the right of the lower angle of the scapula and its right lower margin 1½cm to the right of the mid line. In some parts its margins were surrounded by one interrupted rim of abrasion 2-3mm wide lacerated muscle was exposed in the depths of the wound and it was continuous with the previous wound by a track through the subcutaneous tissues. The track connecting the two wounds passed upwards and to the left at an angle of 45° to the horizontal and backwards at an angle of about 10° to the coronial plane.

**Right lower limb:**

An oval entrance wound, 11x6mm, on the outer side of the thigh, centred 7cm above the line of the knee joint. It was surrounded by a rim of abrasion 2mm wide. The long axis of the wound was vertical and its lower margin shelved outwards whilst its upper margin was undercut. A probe inserted in the wound passed upwards and to the left at an angle of about 33° to the vertical.”

[24] In addition, Dr Carson recorded abrasions to the face and injuries to the ribs. Also on the external surface of the rib cage beneath the skin a spent bullet was found within the lacerated muscle and beneath the external bulge. It was sharply pointed, of copper-jacketed type 29mm long and 7mm diameter, the casing being partly raised and broken near its base.

[25] Dr Carson recorded that the deceased’s clothes and the bullet were handed to Constable Greer, Scenes of Crime Officer. Analysis of blood excluded the presence of alcohol.

[26] In his opinion section Dr Carson recorded the following:

“The young man was healthy. There was no natural disease to cause or accelerate death or to cause collapse.

Autopsy revealed an entrance gunshot wound on the right flank and exit wound on the right flank and exit

wound on the back of the lower chest. These were connected by a track passing through the subcutaneous tissues and muscle the direction of the track being from right to left and upwards at an angle of 45° to the vertical and backwards at an angle of about 10° to the coronal plane. This wound involved only the fleshy tissues and would not have proved fatal.

There was another entrance wound on the outer side of the right thigh and a spent bullet was found beneath the skin on the left side of the chest. From the entrance wound the bullet had passed upwards and to the left at an angle of about 35° to the vertical, through the tissues of the thigh into the pelvis. It had then perforated the bladder and the intestines and had lacerated the right kidney, spleen, and diaphragm and left lung before leaving the left chest cavity between the seventh and eighth left ribs. Death was due to internal bleeding from the injuries caused by this bullet.

The deceased had thus been struck by two bullets, apparently fired from a high velocity rifle. The path of each was fairly similar, from right to left and fairly sharply upwards. Thus, if the deceased were upright at the time they must have come from a much lower level on his right. They could also have been caused when he was lying down, by bullets travelling obliquely from his right on a more or less horizontal plane."

[27] The report of the Forensic Science Laboratory showed that at the time of his death there was no alcohol in his body.

[28] Various independent expert pathology reports were also prepared for this inquest. I have considered these, namely written reports of Dr Benjamin Swift, Consultant Forensic Pathologist, of 20 May 2018, the reports of Dr Nathaniel Roger Blain Cary, Consultant Forensic Pathologist, of 5 January 2019 and the reports of Professor Jack Crane, which are undated.

[29] In addition, Dr Swift gave evidence before me and in doing so he confirmed that there was agreement between all of the pathology experts. In relation to Joseph Corr, he, on behalf of the experts, referred to an agreed joint written statement which reads as follows:

“So we would wish to make the following comments regarding the death of Joseph Corr:

1. We each agree that Mr Corr died just over two weeks after receiving a single high velocity gunshot wound to the back of the abdomen and chest.
2. We each agree that the wound to Mr Corr’s outer right arm was likely caused by the exit of the same high velocity bullet though cannot entirely exclude a second bullet.
3. We each agree that he must have bent forwards exposing his right side which would include falling forwards, crouching, kneeling, crawling or lying positions. The topography of the area should also be considered.

Finally, we stated that:

4. There were no injuries to indicate that he had been beaten or tortured.”

[30] In relation to John Laverty, Dr Swift also confirmed the consensus of the pathologists as follows:

“Relating to Mr Laverty we make the following comments:

1. We each agree that Mr Laverty died as a result of a high velocity gunshot wound. The bullet entered the lower right thigh and was recovered from the left side of the chest wall. Death would have ensued rapidly from the internal injuries though there would have been a period of consciousness and possibly purposeful movement beforehand.
2. We each agree that a second gunshot wound to Mr Laverty’s back was likely caused by a high velocity bullet.
3. We each agree that he must have been bent forwards exposing his right side likely whilst in a prone position possibly crawling or lying. The topography of the area should also be considered.
4. And again, we included a statement there were no injuries to indicate that he had been beaten or tortured.”

## V. *BALLISTICS*

[31] There was a similar amount of consensus among the ballistics experts. I have considered the written reports of Mr Mark Mastaglio and Angela Shaw of 14 November 2018, Mr Paul Olden of 31 August 2018 and Ann Kiernan of 23 May 2019.

[32] In addition, I heard helpful evidence from Mr Paul Olden who read into the record a joint report from the experts as follows:

“Based on the description of the wounds provided in Dr Press’s and the TBM reports, the wounds could have been caused by the passage of a single high velocity rifle bullet such as 7.62 x 51mm calibre although it cannot be discounted that the wound to the right arm has been caused by a second bullet.

A bullet had entered the right side of the lower back just above the hip and tracked upwards. Dr Press gives the upwards angle as 40 degrees from the horizontal, from left to right and exited the right side of the chest. The wound to the right arm could have been caused by this bullet after exiting from the chest or by another fired bullet. The size, 6mm, and circular symmetry of the entry wound to the back are consistent with a direct shot rather than a bullet that had ricocheted.

There is nothing in the pathologist’s report to suggest the presence of soot or powder tattooing around the entry wound. Although the presence of such features would indicate a shot fired from very close distance their

apparent absence is of limited value given the location of the wounds and that clothing would have been worn.

From the wound ballistics it is not possible to make any useful assessment of the particular location of Mr Corr or the firer when the shot was fired. Given the topography of the scene if Soldier B was positioned close to 227 Whiterock Road then he would have been on marginally higher ground than the raised pavement and roadway that ran down the odd numbered houses towards Springfield road. If Mr Corr had been on this pavement or on this part of the roadway when he was shot by Soldier B positioned outside number 227, then due to the location of the entry wound and upward wound track Mr Corr would have been facing away from Soldier B bent forward at the waist crouched, kneeling or on the ground when he was shot. Mr Corr could not have been standing upright. Looking down Whiterock Road in the direction of Springfield Road from the gardens of houses 227, 225 and 223 lines of sight exist to the raised pavement and Whiterock Road. If Mr Corr had been standing upright on the pavement or roadway the wound track could only have been caused if Soldier B had been at a lower level with his rifle pointed upwards at about 40 degrees to the horizontal. It cannot be discounted from the wound ballistics alone that Mr Corr was shot from the Springfield Road uphill into Whiterock Road nor can it be discounted that he was shot twice from more than one direction.

In relation to John Lavery, again based on the description of wounds provided in Dr Carson's report, pm photos and the TBM reports and examination of the recovered fired bullet. Mr Lavery had two gunshot entry wounds, one to right side of the back and one to the outside of the upper right thigh. The bullet that had entered the thigh was recovered from the external surface of the ribcage and was identified as being a 7.62 x 51mm calibre bullet consistent with originating from UK military L280 20 ammunition.

The rifling marks engraved onto the bullets were of the same general class of the rifling used in the L1A1 SLR barrel in number, direction and dimensions. However, rifling data provided by the FBI GRC file and the German BKA fire type data base indicates that there are other 7.62 x 51mm calibre rifles that have similar rifling characteristics.

There was no damage to the bullet to indicate that it had ricocheted from a hard object before entering the body. The bullet tip was slightly bent, the lead core was partially extruded and part of the jacket was peeled away from the core. The features are as expected for a bullet of this type that had passed through tissue and struck bone, the latter resulting in the peeling of the jacket.

The bullet that had entered Mr Lavery's right side had passed upwards at an angle given by Dr Carson as 45 degrees from the vertical. A similar upward angle of 35 degrees from the vertical was noted for the wound track

between the entry wound in the thigh and the location of the recovered bullet. The bullet that entered the right side reportedly caused tissue damage without striking bone. The pathologist's report indicates that the bullet that entered the right thigh may have struck the pelvic bone. This is supported by the bullet jacket damage and apparent bone fragments found held in the bullet. This bullet may therefore have deflected within the body such that the angle quoted by the pathologist may not accurately reflect the original trajectory of this bullet.

The two wound tracks are consistent with minimal movement by the firer or by Mr Lavery in the time between the two shots. Consequently, the two shots may have been fired in quick succession or there may have been minimal movement by Mr Lavery and the firer within a longer timeframe before the second shot was fired. The descriptions of the two entry wounds are consistent with direct shots and do not suggest that either bullet had ricocheted.

There is nothing in the pathologist report to suggest the presence of soot or powder tattooing around the entry wound again although the presence of such features would indicate a shot fired from very close distance their apparent absence is of limited value given the location of the wounds and the fact that clothing would have been worn.

It is not possible from the wound ballistics to make any useful assessment of the particular location of Mr Lavery

or the firer when the shots were fired. Given the topography of the scene if Soldier B was positioned close to 227 Whiterock Road then he would have been on marginally higher ground than the raised pavements and the roadway that ran down the odd numbered houses towards Springfield Road. If Mr Lavery had been on this pavement or on this part of the roadway when he was shot by Soldier B positioned outside number 227, then due to the location of the entry wounds and upward wound tracks Mr Lavery would have had his right side facing Soldier B and would have been crouched, kneeling or on the ground when he was shot. Mr Lavery could not have been standing upright.

Looking down Whiterock Road in the direction of Springfield Road from the gardens of houses 227, 225 and 223, lines of sight exist to the raised pavements and Whiterock Road. If Mr Lavery had been standing upright on the pavement or roadway the wound tracks could only have been caused if Soldier B had been at a lower level with his rifle pointed upwards potentially at about 35 to 45 degrees to the vertical.

And finally, it cannot be discounted from the wound ballistics alone that Mr Lavery was shot from the Springfield Road uphill into Whiterock nor can it be discounted that he was shot twice from more than one direction.”

[33] A report from the Police Service of Northern Ireland (“PSNI”) was also filed relating to the bullet found in Mr Lavery. This report refers to a search of records in

relation to weaponry utilised by paramilitary groups. It states that the first recovery of an LIAI Self Loading Rifle (“SLR”) from an incident attributed to Republicans was 13 October 1971. Of the 29 such firearms recovered, stolen dates exist for 14, only two of which were prior to August 1971.

## **VI. CIPHERED SOLDIERS**

[34] It will be apparent from the subsequent sections that the account of ciphered Soldier B is a core military account as he said he shot at people on the Whiterock Road. I will assess this account in due course in these findings. However, before dealing with the evidence I must point out that I did not hear direct evidence from B or any other ciphered soldier. In some instances it was suggested that military witnesses were ciphered soldiers. I have assessed this as best I can. There is another complicating feature. In the papers relating to the deaths of Mr Corr and Mr Lavery there is also an entirely separate batch of statements from other soldiers which were taken by a member of the Royal Military Police (“RMP”) on 11 August 1971. The statement taker has been identified as M437. The soldiers have the ciphers Soldier A - I. These statements do not correlate with the statements of the two medical officers A and D nor with B who said he fired shots on the Whiterock Road. When the Historical Enquiries Team (“HET”) reviewed the Ballymurphy deaths, they thought that the statements from A - I might be associated in error with Mr Lavery. It appears from these statements that on 11 August 1971, the 1st Battalion of the Parachute Regiment was ordered to clear all barricades erected on the entry roads to Turf Lodge, New Barnsley and Ballymurphy. They were also ordered to clear the area of Irish Republican Army (“IRA”) gunmen. The statements contain accounts of several purported engagements with gunmen in a number of areas including Ballymurphy. It is not obvious that any of these accounts relate to the deaths of Mr Corr and Mr Lavery, however I have considered this evidence as part of the overall picture along with the account of Soldier B who obviously was more directly connected to these events.

## VII. CIVILIAN EVIDENCE

[35] The evidence of Mr Robert Doyle was presented in the form of a statement made to the Coroners Service for Northern Ireland (“CSNI”) on 23 May 2018 and transcripts of interviews he gave to Paul Mahon on 2 March 1999 and Pádraig Ó’Muirigh on 24 March 2011. Robert Doyle also gave an interview to Laura McMahan (together with his brother Bernard Doyle) on the 19 August 2009. Mr Doyle also gave evidence before me. I summarise his testimony as follows. On the day in question he was 16 years old and he lived at 205 Whiterock Road with his family. He said that he was at home with his brother and father; his mother had gone to Butlins on a holiday with other children. He said he and his brother were wakened by his father around 3.00am. Mr Doyle then recounted what he had heard from others about what was happening, namely that locals were out on the street and moved in the direction of soldiers coming down the Mountain Loney. He did not witness shooting but in his evidence he said that being woken from his bed he heard “heavy shooting” which he thought was coming from the Mountain Loney from soldiers. In his various interviews Mr Doyle referred to “volunteers” in the area firing guns and that shots were fired at the jeep he was taken away in. He was less sure of this in oral evidence. Mr Doyle also made some reference to his father being out with a Mr McEvoy.

[36] Robert Doyle’s evidence really centred on what he says was an injured man in the garden of his house and alleged brutality by soldiers after he was himself arrested and interned. As regards the injured man in the garden, Robert Doyle frankly accepted that he did not see him himself but relied on what his brother told him. His evidence is therefore only of value in corroborating Bernard Doyle’s account that there was an injured man in the garden and that he heard this man moaning in the garden. I cannot rely on his recollection that the injured man was physically abused by soldiers, trailed by the hair down the pathway and into the street. Robert Doyle did not see this and no-one else gave evidence of this and so I discount it. Robert Doyle’s evidence that the injured man was “placed in a dump” is

clearly also not of any evidential weight as he said it was just talk on the street and as an allegation it is unsustainable on the basis of the evidence. He said there was no riot outside his home.

[37] Apart from corroboration of Bernard Doyle's account of the injured man, Robert Doyle's evidence was credible regarding his treatment after arrest. He was 16 at the time when soldiers burst into his house, took him out, arrested and interned him. I cannot make findings on the specifics but I can make a general comment about this, as I found Mr Doyle to be a straightforward witness and, as he said himself, he received compensation as a result of his treatment. This does not assist me any further in coming to a specific verdict regarding Mr Lavery and Mr Corr's death, however I record my acceptance of Mr Doyle's evidence about what happened to him as part of his arrest.

[38] Bernard Doyle provided a witness statement to CSNI dated 8 April 2019 and he was also interviewed by Laura McMahon on 19 August 2009 and Paul Mahon on 2 March 1999. I also heard oral testimony from Mr Doyle about what happened on the day in question. Bernard Doyle claimed to have made an earlier statement in 1971 at the Sinn Fein Office, Whiterock Road, however no record of this could be found. I summarise his evidence as follows.

[39] Bernard Doyle was 18 or 19 years of age at the relevant time. In his evidence he said he remembered waking up at around 4.00am and hearing what he thought were plastic bullets, the sound coming from up the Mountain Loney. He heard moaning from outside after he and his brother went down to the front door of the house. Bernard ventured further in that he crawled down the pathway to the gate to talk to the man. He said he could not see who was making the moaning sound but he believed that the person was a man on the other side of the garden hedge, to the right-hand side of the house (or mountain side) about 3-4 feet away from him.

[40] Bernard Doyle said that he conducted a conversation with the man. He wanted the man to crawl into the garden but he said he could not move and the man said not to open the gate or assist him as he would get shot. Bernard Doyle was unclear in his evidence whether he could see soldiers. That ends Bernard Doyle's involvement. He did not call for medical assistance, which I consider was perfectly reasonable as the house did not have a phone and he was scared. The next thing he explained was that soldiers entered his house and forcibly removed him and his brother. At this point Bernard gave further evidence about the injured man. He said that as he was being taken from his home, he saw the man again, now within the garden, not moving but moaning. He said he had on dark trousers, a white shirt and that it was covered in blood. He did not see any weapon near the man. In his evidence Mr Doyle said the man must have been "trailed" into the garden but there is no evidence for that. Mr Doyle also made some points about the man being tortured and left in a dump, but I did not find that evidence convincing. Mr Doyle could not actually clearly identify the person he saw in the garden other than to refer to the white shirt. He did say there were barricades in the area but could not assist me regarding the extent of these or location. He said there was no riot going on. He did recall a shot after his own arrest and bangs when he was taken away in the jeep to Girdwood barracks.

[41] Mr Doyle gave quite substantial evidence about his own treatment on arrest, after being taken from the house, kept at the green and then transported to Girdwood barracks. He told me he had been off work for six months after his release, that he had a back injury and that he received compensation. The compensation is a fact and substantiates his claims of ill-treatment, which I accept in general terms. It is beyond my remit to go any further, or into specifics. This fact does not assist me in determining the specific issues I have to decide regarding Mr Corr or Mr Lavery's death.

[42] Overall, Mr Doyle presented as a straightforward man. Understandably much of the detail he gave about events was hazy. However, I accept his evidence

about the injured man he had a conversation with and the man he saw in the garden. I will take this into account when looking at the overall picture. I also accept his evidence regarding his treatment on arrest. I accept his evidence that his house was damaged and he had to stay with an aunt afterwards. As with his brother, his individual case regarding his arrest and detention was not seriously challenged, probably because he received compensation.

[43] Edward McCourt made statements dated 6 June 2018 and 1 May 2019. I was also provided with portions of an undated statement, a statement dated 4 November 2010 and a transcript of an interview with Paul Mahon on 25 May 1999. He gave oral testimony and explained that he was 38 years of age at the time of events and lived at 6 Dermott Hill Park. Having been out on the night of 10 August 1971 he said he came home around midnight and was then woken by his wife later on. As a result of this he got up and he recounted two observations over a period of approximately 20 minutes. Looking out a back window of the house he saw soldiers mistreating civilians on the Springfield Road; looking out of a front window, which provided a view of the junction of Whiterock Road and Dermott Hill Park, he saw a man lying in the middle of the road. As regards the first observation he said that from the back window he saw a group of people being held by British soldiers, spread-eagled and the soldiers were striking them with batons. The witness said he heard a couple of shots whilst observing this. As regards the second issue, Mr McCourt said he saw the man lying in the middle of the road, his head towards the Mountain Loney and feet towards Springfield Road. He said the man was wearing a white vest (also referred to as a singlet). I do not consider much turns on the differences between vest, singlet or shirt at this remove of time. What is important is that the garment was white. The witness said the man had nothing in his hands, and there were no guns around. He also said there were two soldiers present, armed with rifles. It was between 4.00am and 6.00am. The man was lying on his stomach according to the witness and he observed a blood stain “the size of a dinner plate” on his back. Mr McCourt said the soldiers moved the man by grabbing him under each arm and pulling him away in the direction of the

Springfield Road. He could therefore see a blood stain on the man's front. He thought he was being moved to allow traffic through and he said that "their method of shunting him across the ground would only have worsened his suffering." He said the movement of the man took him out of his view so he did not know where the man ended up. He then says he saw a soldier in his garden, who he shouted at as a result of which soldiers entered his house, but they left after Mr McCourt explained the children were in convulsions.

[44] When questioned, Mr McCourt was unsure of the details of times. He was also unsure of exactly where he saw the man on the road. He said that he did not see the man actually being shot but he was able to offer a description in his evidence of him being 40-45 with a full head of hair and wearing a white garment. He also described the hair as longish or wavy near the bottom. Apart from the white garment the other descriptions were given in a later statement. He clearly described the man being moved by soldiers. Other details he gave have some relevance, namely he manned barricades in the area, to protect against the army, although small. He said that he saw the Doyles being beaten in their garden and that he heard some shots in the area which he thought might have been coming from Turf Lodge.

[45] Mr McCourt did his best to assist me. He attended court using a rollator and he clearly had some difficulties remembering specifics which meant that he appeared confused at times. That is understandable as he, like many others, cannot recount exact details. However, he was clear on two matters. First, he was sure about the man on the road with the white garment and I rely on that evidence. He was also clear that the soldiers moved this man off the road; again I can rely on this evidence. Other parts of the evidence I will assess as part of the overall picture.

[46] Mr Joseph Marley attended to give evidence having made a statement to CSNI of 4 April 2019. He also referred to an account given in an email dated 23 August 2012. Mr Marley produced some contemporaneous photographs which he found from the time and which I have found particularly useful and reproduce

here with his permission. It is clear that Mr Marley lives outside the jurisdiction. He replied to a comment made on a website about this case in 2012 and thereafter he came forward. In my view there is nothing sinister about his motives.

[47] At the time of events Mr Marley was 19 years of age and he lived at 5 New Barnsley Grove with his parents. I note in his statement that his father was a cousin of Joseph Corr. Mr Marley explained that, prior to these events, people in New Barnsley were concerned about Loyalist gangs coming into the area intent on attacking and burning out houses – so local men patrolled and kept watch. On 11 August 1971 he said that young men had gathered outside because there was movement in the Mountain Loney area; he referred to bin lids as a sign of this. He said that, along with his father, he joined men and proceeded to charge up the pavement (which he said was elevated from the road by about six feet) in the direction of the Mountain Loney, thinking it was Loyalists coming into the area. Mr Marley then said that without warning the civilians were fired on. He said the civilians were unarmed save stones. He said no one had the slightest idea that the Paras were there. He said one young lad was shot in the arm. He said that along with his father he brought the lad to No. 201 for first aid. He said that only 41 years later did he find out Mr Corr and his son were at that house.

[48] Mr Marley could not assist on the movements of Mr Corr and Mr Laverty prior to being shot or after being shot. He was questioned at length about his version of events of the crowd charging up the pavement and the young lad being shot. I have reviewed this evidence and having done so I cannot extract a clear and reliable account which assists me in this inquest. Mr Marley's photographs have been helpful to me but I am not satisfied that I can rely on his account of the crowd being shot at or the child being shot. I accept that Mr Marley was probably out on the street with many others, but otherwise this account does not assist me particularly save that I will take it into account as part of the overall picture.

[49] All of the other civilian evidence has been presented by way of Rule 17 or at common law as the witnesses were either deceased or excused due to some incapacity or untraced. Unfortunately, few of these statements were taken from the time and I have not had the benefit of questioning or observing the witnesses. I have read all of the statements and I will now record where they have assisted me.

[50] Mr Richard Lavery, uncle of the deceased, identified the body of Mr Lavery and his statement was read into the inquest by agreement. Mr Patrick Kearney, brother-in-law, identified the body of Mr Corr and his statement was also read in. Mrs Eileen Corr is the widow of Joseph Corr and I received two statements from her, one from some date prior to 27 October 1971 and another undated but presumed to be contemporaneous to events. In the first of these statements Mrs Corr said she went out onto the street with her husband around 3.40am because there were terrible riots going on, bin lids were banging, everyone was shouting "get up, the soldiers are in." Mrs Corr returned home and that was the last she saw of her husband.

[51] The statement then dealt with Mrs Corr's attempts to locate her husband before she found out he was taken to Musgrave Park Hospital. She visited her husband there and recalled him saying he was with Mr McEvoy when shot.

[52] In the second statement Mrs Corr expanded. In this statement Mrs Corr stated that it was the soldiers coming into the area from Dermott Hill which brought people out after the bin lids were heard. She then referred to hearing shooting when she went towards the Springfield Road. This was from soldiers but she did not say where. She referred to a large crowd of people gathered near the Springfield Road. She insisted her husband did not have a weapon with him when he left her, nor did he keep a weapon.

[53] I place some reliance on these statements as they are contemporaneous. They establish that people left their houses that morning upon hearing bin lids and there was a crowd of people on the streets.

[54] Mr Joseph Corr Jnr is deceased but two accounts were read in from Paul Mahon interviews and a statement of 4 November 2010 in manuscript witnessed by a barrister, Ms Bobbie Leigh Herdman. From these sources the following emerges. Mr Corr Jnr was with his father the night he died but he was separated from him when he was shot so he does not provide any eyewitness account of the core event. His account also differs from that of his mother in that he said the reason why he left the house was because the Loyalists were coming. He did not mention his mother being out. However, he did say that he along with a group of other people went up the road towards the Mountain Loney and then the shooting started. He said everyone panicked and ran; he helped someone who was injured on the arm and he says he saw an injured man lying on the pavement. Mr Corr also made reference to later events in terms of location and treatment of his father but I rely on Mrs Corr's statements for those matters as they were given at the time. Other than that, his evidence corroborates the fact that people came out onto the street that night to find out what was happening and there was shooting. I will consider that as part of the overall picture. I discount the allegation that Mr Corr Snr was interrogated after the shooting.

[55] Mr Gerard McConville, in his interviews with Mr Mahon, states that he was on the street that morning with other people to defend the area. He said this was due to a risk of attack from Loyalists but then they realised it was the Army. He said 100-200 people were involved and that the Army responded to stone throwing, first by rubber bullets, then live rounds. He was hit by a ricochet off a railing and received first aid for a leg wound.

[56] Mr Oliver Pollock's evidence also comes from his interview with Mr Mahon. This witness was untraced. The account given describes two shootings in the area,

one of a girl and another of a man opening a window, unrelated to this incident. There is insufficient detail in this to give it any probative value at all and so it does not assist me.

[57] Annie Kerr was medically excused from giving evidence but her account from an interview with Paul Mahon was read. She lived at 10 Divismore Crescent in 1971, near to the Corr family who lived at 24. Her account referred to seeing Mr Corr on the night in question and so I have considered it as part of the overall picture.

[58] Mrs Kerr said that she heard bin lids rattling around 4.00am and she went to the door. She says she saw the Corrs - namely Mr Corr and his son Joseph - she joined them and with her husband walked to the top of the Whiterock Road. In her interview she said there were a lot of people about "the whole of Ballymurphy and New Barnsley was out on the Springfield Road, hundreds of people." Then there was shooting and everyone ran. In her interview Mrs Kerr said that before the shooting started Mr Corr and his son were with her going towards the Mountain Loney, and that when they got to the grass verge they were standing talking for a couple of seconds and then shooting started.

[59] Mrs Kerr referred to seeing some "maltreatment of young lads by the Army." She referred to conversations with Mrs Corr, particularly that Mr Corr had been found at the Doyles. She referred to helping to hide boys described as "volunteers" in her house from the Army. She also referred to a young lad being shot on the hand. Some of this conflicts with other accounts given. Mrs Kerr denied any shooting directed at the Army. I will take her evidence into account as part of the overall picture. At this stage I can say that it is of use in placing a considerable number of people on the street, including Mr Corr, who were progressing up the Whiterock Road towards the Mountain Loney.

[60] Margaret Thompson is an untraced witness who was interviewed by Mr Mahon. She lived at 4 Dermott Hill Road. Her account referred to an injured

man having crawled to the house of a Mrs Benson and then to the Doyles where he was taken away by the Army. Mrs Benson was pregnant and very upset but she could not be traced for this inquest. She says she shouted at soldiers who were giving the Doyle boys a beating. She said, in contradiction to the others, that people came out and congregated at a barricade at the bottom of Dermott Hill by the post office. Again, this confirms people were on the street. I will take it into account in the overall picture.

[61] All of this civilian evidence to date seems to refer, if at all, to the movements of Mr Corr on the night in question. There is less known about Mr Lavery and it is to his movements I now turn. His brother's evidence, Terence Lavery, has been put before this inquest in written form only as Mr Lavery was excused from attendance on medical grounds. This evidence is related to that of a military witness M167 who was also excused on medical grounds. I received a specific bundle of all relevant material in relation to both witnesses which I have considered before reaching my conclusions about what weight I can place upon all or any of this evidence. This process has been difficult. I start with Mr Terence Lavery's evidence which I set out in summary.

[62] Mr Lavery made statements to the Association for Legal Justice on 19 August 1971, an inquest deposition of 12 October 1972 and he was interviewed by Mr Mahon on 23 February 1999 and 16 March 1999. He gave a further account to KRW Solicitors on 20 March 2010. All of this material was put before the court for consideration.

[63] Mr Lavery was also convicted of riotous behaviour after his arrest on 11 August 1971. That conviction was referred to the Criminal Cases Review Commission ("CCRC") and overturned by Belfast County Court on 10 February 2015. The basis upon which the conviction was overturned has subsequently been disputed by the military witness M167 who gave evidence in the original criminal proceedings. In particular, M167 maintains that he did not retract his evidence or his

statement to HET and he complains that he was not called to the appeal hearing. An important aspect of Mr Laverty's evidence is that he effectively says M167 is Soldier B. That is disputed by M167 who has had separate representation in this inquest. I have considered the representations of his counsel in reaching my conclusions. I have also been informed that Mr Laverty had brought a claim for compensation against the Army for his treatment when he was arrested on the night in question. That claim has not been determined as yet.

[64] There is a lot of material emanating from Mr Laverty but there are serious question marks about its overall reliability. Fundamentally, in bringing his appeal against conviction through the CCRC Mr Laverty accepts that he lied under oath to the original inquest in 1972. So, without going into all of the details it is impossible to say where Mr Laverty was on the night in question. Initially, he said he was with his brother John and they went to stay overnight with his sister at Norglen Parade, Turf Lodge. He initially said he and his brother came outside on hearing bin lids and they took different routes so he was separated from John Laverty. Then he said in applying to overturn his conviction that "at the time I told the inquest that John and I had gone looking to check on my sister Matilda who lived in Turf Lodge. This is not true."

[65] In any event, and on any account, Terence Laverty was not with John Laverty when he was shot and he did not witness events.

[66] What Mr Laverty did say in his initial statement is of more controversy. There he said that when he arrived at the main Whiterock Road he was arrested and was held near the junction of Springfield Road and chained to railings for about one and a half hours. He said that a soldier who came down the road from the direction of Dermott Hill then said "I shot another Irish bastard behind the barricade." In later accounts he said this soldier was M167. He said that he recognised this soldier and could identify him at the 1972 inquest as he gave evidence there. In later accounts Mr Laverty also made allegations of ill-treatment against the army. These

are serious allegations, including being anally penetrated with a baton. These allegations are denied, are yet to be adjudicated on, and are matters upon which I reach no view. I have already raised concerns about Mr Laverty's inconsistent accounts of the night in question. His evidence is not reliable regarding his contact with John Laverty and so I put it out of account in this inquest.

[67] As regards the identification of M167, on the basis of what I have heard, I cannot accept that evidence as probative. There is a signed deposition from M338 which confirms that, he as an RMP corporal, took a statement from Soldier B on 21 July 1972 at Aldershot and which he read to the coroner. He also handed the coroner an envelope containing the name of Soldier B (that cannot now be found). I conclude on the balance of probabilities that B did not actually give evidence at the inquest and accordingly any identification by reference to attendance at that inquest is not reliable. On the basis of Terence Laverty's evidence, which is untested here, I cannot possibly make a positive finding that M167 is Soldier B. I will comment further on Soldier B and M167 in due course when I come to examine the military evidence.

[68] With regard to Terence Laverty I find that the interviews with Paul Mahon throw up further inconsistencies in his account. The nature of his injuries has changed. In particular, and by way of example, when speaking to Mr Mahon, Terence Laverty gave an account of M167 holding a gun to his head and pulling the trigger, using him as a barricade and firing shots over him. This was not recounted to the Association for Legal Justice ("ALJ") in the original statement in 1971 despite the very serious nature of the allegation. The account to Mr Mahon is highly confusing about the identities of Soldiers A and B who Mr Laverty says may have been M167 and M351. No explanations have been given to me as to these inconsistencies.

[69] Of further concern to me is that Terence Laverty's father's statement conflicts with that of his son. In the original statement given to the RUC by Thomas Laverty

of 12 August 1971 he said that the deceased was in the family home, went to bed at 12:30am and was woken by bin lids at 3:30am so went out. In his deposition for the original inquest Mr Lavery changed the identity of the son who went out to Martin.

[70] This is a worrying picture which strengthens my view that the evidence of Terence Lavery cannot be relied upon in this inquest.

[71] One other piece of evidence has been relied on, namely a judgment of an appeal court in relation to criminal injury claims brought by the families of the deceased. I am wary about following this judgment too closely given the different context of that case and the case I have to decide. However, I note that Judge Gibson found that there was a riot and that the deceased were at the vanguard of it. Interestingly, it appears that Mr McEvoy who was in the company of Mr Corr, gave evidence. The judge records that:

“As soon as persons were seen coming down the road the crowd, including Mr McEvoy and Mr Corr crossed the barricades and started up the Loney throwing stones. Mr McEvoy retreated at the sound of gunfire but Mr Corr was not seen again till after the shooting. After the event Mr Corr was found lying on the road about 100 feet on the upper side of the barrier and Mr Lavery some 10 or 20 feet beyond that. It is clear therefore that each of them had advanced some 200 feet from the road junction and had crossed the defensive barricade, obviously with aggressive intent.”

[72] It is not entirely clear that Soldier B gave evidence but he may have. In any event, the judge recorded as follows:

“The positions in which they were found after the shooting had subsided would suggest that they may have been gunmen, but the fact that they were shot in the back whereas Mr B said the men at whom he shot were facing him, would tend to the conclusion that the deceased were not the gunmen. Taking into account also the trail of blood which led from the area and the absence of any guns on or about the persons of the men when the army eventually reached them, I think that the balance of probabilities is against either of them having had guns. The age and excellent record of Mr Corr and the absence of any suggestion that either was connected with the IRA would also go to negative the conclusion that they were gunmen.”

[73] The appeals were however dismissed on the basis that the judge considered the deceased were part of a riot.

### ***VIII. MILITARY EVIDENCE***

[74] I now turn to the military evidence I have heard. I start by setting out the statement of Soldier B which was provided to the inquest in 1972. Soldier B has not been identified in this inquest and so I have been unable to test this statement as it relates to events on the night in question. This statement is proffered by the MoD as the prime justification for the shooting of the deceased. It is therefore appropriate to set it out in full as follows:

“On 10 and 11 August 1971 I was employed on IS duties with my unit in Belfast, Northern Ireland. I was deployed in the Whiterock Road area. About 0415 hrs 11 August 1971 I was point man in a foot patrol

proceeding down Whiterock Road towards Springfield Road. I took up position in a pathway of one of the houses on the uneven numbers side of Whiterock Road. I saw 3 or 4 male persons crawling up Whiterock Road towards my position. As I was observing these males 2 of them fired past my position straight up Whiterock Road. One of them was firing a machine gun on automatic fire, similar to an issue 9mm sub-machine gun. The other was firing a pistol. Then they stopped firing, they stood up and started to retreat down Whiterock Road towards Springfield Road.

I stepped out from behind the hedge from which I had been observing these persons intending to call on them to halt but before I could shout to them the one carrying the machine gun brought it up to an aim position. I immediately fired 6x7.62 rounds at these persons and they all dropped to the ground.

As I did this I was fired on from the Springfield Road junction. I immediately went for cover. I know I must have hit at least one of them because I could hear him moaning and shouting to someone for help.

Shortly afterwards when the firing had stopped I made my way down to where these persons had fired from and I saw one male person lying on the pavement face down. I also saw a trail of blood leading away from that spot up a pathway to one of the houses and off into the garden.

I continued my advance down the Whiterock Road past the barricade and across the Springfield Road. I had reached a point about 20 to 30 yards down the Whiterock Road when I came under fire from the direction of St Aidan's Primary School. I could not pinpoint this gunman so I returned no fire on this engagement.

I continued on this operation with my unit until I was recalled to my unit lines and stood down.

On 20 July 1972 I was shown a black and white photograph of a male person by RMP, on the rear of which was printed Joseph Corr and attached to it was a label marked KC/1. I could not recognise this person."

## **M166**

[75] M166 was a medical orderly to C Coy 1 Para. He was called to attend to two males believed to have been shot by members of C Coy. That is recorded in the deposition for the original inquest and in the logs which I will come to. M166 provided a witness statement to the CSNI dated 19 August 2018. Exhibited to that he provided a deposition he made to the original inquest into the death of John Lavery and a note of a conversation with HET was also provided dated 8 December 2009. This witness marked a body chart setting out the location of the wounds of the man he treated. That was also exhibited.

[76] When M166 came to give evidence he frequently commented that he did not have a very clear recollection of events but he relied on his statements. He explained that he was a medical orderly not a medic. He said that he was called forward from a static position on a pathway leading to Black Mountain to attend to the two men. He says he came across the first man, who he thinks was Mr Lavery, on the

pavement outside 217 Whiterock Road. He said that was lying flat on the pavement, face down. M166 turned him over and knew he was dead. He said that he moved on to the second man, who he thinks was Mr Corr, who he says was lying in the middle of the pavement of Whiterock Road outside number 211. During his oral evidence M166 said he could not be sure about the house numbers himself as he thinks they were probably forwarded to him when he made his deposition for the original inquest some time later.

[77] M166 said he went over and dragged Mr Corr to about 12 feet from the first man as this was a safer position. He said in his original statement he could hear a faint heartbeat. In evidence he said that might have been his own. He said that put on a shell dressing, put the man in a position of comfort and that was his involvement finished. He said that ambulances had been called and shortly after he treated Mr Corr, Soldier C, his unit medical officer and Soldier D arrived and took over. M166 gave evidence at the original inquest. He said that he made no notes at the time and he effectively said he did all he could within his remit. He said that did not involve administering morphine. He said he treated these men as he would a soldier. He was shown photographs at the time he made his original deposition and recognised both men. He also said that he observed no guns on the bodies or near the bodies of the men. Finally he said that he could hear firing, somewhere at the bottom of the hill.

[78] M166 was the first responder effectively providing first aid to the deceased. Having considered his evidence it is clear that the fine detail is hazy. However, he clearly established that the men were outside houses on the Whiterock Road, on the raised part of pavements, although he accepted that he may be wrong about the actual numbers. He said that one was ahead of the other, i.e. looking down Whiterock Road, Mr Laverty was first, Mr Corr second. He said that brought the two men close together: one was dead, Mr Laverty, one alive, Mr Corr. I have no reason to doubt M166's evidence that he did all he could for Mr Corr, within his role, by applying the shell dressing, given that Mr Corr was in need of specialist medical

treatment, which was being attended to, or that he treated this man less favourably than he would a soldier. M166 established the timeframe of the incident between 4:00-4:30am. This witness also established in his statements that there was shooting going on when he was attending to the bodies and so he had to be careful. In addition he recalled a barricade about 400 feet further down the Whiterock Road from where the men were found.

#### **M546**

[79] M546 was a lance corporal, section commander in charge of C Section. He made a statement to CSNI dated 14 August 2018 and had been interviewed by HET on 7 February 2012, the note of which he exhibited. M546 was a straightforward witness who did his best to assist this inquest although he clearly could not remember some details. He said he could vaguely remember coming down the Mountain Loney with his platoon. It would have been 7, 8 or 9 Platoon but he could not remember which went first. He could not recall any shooting but he thought he saw a barricade – a point he corrected in evidence by saying he could not remember. He also said in evidence that it was quite dark. He said other soldiers were ahead of him but he could not remember their names. He said he saw a man on the raised pavement at the left hand side of the road; he called for a medic, and shortly after someone came to give the man first aid. He said the man was outside 207-205 Whiterock Road and marked this on a map for the HET.

[80] I allowed this witness some time to read over Solider B's account of what happened and I am grateful that M546 took some time to do this before he commented on it. His immediate response was "I'm amazed." He said he could not recall any machine gun fire. He also said "it wouldn't happen – it's not the way we work. Why did I miss all this if I was there?" He was not asked to make a statement at the time and he was adamant in his evidence to me that if a soldier had fired in the way B claimed there would have been an investigation into that. He actually described B as "doing a Walter Mitty."

[81] He said a 'point man' would not be sent out for a recce and also that other soldiers would be directly behind the point or lead man and so would have known what was happening.

[82] Overall, M546 cast considerable doubt on Soldier B's account and, as I have said, expressed genuine amazement about the account given by B. He thought his HET account was accurate and was clear that he was not asked to make any statement at the time. I found M546 to be a particularly open witness who clearly wanted to assist me and I place reliance on his evidence in relation to events.

### **M432**

[83] M432 was a private and member of 1 Para, C Coy, 7 Platoon. He was a driver of a 'PIG' APC vehicle. He was driving the vehicle down the mountain road when he says it got stuck and other vehicles could not get past. So he said the soldiers got out and proceeded on foot. He thinks that because of this, his Platoon went behind 8 and 9. As he went down the hill with his platoon, he said he could hear high velocity shots in front from the general direction he was heading. M432 provided a statement to CSNI on 24 July 2018 and he also referred to his interview with HET on 22 April 2013, the notes of which were exhibited.

[84] M432 gave some evidence about seeing the deceased. He was also questioned about the Yellow Card although he had not opened fire himself. He was questioned about his HET account and disputed some contents of that which I will come to. He was also questioned about knowledge of other incidents regarding treatment of prisoners, unrelated to 11 August 1971. Following from this substantial evidence I summarise the following issues which are of assistance to me in reaching my conclusions.

[85] M432 was of assistance in telling me that he saw the injured men above a grass bank near to houses on the Whiterock Road around number 215. He said the men were near, (he seems to put Mr Corr higher up the road than Mr Laverty) and he saw a medic with Mr Corr. He described a bloody handprint on a door of a house near to Mr Laverty's position and that stuck in his mind. Paragraph 26 of his statement reads:

"There were no weapons there and my immediate thought upon seeing them was that they did not look like terrorists. I remember thinking that both just looked like they were going on or coming off a night shift at work. The thing that struck me was their location, if they had been shooting at the army then I would have thought they would have been behind a wall or something like that. I would not have thought they would have taken on 60 or 70 members of the Parachute Regiment coming down the road. However, I assume that if they were shot then there was a reason, although I do not know what that was. I did not witness the shooting."

[86] M432 said that as he continued down the road there was "pretty heavy fire" from the Divismore Crescent and soldiers returned fire in what he described as a gun battle - he recognised high velocity Thompson Submachine gun ("SMG") fire.

[87] M432 was not shown the HET interview notes for comment at the time they were composed in 2013. He pointed out inaccuracies such as the fact that he was not the commander of 6 men at the time. He also disputed the comments recorded about M167 and M351.

[88] Mr Dave Hart of HET has, in a statement I asked to be obtained, confirmed the accuracy of his notes. The note of this aspect of M432's evidence is "he knew

M167 and M351 but he did not see them that night.” I pause to observe that the two soldiers’ names were put to him by HET as M432 says. M432 also says his knowledge of the two was limited as they were not in his platoon. The record continues that he was of the impression that both these soldiers were “hot heads” but he would not explain that further. I take from the material I have that this conversation happened. I cannot think Mr Hart would have recorded something like this incorrectly so I accept it was said. That accords with the clarification sought from Mr Hart. Equally, I accept M432 is not happy with how this is regarded and he retracts what he said. That is fine because an opinion about character like this described as “an impression” is not something that would be determinative in a fact finding exercise without other objective evidence.

[89] M432 gave evidence about the use of the Yellow Card and as regards that I found M432 to be straightforwardly trying to explain its application although in the abstract. I take nothing more from that. I found M432’s description of the ill-treatment of prisoners to be credible. He did not retract that evidence and he had no reason to lie about that. How far that takes me in deciding the inquest is another question as this is a separate matter which is not something I need make findings on. Overall, M432 assisted me regarding the operation and he repeated the fact that he was not asked for any statement after the event despite the fact that whilst not witnessing the shooting he saw the aftermath. He was also clear in his evidence that he did not know the specifics of the deployment plan and this was not talked about after. M432 said it was above his rank to report the ill-treatment of the prisoners which to my mind had a ring of truth about it.

#### **M402**

[90] M402 was the Regimental Police Sergeant in 1 Para which meant that he had a role in relation to the maintenance of military discipline. He made his way down the Mountain Loney with Battalion HQ. He made a statement with CSNI dated 7 July 2018. Included with this were notes of HET interviews dated 30 January 2012 and

28 February 2012. M402 gave evidence about the location of the injured men which he described as being in a car park area on a slope, which they had been brought to. M402 explained this by the use of photographs provided by TBM settling on an area which is a layby. I was not convinced that this location squared with the majority of the other evidence and so I think M402 may have been mistaken in his recollection. However he recalls a barricade. He also gave evidence of having arrested a man that morning in possession of ammunition. M402 clearly was able to arrest as this arrest sheet demonstrated. It was put to him that he also arrested the Doyle brothers and he may have done although there is no definitive record of this and as this is not in any event central to this inquest, I make no finding either way on that issue.

### **M380**

[91] M380 was a medical sergeant in the Royal Army Medical Corp attached to 1 Para. He gave evidence about the medical care given to the deceased men. He made a statement to the CSNI dated 22 May 2019 and he also had made a deposition to the original inquest as Soldier D although he said he had no actual memory of doing that. He said he was attached to B Admin Company not the rifle companies A, C and D. M380 was in direct contact with the Regimental Medical Officer who was M2295. He said that as he moved forward with elements of HQ Battalion he was asked to attend to injured persons and moved forward with M2295 who examined both men, declared one dead and gave morphine to the other. M166 was there and he saw the shell dressing on the injured man. He added another dressing. He explained that the men were on the pavement at the top of a raised bank. He marked this on a map at hearing.

[92] He explained that the ambulance came about 20 or 30 minutes later and the men were photographed by the RMP. He said the ambulance was delayed as they were under fire. He accompanied the men with M438 and a driver to Musgrave Park Hospital.

[93] In terms of gunfire he said he heard sporadic gunfire before being summoned: “not a great deal, but we heard it.” He thought the men had been moved by the time he saw them but he was not sure of this.

### **M382**

[94] M382 was a captain in the Army at the relevant time and a qualified doctor and trainee surgeon based for a short time at Musgrave Park Hospital’s military wing. He made statements to CSNI on 29 April 2019 and 23 May 2019. He was also referred to contemporaneous documents, namely a deposition and a statement from the time which were supposedly made by him. Neither document was signed or dated. A striking feature of this witness’s evidence was that he said his name had been attributed to the documents in error as he had not had any medical involvement with the deceased. I made sure that this witness had time to see all of the documents that referred to him, including Mrs Corr’s statement, and having done so the witness answered me in a thoughtful way. He said that while he had been posted to Musgrave Park he had not treated Mr Corr. He stressed that he was not qualified at that time to carry out the treatment. He also highlighted a number of mistakes in the reports from a medical perspective. He said he had no recollection of certifying the death of Mr Lavery, ascribed to him. He did not recall meeting Mrs Corr and her statement did not change his mind in any way about his involvement. Even with the passage of time M382 said he was sure of all of these matters. It is significant that the reports ascribed to him were neither signed nor dated in my view.

### **M344**

[95] M344 was a member of 7 Platoon, C Coy, 1 Para who was part of the advance. He made a statement to Devonshires Solicitors of 24 April 2018 and he was also interviewed by HET on 17 April 2012. This witness did not give evidence as to the actual shooting but he assisted me in a number of respects. Firstly, he said the

purpose of the operation was to remove barricades. Secondly, he thought 9 Platoon led the advance. He thought each platoon had 18-20 men and that there was a gap of approximately 100 metres between each. He then said that as he recalled it, the advance temporarily halted as he heard firing of a low velocity nature coming from Springfield Road. He described this as coming from a Thompson SMG, an M1 Carbine and a shotgun. He says he did not see any muzzle flashes or receive any indication that soldiers were under fire but he heard SLR fire returned, he presumed from 9 platoon.

[96] When they resumed he said he saw a man in a white shirt, badly injured, outside 213/215 Whiterock Road. He was receiving treatment from a medic – M166. He said he succeeded in clearing a barricade which was low level and he also confirmed that M345 had put out a light with his rifle butt when an occupier refused to dim it and he saw rough treatment of a prisoner by the RMP. Of all of these matters, M344's description of the advance was of assistance to me in terms of his evidence.

### **M371**

[97] M371 was a sergeant in 7 Platoon, C Coy, 1 Para. He had been involved in an internment arrest and he described himself as a bodyguard for Major M405, Coy Commander. The witness provided a statement to CSNI on 27 June 2018 and he had previously given an interview to HET in 2012. This witness had no direct evidence to give. He referred to reports of engagement between the front of the company and gunmen, who he thought were IRA, at the barricade of the junction between Whiterock and Dermott Hill. He said it was thought there was a gunman/men at St Aidan's school. He assumed this would be part of radio transmissions. He did give some information regarding the make-up of 9 Platoon as he said M349 a second lieutenant was in charge and he thought, although could not be sure, that M365 was 9 Platoon Sergeant.

## M2294

[98] M2294 was the 1 Para Adjutant in August 1971 and was most likely the watch-keeper by which he received reports from the Battalion Companies and passed summaries on to the Brigade, in this case 39 Brigade. He had no recollection of the shootings of Mr Corr and Mr Lavery but he gave helpful evidence of the structure of reporting and he also explained the available logs and the 'O Group' meeting relating to this event. In particular, he said that from his knowledge a soldier who shot a civilian would have to report that to his Platoon Commander who in turn would report to the Company Commander and from there it would go to the Adjutant or directly to the Battalion Commander. He said if information of this nature had come in, it would have been recorded in the radio logs up the chain of command. He did not think that this process had been followed in the case of Mr Corr and Mr Lavery based upon what was recorded. He helpfully took me through what was actually recorded in the logs, which I set out verbatim for the relevant period as follows.

[99] There are three forms of log recording relevant to this case, two of which have been made available to me, one of which has not been obtained. That is the first important point to note. As M2294 explained, the first level is a Battalion log. M2294 said that he would have maintained that log on 11 August 1971 as part of his duties as watch-keeper. However, there is no log available for me and so I cannot see what exactly was recorded by the first responders on the day in question. What I can see are the Brigade logs, in this case the relevant Brigade is number 39. I can see the record of messages received or passed to 1 Para on the day in question. I have also been provided with the Headquarters Northern Ireland ("HQNI") radio log which received messages from each of the three Brigades operating in Northern Ireland on the day including 39 Brigade.

## The Logs

[100] I start with the HQ log which covers this day. This covers the whole of NI and undoubtedly paints a picture of widespread unrest and violence. The 39 Brigade entries are relevant to this incident, in particular serial 19 recorded at 0410 from 39 Brigade which reads:

“Shooting in Turf Lodge, 1 Para dealing”

Also serial 24, recorded at 06:30 from 39 Brigade which reads:

“WHITEROCK XRDS. Sniper covering barricade which is probably booby trapped

1 PARA area

Totals: 35 arrests made, also two wounded men taken to MUSGRAVE

0605: Wounded soldier evacuated by vehicle to Musgrave”

The 39 Brigade logs also contain the following relevant entries starting at serial 50, 0220 from 1 Para:

“21C will pick up Tractors and arrest teams from GIRDWOOD at 0300 hrs  
1 DWR and RMP informed”

Serial 69, records at 0416 from 1 Para:

“Op started and under fire S Centre Area”

Serial 67 from 2 Para records at 0415:

“Shooting going on in Turf Lodge - 1 Para dealing”

Serial 71 also records that at 0425 1 Para sent a SITREP as follows:

“Clearers S Part penetrated. B4 (meaning D Company) came under fire when crossed barrier. Machine gun to R dealt with it and are pressing on.”

Serial 82 at 0452 from 1 Para reads:

“B3 (meaning C Co) moving down  
WHITEROCK/SPRINGFIELD RD  
2 people captured, 1 believed dead  
2 c/s B3 under heavy fire pushed down to take the  
barricade

HQNI Informed”

Serial 86 at 0459 from 1 Para reads:

“2 wounded men taken by B3. 2 prisoners at same time.  
2 more barriers ahead

HQNI Informed”

Serial 91 at 0518 from 1 Para reads (although this is an incomplete record due to the quality of the logs)

“2 wounded details

B3 under heavy fire from Springfield Roadblock. They took barrier and found 2 wounded lying on other side.”

This message may have contained further details and the logs then skip to serial 93 so Serial 92 is missing and it may or may not have been relevant.

Serial 104 at 0530 reads from 1 Para regarding the landing of a helicopter:

“Hawkeye to Grid 295743. Panels laid out – no smoke though.”

Serial 106 from 1 Para reads at 0536:

“B3 sniper in school at Xrds Whiterock/Springfield  
B4 dealing with barricade S  
B5 as far E as Glenalina Park  
1 nail bomb”

Serial 112 at 0555 from 1 Para reads:

“Badly wounded man (in chest) wants helicopter to evacuate  
Can’t contact, going through Ops Room”

And a message to 1 Para at the same time reads:

“Hawkeye not equipped for task2

Serial 115 at 0602 from 1 Para is a SITREP which reads as follows:

“SITREP

Sniper fire from school. B4 working round to start on second phase

Prisoners Total: 35 Glenalina Park  
2 wounded”

Serial 118 at 0613 reads to 1 Para:

“Ambulance going to you now”

Serial 121 at 0610 from 1 Para reads:

“Helicopter going to Musgrave Hospital without our casualty. “

Serial 122 at 0610 to 1 Para is hard to decipher in its entirety but starts with:

“Ballymurphy - women and children sheltering very distressed but safe.”

Serial 136 at 0630 from 1 Para reads:

Sniper in area WHITEROCK X-rds, Barrier, body trapped.  
35 arrested. 2 wounded men in MUSGRAVE also one soldier wounded in chest.

Serial 137 at 0631 from 1 Para reads:

“35 arrested removed out of our area- possible at VICTORS’ loc (SPRINGFIELD RD. 2 injured taken to MUSGRAVE.) Still trouble with sniper in flats.”

Serial 146 at 0654 from 1 Para then reads:

“B4 S of BULLRING  
C2 WHITEROCK. All quiet Phase 1  
People arrested at 1 DWR loc. Mil  
Witnesses will have to go to this loc

B5 will have to go in too. All picked up from houses where understood shooting occurred.”

Serial 148 at 0655 from 1 Para then reads:

“Firm in loc. All quiet. B3 is firm in Phase 1 psnm.  
Permission to search flats from which fired upon initially.  
Cursory search has not revealed any wpns  
WHITEROCK - 2 barricades - 1 June ROCKMAN ST  
2 June BALLYMURPHY/WHITEROCK  
MONAGH clear  
BALLYMURPHY clear”

Serial 151 at 0708 to 1 Para asks:

“When can you release HOLDFAST equipment”

The reply from 1 Para reads:

"3 barricades - esp one in B1 loc - still to be done. 2 on WHITEROCK also have to be dealt with. Can't release here before 0900."

Serial 153 at 0718 from 1 Para reads:

"A2 can have light eqpt but will be 1½ hrs before large eqpt free. Barricades formidable."

Serial 163 at 0746 from 1 Para reads:

"Explosion - nail bomb found, Ballymurphy Crescent/Drive junction; sniper fire factory 200-300 yds in Whiterock Drive."

Serial 195 is recorded at 10.00 from 1 Para:

"1 double barrelled shotgun found by C29 in flats North end of Norglen Parade. All quiet few groups of people shopping. 100 total through whole area. Ballymurphy same."

Serial 200 at 10:18 from 1 Para reads:

"Loaded pistol recovered by 54 B by 25 Lt Regt RA. On grassy slope, at road junc Norfolk Rd/Drive junction."

Serial 202 records a message from ATO at 10:30:

“

1. 0855 Springfield Rd barricade (Kelly's Bar) device in barricade was Claymore with 2lbs of gelly and 10lbs of shrapnel. Working on pull switch from short distance.
2. 0930 - 3 pipe bombs and one nail bomb each with 1/2 lb of gelly thrown into work yard of James Corry, they had been therefor for about 8 hours.
3. Escort is becoming very tired.”

Serial 240 is recorded at 1242 as the operation is coming to an end. It is from 1 Para:

“We want RMP to our location sometime. B5 has statements to make. Moving 1 hour.”

Serial 252 from 1 Para at 1300 reads:

“Redeployment completed.”

[101] In addition to these logs I was referred to the RUC Duty Officer's reports for the 24 -hour period ending 8.00am on 11 August 1971.

Serial 54 records:

“At 4:15am approximately fifteen shots were fired in the Ballymurphy area - Shots disturbed the residents who came out and started banging bin lids and blowing whistles.”

Serial 56 of the same log reads:

“At 4:45am the army shot dead a sniper on the Whiterock Road near Kelly’s Bar (junction of Whiterock Road, Springfield Rd). Body being taken to Morgue. Not identified to date.”

[102] M2294 also gave evidence to me that he assumes he was present at the O Group meeting which discussed this operation in advance. A handwritten note of this meeting was available which M2294 discussed in his evidence. He confirmed the operation was designed to clear barricades, described on the handwritten note as “Take Irish Free Belfast, remove roadblocks.” M2294 understood this as a reference to removing barricades in Ballymurphy to ensure there were no ‘no go’ areas. The handwritten notes are sparse but M2294 interpreted them and pointed out that the operation was to commence at 4.00am and that radio silence was to be maintained during that time, broken only by code word ‘sandcastle.’ Tractors were to be used and arrest teams were to be deployed. For the purposes of my enquiry M2294 told me that Phase 1 of the operation involved 1 Para D Coy coming from the south (along Monagh Road to its junction with Springfield Road and Whiterock Road) and C Coy coming from the north (down the upper Whiterock Road and on Mountain Loney to its junction with the Springfield Road). Support Coy were to be in reserve. Phase 2 was to see Support Coy and D Coy move into Ballymurphy proper with C Coy staying where it was. Phase 3 was on order.

[103] In terms of what C Coy had to do, M2294 said that in Phase 1 it was to clear its route using tractors, then to let Support Coy through. For Phase 2 it was to remain in the area it had moved through. And for Phase 3 it was to clear and search an area on the map C1 (not now available).

[104] Overall, M2294 helped me with interpretation of the logs and O Group. He was clear that he could not actually remember events himself. He was also clear that

if a soldier shot a civilian there was an established system whereby he would have to report it to the Platoon Commander who would report it to the Company Commander and from there it would be reported to the Adjutant or directly to the Battalion Commander. He was not aware of any of this happening. He gave a useful synopsis of the operation itself which accords with the 2 Para Report of Operations I have seen. These 1 Para actions took place in 2 Para Tactical Area of Operations – that report says “an operation was mounted by 1 Para to clear the barricades in Ballymurphy.”

### **M106**

[105] M106 was a sergeant in charge of D Coy. He recalled that the Coy Commander was Major M103 and that M367 was shot and injured. He provided a statement to CSNI of 8 January 2019. He said he had no actual recollection of events himself and could not remember his citation. He said he did not recall anything that happened with C Coy that day including reports of the deceased. He thought Soldier F’s account did not accord with how M367 was injured. He did not think anyone in his section fired that day as nothing was reported to him. He did not agree that he was Soldier J. (Soldier J had been referenced as a Section Commander in the statement of Soldier A.)

### **Mr Samways**

[106] Mr Brian Samways gave evidence without anonymity. He was previously designated M437. He confirmed he was part of the Special Investigations Unit (“SIB”) of the RMP and he took the ciphered soldiers’ statements A – I except H. He recalled reading Soldier B’s statement to the original inquest and handing up a name for him he had been given on a piece of paper. Other than that he could offer no real assistance as to who the ciphers were, how the statements had been taken and the delay in taking Soldier B’s statement.

[107] Mr Samways thought that his name was nominally recorded. The only incident he could specifically recall was regarding the shooting of Norman Watson in Armagh. However, in a straightforward and helpful manner, this witness explained what the proper investigation processes were at the time. He said that when statements were recorded from soldiers they were in their own name and ciphers for court purposes were added later – he did not know by whom. At an inquest the actual name would be given to the Coroner on a piece of paper. The witness confirmed that forensic methods of scene preservation were not used prior to 1974. Military weapons were not seized as a matter of course for operational reasons. Some SIB officers would carry Polaroid cameras to photograph the deceased to then seek identification from soldiers. The witness referred to the fact that internment was a very busy time. The witness confirmed in evidence that the delay in taking Soldier B's statement was unusual in his experience.

### **M368**

[108] M368 was a private in 7 Platoon of C Coy and a radio operator on the day in question. He provided a statement to CSNI on 6 March 2019 and had previously been spoken to by HET in 2013. At the outset he was clear in disputing the HET note that M433 took over from him as radio operator and that they swapped weapons. The witness said he did not hear any report casualties had been shot or a request for a medic/ambulance over the radio. Therefore his evidence only related to the aftermath of events when he recalled his patrol finding two bodies. He could say this was on the raised area of pavement. He said he did not hear shooting. M368 said he had memory difficulties about all of this although he was asked to mark a map, which he did, and placed the bodies outside 217 and 215 Whiterock Road – Exhibit B4/06.

### **M365**

[109] M365 was a Platoon Sergeant in 1 Para, C Company. His evidence was given towards the end of this section of the inquest and it focussed on whether he was in fact in 9 Platoon or 8 Platoon. In his statement of 24 February 2019 M365 said he was in 9 Platoon, but in his evidence he said that he was unsure and it may have been 8 Platoon. M 365 made two statements of 24 February 2019 and 2 March 2019 directly to Devonshires Solicitors and he spoke to HET and gave an account in 2012. He gave no direct evidence about the deaths of Mr Corr and Mr Lavery and he said he could not recall who shot them. This evidence was of limited value to me as regards establishing the circumstances of the deaths I have to examine. Given that I make no specific finding about which Platoon he was in, it may have been 8 or it may have been 9. Either way this witness had nothing to offer by way of direct assistance.

### **M433**

[110] M433 provided an account to HET in 2013, some details of which he said were incorrect and he provided a statement to CSNI of June 2019. He was a member of 7 Platoon C Coy. He was involved in the operation, although he was not head of the advance. He said an advance party went forward and he heard high velocity gunfire when he was in the rear of an army vehicle. His evidence then turned to his own account after being deployed with three other soldiers just above Dermott Hill Way. He said there was a barricade across Whiterock Road near this junction. He also gave evidence of encountering a body at the side of Whiterock Road – he said it was lying on its back and the man’s head was towards Whiterock Road, feet to Springfield Road. He accepted the body may have been moved and he saw no weapons. As to position, he though HET may have wrongly suggested near 217 Whiterock Road.

## **General Sir Mike Jackson**

[111] General Jackson made a statement to CSNI on 29 December 2018 and he gave oral evidence to the inquest. He said that he joined 1 Para in 1970 and was a captain in August 1971 with Battalion Headquarters. He said he held a hybrid position as community relations officers/unit press officer in 1971 becoming adjutant in November 1971. He thought it likely that he gave the press briefing which was quoted in the Belfast Telegraph on 11 August 1971 though he had no specific recollection of the briefing. He did not make a statement as to events at the time. He made the point that this event happened very early on in the Troubles, that there was no specific training apart from the Yellow Card and that it was “mayhem.” He says he heard firing; he could not say where from but had no doubt it was the enemy, the IRA. In terms of the newspaper article he had no direct recollection but said the information would have been provided by others to him.

[112] He had no knowledge of an RMP investigation and of Soldier B he said the notion of one man conducting a recce made no sense. He agreed that if a soldier fired he had to account for it. He could not explain why the Commanding Officer, Colonel Wilford, had no knowledge of any casualties or an internal investigation. He denied an aggressive intent by the Parachute Regiment. When the accounts of the Doyle brothers were put to him he was horrified. He denied any conspiracy to withhold information but said that procedural failings may have been down to pressures on the system at the time.

[113] In addition to the oral evidence, a body of military evidence was read into evidence following medical excusals and/or unavailability of deceased or untraced witnesses. I summarise this as follows.

## M349

[114] M349 was a witness whom I excused from giving evidence on medical grounds. Therefore I have only been able to consider his written statement to CSNI dated 24 October 2018 alongside his RMP statement of 12 August 1971. M349 declined to co-operate with HET. This is an important military person because on 11 August 1971 he was the Platoon Commander of 9 Platoon, which were involved in the advance down the Whiterock Road from the Mountain Loney. He also made a statement in 1971. The CSNI statement is dated 24 October 2018. Attached to it is the RMP statement and other exhibits, however the maps are hard to decipher. The statement at para 26 says that 9 Platoon was the first unit to travel down Whiterock Road that morning. There is a particularly useful and descriptive account of what was happening at Paragraphs 26 and 27 of this statement, which I set out as follows:

“9 platoon was the first to travel down Whiterock Road that morning. Soldiers from C Company Headquarters and two other platoons were behind us: I assume they would have been 7 and 8 platoons. I am not sure what the time gap was between the deployment of each platoon. I recall that D Company of 1 Para was also somewhere in the area, though I am not sure where they were, or, which direction they came from, nor do I know what orders they had been given. They did not come down the Whiterock Road with us. The RMP were also in the area, though again I do not know anything further about their movements or actions. I do not know whether any units from the Royal Green Jackets were in the area that day or not.

My platoon’s specific task was to secure the crossroads at the corner of the Whiterock Road and the Springfield

Road. As we walked down Whiterock Road I could hear some gunfire from the West in Turf Lodge. This made me more cautious and alert to our surroundings as we deployed down the road. We walked without stopping to within about 100 to 150m of the crossroads when we approached a lamppost emitting a pool of light. There had been no other working lights until this point. It was still dark at this point. We held off from doing anything and stopped for a moment just short of the light. The platoon went firm which involves deploying in a static defence formation with our flanks covered. At this point I wondered what to do and whether I should risk sending my soldiers through the light. I was concerned it may be an ambush. Whilst we were stopped we were fired upon from right hand side intersection ahead of us. I saw 2 or 3 muzzle flashes, which were in a static position; it was one weapon fired 2 or 3 times. I could tell the muzzle flashes were a hostile act as they were directed at us. It appeared to me as if the muzzle flashes came from the intersection of the Whiterock Road and Springfield Road, on the same corner of the intersection as St Aidan's school was. I have marked on a map the location from which I thought the gunman was located which I now produce as Exhibit M349/5. The fire was very loud so it was difficult to determine what types of weapon had been fired at us. There was a cacophony of noise. The whole situation felt like an ambush."

[115] In his statement the witness went on to say that he was unable to comment upon the location of where it is believed Mr Corr and Mr Laverty was shot. He then referred to coming under sniper fire which he thought was coming from St Aidan's

School and coming under fire when searching Turf Lodge flats. These incidents appear to be after the shooting of Mr Corr and Mr Lavery. He says in his statement at paragraph 43 that:

“I had no knowledge at any point that day that two casualties had been shot in the area of the crossroads of the Whiterock Road and the Springfield Road.”

[116] M349 was asked about a ciphered soldier's account. There is a confusion about which soldier as HET referred to J whereas it was A. In any event, M349 dealt with his in the statement as follows:

“I have been shown an extract of notes taken from our interview said to be a Soldier A which I now produce as exhibit M349/11. I am not Soldier A. The note mentions that Soldier A witnessed Soldier F shoot a sniper. I do not have any memory of any soldier killing a sniper. The note refers to Soldier A being assigned to a 'next task'; I had no 'next task' on the 11<sup>th</sup> of August 1971 after the incidents I have described in this statement. The note also explains that Soldier J called for a helicopter to evacuate a wounded soldier, I am not aware of any helicopter being in the area that morning. I would have heard it. I am unable to clarify anything further in that statement and do not know to whom it is attributable.”

M349 disputed an account given by another soldier that he had the heel of his shoe shot off or that he was involved in the arrest of Terence Lavery.

[117] The striking part of this account is that M349 as 9 Company Platoon Commander did not know anything of the casualties or who may have been involved in the incident.

### **M338**

[118] M338 is deceased and so his written evidence was read in for consideration under Rule 17. This comprised a deposition to the original inquest on 11 October 1972. In it he said:

“I’m a corporal of the Royal Military Police attached to the Special Investigations Branch at Lisburn. On 21<sup>st</sup> July 1972, at Aldershot, I interviewed Soldier B regarding a shooting incident on the Whiterock road on the morning of 11<sup>th</sup> of August 1971. Soldier B made a written statement, which I now read out and produce Exhibit C2. I now hand the Coroner an envelope containing the name of Soldier B (Exhibit C3). I believe my interview with Soldier B on the 21<sup>st</sup> July 72 was the first time a statement was taken from him. He would have been expected to report this shooting immediately after this incident and account for the rounds fired. I would expect such a report was made in this case though no statement taken.”

### **Colonel Derek Wilford**

[119] Colonel Derek Wilford, who was previously designated a cipher, was the Battalion Commander at the time of internment. He was potentially a very important witness, however he lives abroad and so was unable to attend to give evidence. His evidence was read into the record under Rule 17 on that basis. His solicitors, Devonshires, also pointed out that:

- (a) He was suffering from a particular identified condition at the time his written statement was made.
- (b) He wanted to have it made clear that no consideration was given to his medical condition when he made his written statement and that he was not well enough to make a reliable statement.
- (c) The condition has a particular effect on the body and the correspondence sets out the symptoms.
- (d) No doubt due to the effects of this condition Colonel Wilford's statement contains many inaccuracies. He has clearly forgotten facts and events he would have recollected were he not seriously unwell. He now lacks a reliable recollection.

[120] I admitted the statement on the basis that I would consider it in light of the above. The statement itself includes the following paragraphs:

"19. I have no recollection at all of casualties in Ballymurphy on the first day of internment or during the course of the following days. I found it actually rather surprising when I heard about how many people had been killed. I have no recollection at all of any of that sort of thing happening. If shots had been fired and civilians had been shot and either injured or killed there would have been an internal investigation. The army investigated everything. I have no recollection of any soldiers in my Battalion being interrogated or examined about anybody that they

had shot at or had killed. This comes as a complete surprise to me. This was in contrast to the events that were examined in the Saville Inquiry, where for example, on the night of those incidents my whole Battalion was questioned. Whenever there was an incident it was reported in detail and assessed.

20. As the Battalion Commander I would have been told had anything like this been going on. It would have been reported to me. None of that information came my way. In fact, had it come my way it would have been quite serious."

[121] The statement is dated January 2019 and signed by Colonel Wilford who was given cipher M425. There is no contemporaneous statement from this witness. This statement is remarkable for the lack of any information the Battalion commander can give. I am asked to attribute all of that to his current condition but I am not convinced about that. Colonel Wilford signed the statement he received. I accept he may not be able to recall fine details but I find it hard to accept that he knew nothing of the two casualties or the investigation. The additional problem is that there are no contemporaneous records which Colonel Wilford can point to and so overall, for whatever reason, I have the highly unsatisfactory position that the Colonel of the battalion cannot assist me as regards the deaths of the two men. I will assess this gap as part of the overall picture.

### **M167**

[122] M167's evidence was also admitted after medical excusal and alongside Terence Lavery's evidence. I have already said that I cannot actually say if he was Soldier B due to the unreliability of Terence Lavery's evidence. It is again

unfortunate that I could not hear from this witness but I have considered his statement and the exhibits dated 24 January 2019. In August 1971, M167 was a Private and a combat medic in 9 Platoon of C Coy 1 Para. I am struck by the comprehensive accounts given in the statement in January 2019 notwithstanding the medical difficulties which were put before the court. In his statement he refers to encountering three gunmen manning the barricade at the junction of Whiterock and Springfield Road. At paragraph 7.5 of his statement he says that:

“What I know now is that apparently the three gunmen manning the barricade were challenged (I don’t know by whom) but a short fire-fight ensued – I don’t know who fired first. I found myself exposed on some waste ground and I adopted the prone position on the ground looking to my front towards the barricade. I heard rounds passing very close to me and realised that if I knelt or stood up I was likely to be hit. I heard small-arms fire and high velocity sounds coming from the direction of the barricade. I also heard the distinctive sound of the SLR rounds which I knew to be the British Army standard issue at the time. Every weapon has its own distinct sound (known as a weapon signature). SLRs have a very different signature to weapons that were fired at us, i.e. Armalite, M1 Carbine, Garand etc.”

[123] Then at para 7.7 he said:

“As I approached the barricade which stretched across the junction with the Springfield Road I saw two or three people in civilian clothes on the ground. They were all moaning. I am pretty sure I saw two firearms near them which had been placed close together on the pavement.

One was an automatic pistol and the other I think was an M1 Carbine. However, I cannot be sure as I only had a fleeting glimpse of them. As the medic, I moved forward to treat the casualties.”

[124] He then described his account of the arrest of Terence Laverty. He said he was on duty at about 0445 with M349 when two youths were throwing stones and bottles as they advanced on the barricade. He also mentioned M351 as being there. He then stated that he made a statement which said that Mr Laverty and his colleague were engaged in riotous behaviour. M167 rejected the assertion that he retracted his statement and so he disputed Mr Kinnon’s account. He said he was not informed of the appeal hearing, having given evidence at the original trial.

[125] He also disputes the document made by HET that he said the person who shot Mr Corr and Mr Laverty was M350. Other than that, M167 did not witness the shooting of Mr Corr or Mr Laverty but he came on them afterwards. There is PSNI documentation concerning a complaint of perjury made by M167 against the CCRC and Public Prosecution Service; PSNI review of that complaint questions the reliability of M167 although M167 has not commented on this himself. This material is highly controversial and as such, overall, I cannot rely on it as reliable or determinative of the issues as it has not been tested or questioned.

## ***IX. CONCLUSIONS FROM THE EVIDENCE***

[126] In reaching my conclusions I have considered all of the above evidence and the documents I have received in this case. My task is governed by the law as I have explained in the introductory part of my findings. I must determine who the deceased were, how and when and where the deceased came by their deaths and the particulars for the time being required by the Births and Deaths Registration (NI) Order 1976 to be registered concerning the deaths. In accordance with the obligation

under Article 2 of the ECHR the inquest must consider whether the use of lethal force was justified in determining how the deceased met their deaths. This is a fact finding exercise, the outcome of which depends on the evidence. I am not determining any criminal or civil liability, rather I am tasked with trying to establish facts about these deaths, upon the evidence before me, on the balance of probabilities and to allay rumour and suspicion.

[127] I recognise that there will inevitably be difficulties in a case such as this at nearly 50 years remove in establishing specific details of matters such as place, time and location. However, this difficulty does not mean that some fact finding is impossible. The court is obligated to try to reach conclusions albeit they may be of a more general nature. It is also open to me to remain undecided on certain aspects of the evidence upon a full analysis. If I am uncertain I will explain why.

[128] Having considered the entire evidential picture and bearing in mind the difficulties inherent in establishing facts at this remove of time, applying the balance of probabilities to the factual issues I have to decide what conclusions I can reach. I do so, avoiding speculation as to why things happened on this day in August 1971 in the way that they did.

[129] I start by examining the issue of who shot the deceased. The fact that a military issue bullet (i.e. a bullet consistent with that fired from an L1A1 SLR used by the British Army in Northern Ireland in 1971) was recovered from Mr Laverty's body is strong evidence. Mr Corr was shot in close proximity and as part of the same incident. That is also strong objective evidence. On the basis of the evidence I find on the balance of probabilities that both deceased were shot by the British Army. I do not accept that this type of bullet came from any other source at the relevant time – the evidence does not support that theory. In addition, the contemporaneous logs point towards this outcome as does the military evidence. This was most clearly expressed by M166 who said he was given an order to “proceed down Whiterock

Road towards Springfield Road to attend to two male persons, who it was believed had been shot by elements of C Coy 1 Para.”

[130] Having listened carefully to the evidence, particularly the military evidence, there was no suggestion made that these men were shot by anyone else. I reject the point made by the MoD in closing submissions that they may have been shot by other gunmen as this is speculative in the extreme and does not accord with any evidence I have heard. In addition, this submission does not add up upon consideration of the locations of the men and the ballistics and pathology evidence, which I will come to in due course.

[131] In terms of the timing of the deaths, there is broad agreement, which is confirmed by the contemporaneous records, that the two men were shot sometime between 4.15 and 4.52am, most likely in the middle of that range of time.

[132] I have considered a largely consensual body of evidence from civilians that people were on the streets in the early hours that morning. That evidence is credible and correlates with the heightened tensions around interment and the primeval instinct of people to both try to see what was happening and try to protect their community. I was convinced by the evidence of a number of witnesses that a warning was given of activity by way of bin lids. Joseph Marley's evidence was particularly evocative on that. A number of sources namely Mr Marley and the statements of Joseph Corr Jnr, Gerard McConville and Oliver Pollock, referred to people being out because of Protestants apparently coming in. Against that the account given contemporaneously by Mr Corr referred to the soldiers coming into the area. I pay particular regard to that assertion as it was contained in statement form at the time. Having analysed this entire body of evidence I think there is probably truth in both accounts. In other words, mention was made of Protestants coming and also soldiers coming. In my view the two are not mutually exclusive given the time. It was also the early hours of the morning when tensions were high

and so I think it is perfectly viable that a number of stories were going around as to who was coming into the area.

[133] In relation to the movements of the two deceased, I find the following facts. I prefer Mrs Corr's account of how Mr Corr ended up on the streets shortly after 4.00am. However, I also accept the fact that Joseph Corr Jnr went out with him and was with him prior to separation of the two. I do not consider there is enough clear evidence about the young lad being shot or about Mr Corr and his son being at 201 Whiterock Road.

[134] It is difficult to pinpoint with precision Mr Laverty's movements. I cannot rely on Mr Terence Laverty's account. I simply cannot say whether the deceased was at his sister's or came out of his own house to come onto the street with others. However it seems likely that bin lids having sounded, and the rumours having gone around that Protestants/soldiers were coming into the area, he went out onto the streets. I cannot be any more certain on this issue.

[135] After the people came onto the streets it is clear to me, having heard the evidence of witnesses, that they walked or progressed up the Whiterock Road from further down. This is a natural conclusion given that the people thought that there was an invasion from the direction of the Mountain Loney. I think it is also natural that people would come up the raised footpath outside the odd numbers on Whiterock Road as Joseph Marley described. It is impossible to say how many people there were or whether there was any organisation to the group. There is also not enough evidence and no contemporaneous account of a riot on the streets. I think that if there was a riot it would have been recorded. No military witness gave evidence to this effect.

[136] I heard evidence about barricades of varying sizes and locations. It is impossible to be definitive about this issue save for the presence of a barricade which is recorded at the bottom of the Whiterock Road with the junction of the Springfield

Road. This barricade was clearly substantial and contained a mine as the logs record.

[137] There was a large measure of consensus in the pathology evidence. Clearly both men suffered catastrophic injuries. In the case of Mr Lavery he must have died fairly quickly after being shot and I do not consider it is likely he moved around himself. He may however have been moved by soldiers. Mr Corr did not die immediately but he suffered significant injuries which clearly meant he could not move very far himself. He may have moved a short distance, but on the evidence I think he died close to where he was shot.

[138] It is difficult to pinpoint exactly where the deceased were shot without eye witness accounts. What I have to consider are differing accounts of the position of the deceased in the aftermath of the shooting. Witnesses have given varying accounts within the Whiterock Road area and, as I have said, different places have been marked on the map. This is all perfectly understandable with the passage of time. The MoD final written submission states that:

“Despite these uncertainties it is submitted that on the balance of probabilities, the available evidence supports the conclusion that both Mr Corr and Mr Lavery were shot when they were on or near the pavement of Whiterock Road with others.”

[139] I place the location as somewhere between Nos. 205-217 Whiterock Road on the raised pavement. I determine that Mr Lavery was found higher up the Whiterock Road than Mr Corr who was behind him (as you look down from the Mountain Loney). This assessment tallies with the evidence of the medical orderly M166 who actually treated the men and identified them from photographs. M546 saw a wounded man up on a raised pavement on Whiterock Road being treated by a medic belonging to C Company. M432 also recalled the injured man being treated

on a pavement up a grass bank. I was less convinced by the location given by M402 which I think is probably too far down the road. M380, who spoke to M166 and arranged treatment, also saw the injured men in the area I have described.

[140] I was impressed by the evidence of the Doyle brothers who, though young children at the time, clearly remembered a traumatic event. I do not expect them to be accurate about exact details but on the balance of probabilities I accept the account that there was an injured man in the vicinity of their property, who spoke to one brother and who was reached by army personnel in that general area. I consider it likely that this was Mr Corr.

[141] The evidence of medical treatment at the scene given by M166 and M380, in particular, leads me to conclude that nothing could be done for Mr Lavery. As regards Mr Corr I am satisfied that the medical assistance at the scene was all that could be offered in the circumstances. M166 applied the shell dressing; that was reasonable within the confines of his role. Then M380 came and applied a further dressing and administered morphine. I accept the military evidence that it was difficult to get ambulance assistance during this incident due to barricades in the area. The logs show that medical attention was sought. Overall, I have no reason to believe that the medical treatment was substandard in these desperate conditions.

[142] It is clear to me that both men were not in a standing position when shot. The pathology and ballistic reports are agreed on this. The expert evidence tells me that the men were both clearly shot in the back when either crouching, crawling or prone.

[143] I find on the balance of probabilities each man was killed as a result of one shot which caused catastrophic injuries upon entry and exit.

[144] There is no evidence that guns were found on or near either of these two men. The only evidence of any nature in this regard is that from M167 which I do

not rely on. That evidence also places the men at a position much further down the road at a barricade near the junction of Springfield Road. In my view it is highly significant that the first responders, particularly the military witnesses offering medical help, M166 and M380, saw no evidence of weapons around these men. That is compelling evidence given that this incident took place within such a short space of time relative to their attendance at the scene.

[145] I found the evidence of M432 particularly striking as regards the demeanour of the deceased men. He said: “they did not look like terrorists”, “there were no weapons.” He was also struck by their location, which was in open view.

[146] As I have found that both deceased were shot and killed by the Army it is for the State through the inquest process to justify the use of lethal force in the circumstances of this case. In this regard the evidence relied upon comes from Soldier B.

[147] In the written closing submissions of the MoD, reference is made to the context of what was happening in 1971. I have already referred to this in my introduction. Of course it is right to say that this was a brutal and bloody time. ‘Lost Lives’ records that 180 people were killed in 1971: 94 civilians, 44 soldiers, 23 Republican paramilitaries and 3 Loyalist paramilitaries. Also, I bear in mind that as a result of the eruption of violence in 1969 the British Army was operationally deployed in Northern Ireland in aid of civil power, the Government of Northern Ireland, but violence continued on the streets. By 11 August 1971, 300 internment arrests had occurred and there was local unrest on the streets including barricades. I do appreciate this context very well but as the MoD submission itself says at 1.12:

“It must be emphasised that this section is not intended to and should not be read as suggesting contextual justification for the deaths under investigation in this

inquest or indeed any deaths. Rather, it is to illustrate the true extent of the civil emergency faced by the Government of Northern Ireland, and the security forces deployed on the ground.”

There was also disruption and shooting in the general area. That much is clear. However, that general position is not enough of itself to explain the death of civilians on the streets. Each case must be examined on its own facts.

[148] Soldier B is unidentifiable. There is no indication that he is deceased or ill. I simply do not know who he is. He has not come forward voluntarily to give evidence about his honest and genuine belief regarding the use of force in this case. That is a considerable obstacle in itself for the State in terms of providing justification for these deaths.

[149] I can only rely upon a statement of Soldier B, in the absence of oral evidence and questioning. This is a statement made 11 months after events. I have considered it carefully and having done so I conclude on the balance of probabilities that it cannot possibly provide adequate justification for the use of lethal force against Mr Corr and Mr Lavery for the following reasons. There is an initial problem in that the statement appears to suggest B was acting in isolation. He does not refer to or identify any other soldiers. M356 who gave evidence, totally disputed this account and when he read B’s statement he said he was “amazed.” B’s account also conflicts with that of M166 who was called to attend to the two men and there is no symmetry between the two.

[150] Most fundamentally, the core of B’s claim does not square at all with the evidence I have heard in this inquest including, and in particular, the expert ballistic and pathology evidence. B states that three or four males were crawling up the Whiterock Road firing a machine gun and a pistol. He says they stood up and began to retreat and when he stepped out of cover, the machine gun man raised the gun so

B fired. This cannot account for the deaths of Mr Corr and Mr Lavery who were on the evidence shot in the back whilst crawling, crouching or prone. They were clearly not facing the shooter. Therefore, B's evidence does not justify this use of lethal force towards the deceased. Put simply, on the basis of the written statements, Mr Corr and Mr Lavery cannot have been the gunmen he was referring to.

[151] There is no other justification offered about these deaths and the contemporaneous records do not assist me. Also, the evidence of the battalion Commander Colonel Wilford does not assist me. There was some activity and shooting in this area from gunmen but there is no consistent evidence that it came from where Mr Corr and Mr Lavery were shot. That is unlike the clear evidence that later in the morning there was a sniper at St Aidan's School or the specific evidence that there was a mine in the barricade – all of that evidence is recorded and verifiable.

[152] I am also satisfied that the investigation into these deaths was inadequate. Mr Samways' evidence was very helpful in explaining the correct procedures which operated at the time. Clearly these were not followed. A variety of military witnesses told me that shootings would have to be reported up the chain but there is no evidence of this. B's statement was also taken 11 months after the event.

[153] Within his book, and in his evidence, General Jackson agreed that there was a protocol about investigating military deaths. He said:

“It was an absolute rule in Northern Ireland that military police took statements from any soldiers who had fired live rounds. Every soldier was allocated a certain number of live rounds and had to account for them to his Platoon Sergeant. The rounds have batch numbers so they can be identified after firing. As adjutant, I helped in the administration of the statement-taking

exercise making a list of those who need to be interviewed.”

[154] It is my view that the RMP did not follow protocol and investigate this case properly at the time with the result that valuable contemporaneous evidence was lost and no military disciplinary action could be taken. I cannot say that the plan to remove barricades was unreasonable. That was confirmed by the O Group meeting and the very helpful evidence of M2294. So, I decline to make any adverse finding as to planning. In my view this event simply evolved as the operation took place. As far as I can discern it did not have a pre-planned element regarding the use of lethal force against civilians.

[155] I accept the evidence of the Doyle brothers as to their arrest and maltreatment. This evidence was corroborated by some military witnesses. General Jackson also accepted that such treatment of prisoners would be inappropriate. To my mind the awards of compensation corroborate the fact that this happened. On the basis of the evidence I can say this in the case of the two Doyle brothers, but I do not make any wider assessment of this issue which is a background matter in any event.

[156] It follows from the above, that sadly some questions remain unanswered about who shot Mr Corr and Mr Lavery. The most I can say is that the shots came from one or more soldiers in C Coy 1 Para, probably 9 or 8 Platoon. It is a great pity that I have not heard evidence from the relevant military personnel as to their actions on that day as that would have given me the opportunity to assess their explanation for opening fire.

[157] I found the evidence of M382 to be convincing. He was not the doctor who attended to the casualties and yet his name was recorded on official accounts. I accept his reasoning as to why this was wrong and I thank this witness for his thoughtful evidence. In my view this evidence also points to a failed and inadequate

investigation in this case. I do not go so far as to say there was a conspiracy but this evidence highlights a serious failing.

[158] The logs that I have examined give only a partial account because the crucial battalion logs are missing. The brigade logs do establish that there was shooting at the army on the day in question. However, it simply cannot be said on the basis of these records that this is anything more than a general account. There is no specific location identified and evidence about the extent of the shooting and where it was coming from is variable. Therefore, these records do not provide adequate justification for the particular deaths of Mr Corr and Mr Lavery.

[159] On the basis of the evidence M167 cannot be identified as Soldier B.

[160] There is no evidence of any paramilitary trappings associated with Mr Corr and Mr Lavery. I obtained the death notices which denote no such connotations. Therefore, it was wrong to describe these two men as gunmen and that rumour should be dispelled.

## **X. VERDICTS**

[161] The inquest verdicts are therefore as follows:

### **John Lavery**

- (a) The deceased was John Lavery, male of 17 Whiterock Parade, Belfast.
- (b) Mr Lavery was born on 3 April 1951.
- (c) Mr Lavery was a single man who was a bin man/road sweeper.

- (d) Mr Laverty died on 11 August 1971 on the Whiterock Road, Belfast, from injuries sustained by gunshot.
- (e) Mr Laverty's death was caused by internal haemorrhage due to laceration of the bladder, right kidney, spleen and left lung due to gunshot wounds sustained in the trunk of his body.
- (f) The injuries leading to the death of Mr Laverty were caused by 7.62 rounds fired from a high velocity rifle by a soldier or soldiers in C Coy of the 1<sup>st</sup> Battalion of the Parachute Regiment of the British Army.
- (g) Mr Laverty was at a point on an elevated footpath between 205-217 Whiterock Road and was shot from a position higher up the Whiterock Road.
- (h) People including the deceased had gathered on the streets having heard bin lids and rumours of an incursion by Protestants from the nearby Springmartin Estate/the Army, coming down the Mountain Loney.
- (i) The shooting took place between 4.15 and 4.52am.
- (j) There is no evidence that the deceased was armed or acting in a manner that could be perceived as posing a threat.
- (k) No valid justification has been provided for soldiers opening fire.
- (l) The circumstances of this death were not adequately investigated.
- (m) There is a breach of Article 2 as the shooting occurred without minimisation of risk.

- (a) The deceased was Joseph Corr, male of 24 Divismore Crescent, Belfast.
- (b) Mr Corr was born on 19 June 1928.
- (c) Mr Corr was a married man and a machinist by occupation.
- (d) Mr Corr died on 27 August 1971 at the Royal Victoria Hospital, Belfast, from injuries sustained by gunshot which occurred at Whiterock Road, Belfast, on 11 August 1971.
- (e) Mr Corr's death was caused by acute bronchopneumonia and peritonitis due to gunshot wounds sustained to the abdomen and chest.
- (f) The injuries leading to the death of Mr Corr were caused by 7.62 rounds fired from a high velocity rifle by a soldier or soldiers in C Coy of the 1<sup>st</sup> Battalion of the Parachute Regiment of the British Army.
- (g) Mr Corr was at a point on an elevated footpath between 205-217 Whiterock Road and was shot from a position higher up the Whiterock Road.
- (h) People including the deceased had gathered on the streets having heard bin lids and rumours of an incursion by Protestants from the nearby Springmartin Estate/the Army, coming down the Mountain Loney.
- (i) The shooting took place between 4.15 and 4.52am.
- (j) There is no evidence that the deceased was armed or acting in a manner that could be perceived as posing a threat.
- (k) No valid justification has been provided for soldiers opening fire.
- (l) The circumstances of this death were not adequately investigated.

(m) There is a breach of Article 2 as the shooting occurred without minimisation of risk.

**Signed:** Mrs Justice Keegan  
Coroner

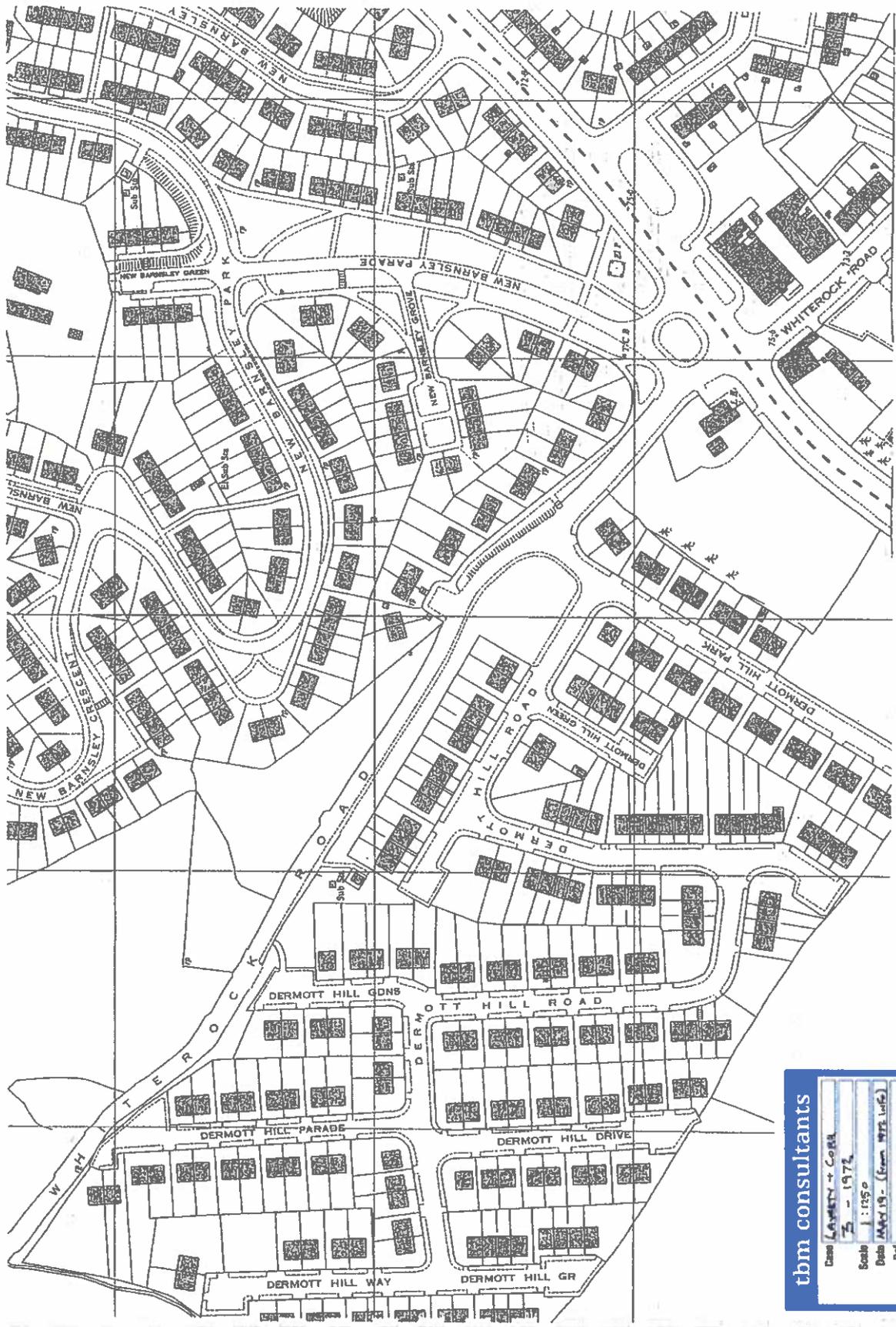
**Dated:** 11 May 2021

## **ANNEX 4**

### **INCIDENT 4: THE DEATHS OF JOHN LAVERTY AND JOSEPH CORR**

- 4.1 TBM Consultants Plan 3/Ordnance Survey Map 1972**
- 4.2 Exhibit B4/02 (map marked by Joseph Marley)**
- 4.3 Photographs attached to Joseph Marley's statement**
- 4.4 Exhibit B4/03 (map marked by M432)**
- 4.5 Exhibit B4/05 (map marked by M380)**
- 4.6 Exhibit B4/06 (map marked by M368)**
- 4.7 Exhibit B4/07 (map marked by M344)**
- 4.8 Exhibit B4/08 (measurements marked on Plan 5 by Brian Murphy)**
- 4.9 Exhibit B4/11 (map marked by M433)**

## **4.1 TBM Consultants Plan 3/Ordnance Survey Map 1972**



**tbm consultants**

Date	LAURENCE + COLE
Scale	1:1250
Date	1972
Ref	M/15 - (From NTS Lof)
Surveyed By	O.S.H.

**4.2 Exhibit B4/02 (map marked by Joseph Marley)**



### **4.3 Photographs attached to Joseph Marley's statement**

Received 13/04/19 Pg 1 of 4  
A Logan

JM/02 - SIGNED:



DATED: 13 04 19

Photo A – given by Joseph Marley

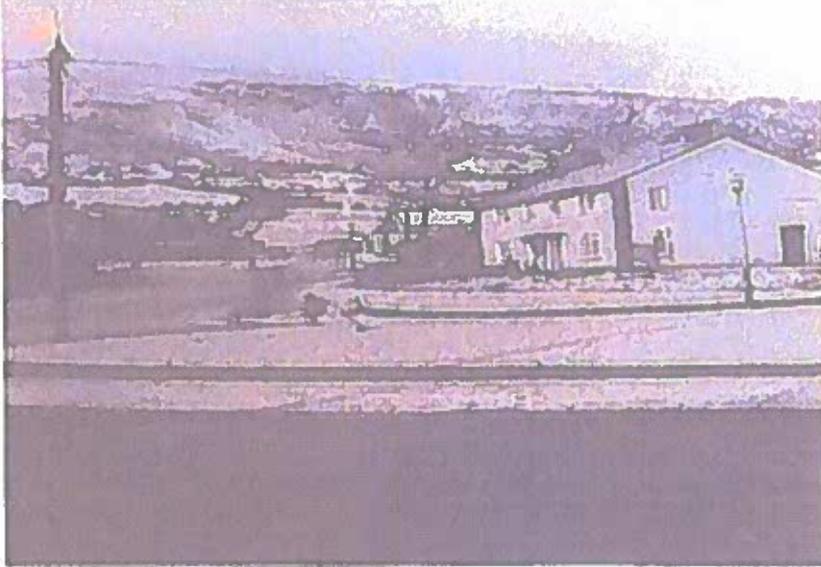


Photo B – given by Joseph Marley

Received 15/04/19 pg 2 of 4  
A Logan

JM/02 - SIGNED

DATED: 13/2/19

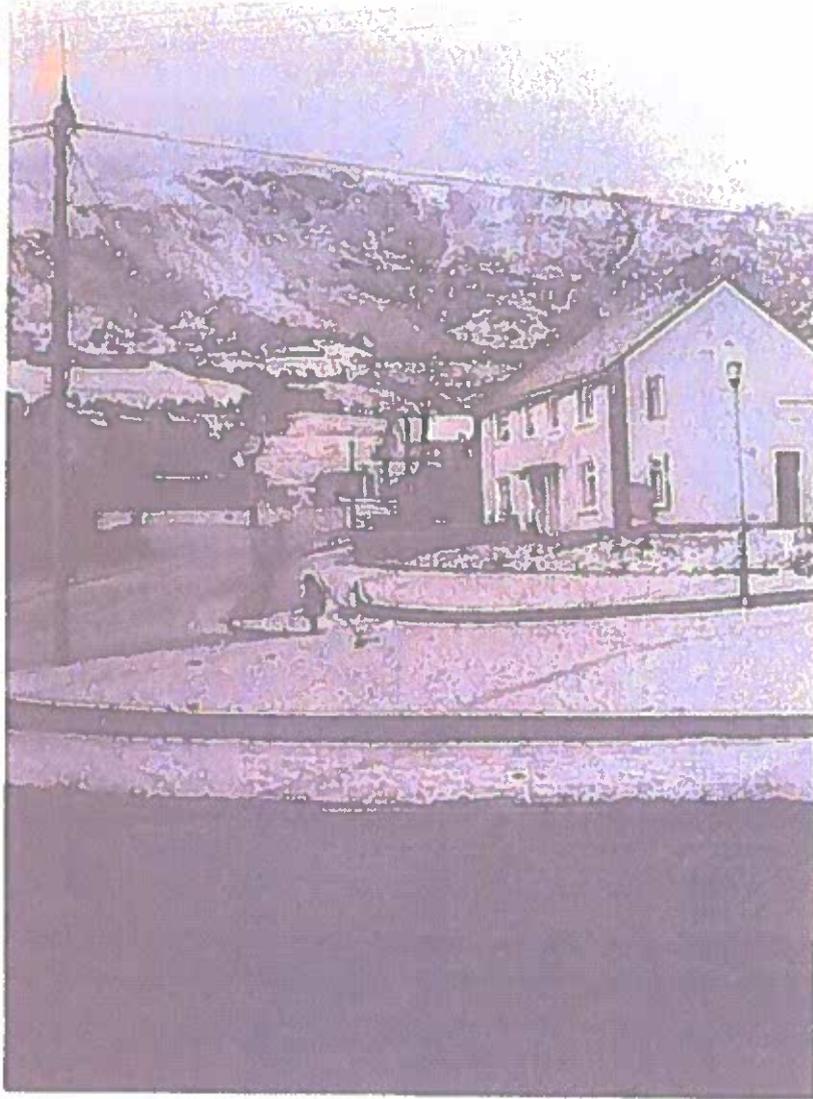


PHOTO B

Received 15/04/19 pg 3 of 4  
A. Logan

JM/02 - SIGNED [REDACTED]

DATED: 13.4.19

Photo C -- given by Joseph Marley

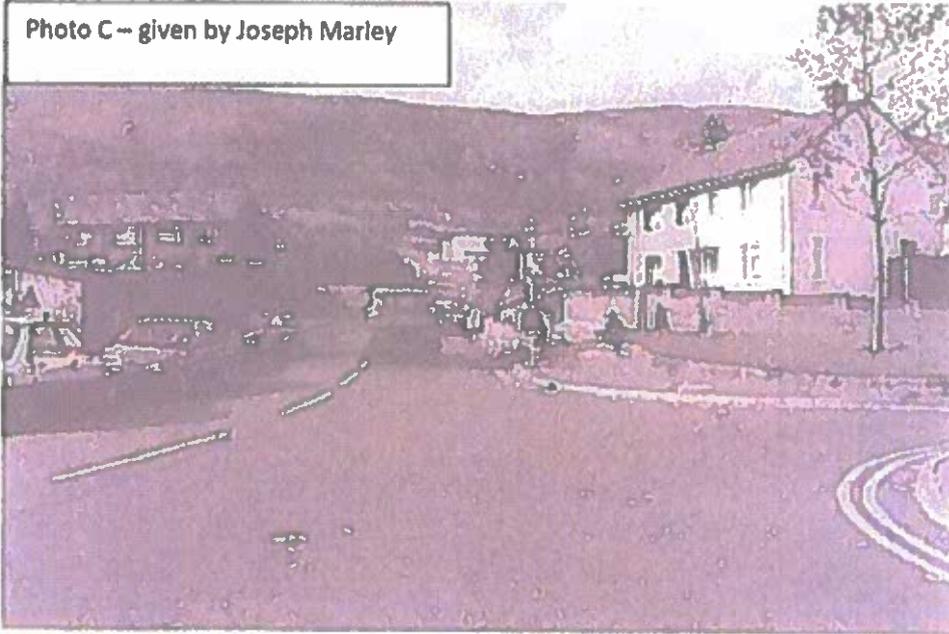


Photo D -- given by Joseph Marley



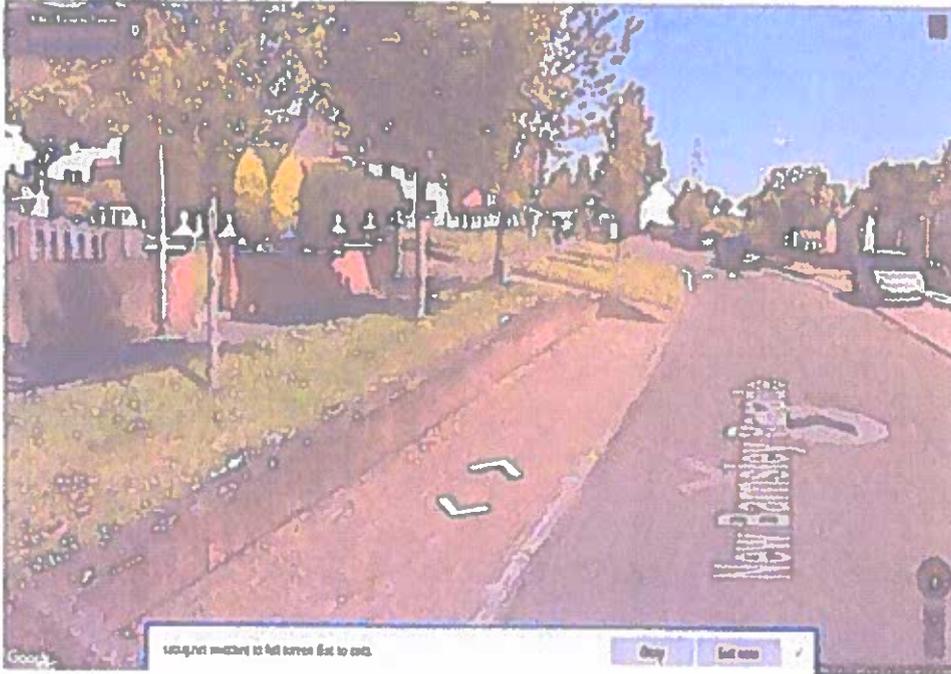
Received 15/04/19 pg 4 of 4  
A Logan

JM/02 - SIGNED:

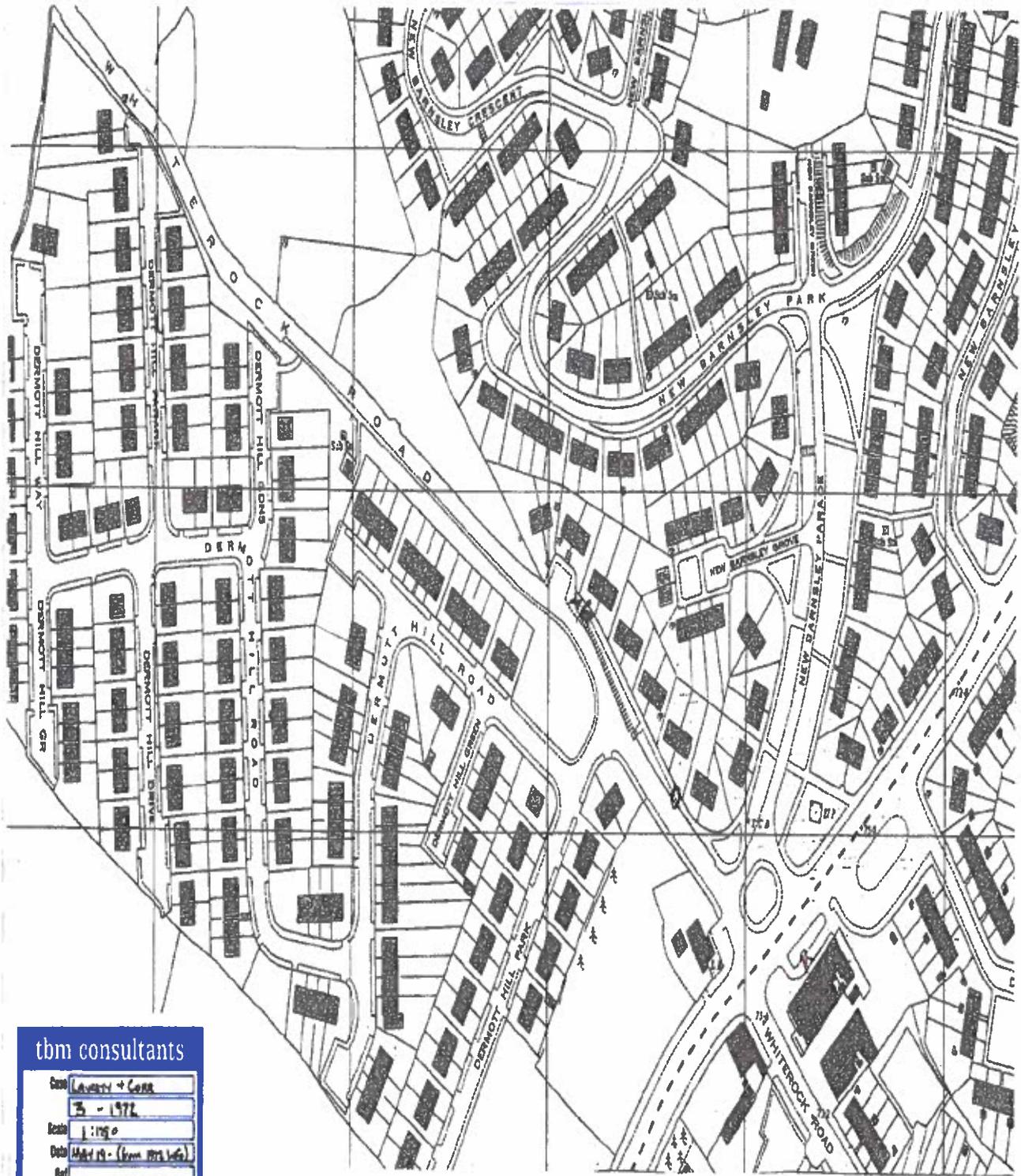


DATED: 13/4/19

Photo E - given by Joseph Marley



## **4.4 Exhibit B4/03 (map marked by M432)**



tbm consultants

Case	LAVINIA + CORR
	5 - 1972
Scale	1:1000
Date	March 19 - (from 1972 info)
Ref	
Surveyed by	O'Neil

EXHIBIT  
64/103

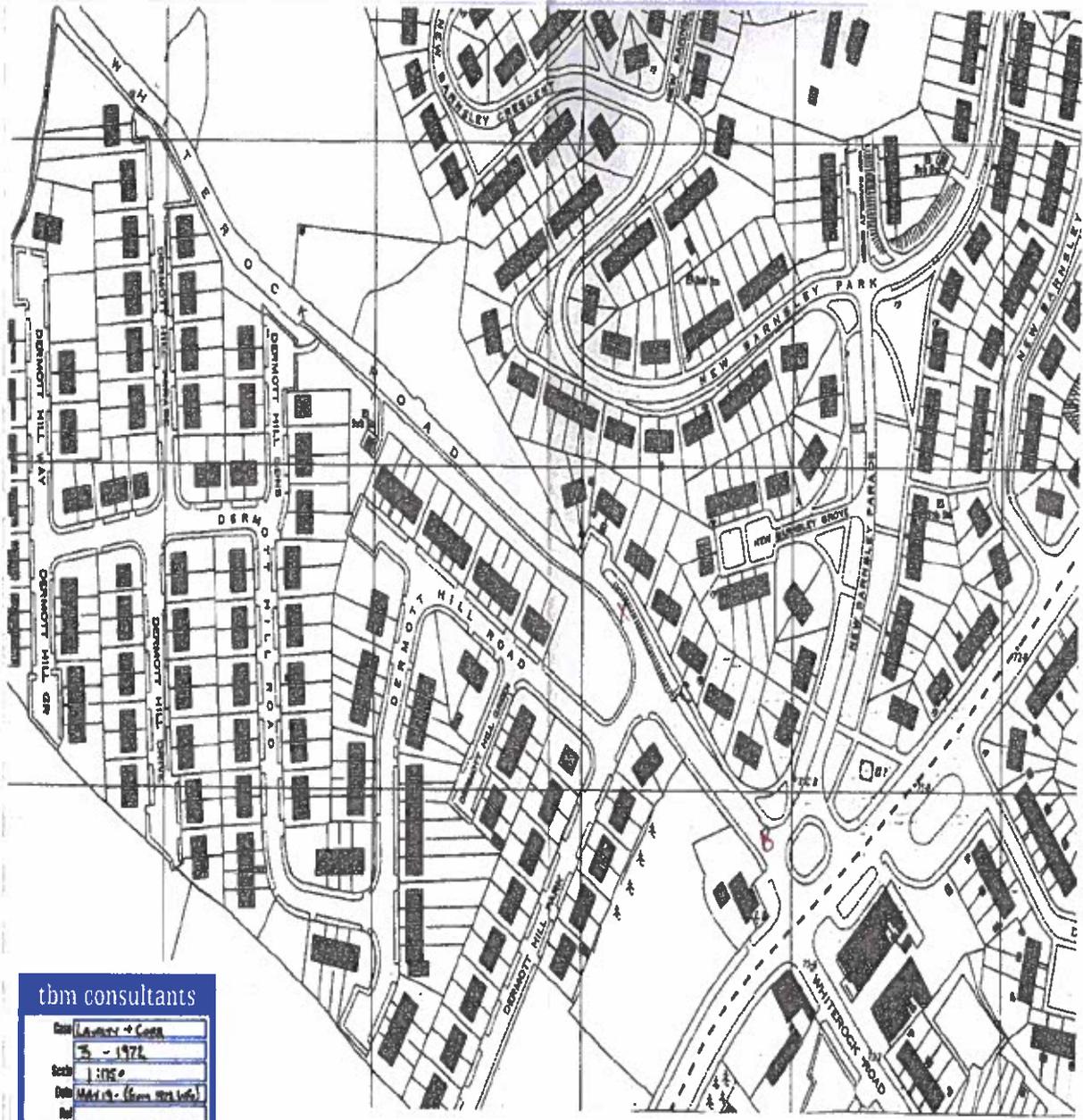
## **4.5 Exhibit B4/05 (map marked by M380)**



## **4.6 Exhibit B4/06 (map marked by M368)**



## **4.7 Exhibit B4/07 (map marked by M344)**



**tbm consultants**

Drawn	Lawrence + Cochrane
Date	5 - 1972
Scale	1:1000
Notes	Map 13 - (from 1972 info)
Ref	
Surveyed By	Q. Hall

EXHIBIT 21/02

## **4.8 Exhibit B4/08 (measurements marked on Plan 5 by Brian Murphy)**



## **4.9 Exhibit B4/11 (map marked by M433)**

