

**Neutral Citation No: [2025] NICC 27**

**Ref: [2025]NICC27**

*Judgment: approved by the court for handing down  
(subject to editorial corrections)\**

**ICOS No: 19/077342**

**Delivered: 24/09/2025**

**IN THE CROWN COURT IN NORTHERN IRELAND  
SITTING AT LAGANSIDE COURTHOUSE**

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**THE KING**

**v**

**SOLDIER "F"**

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**RULING ON ADMISSIBILITY**

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**HHJ LYNCH KC**

***Introduction***

[1] The accused has pleaded not guilty to two offences of murder and five of attempted murder alleged to have been committed on 30 January 1972 in part of the tragic events colloquially referred to as "Bloody Sunday."

[2] The Crown case, by their own acknowledgment, is totally dependent upon hearsay statements attributed to two soldiers, designated "G" and "H", from the same regiment and the same brick of four soldiers as the defendant on that day. The applications are brought under the Criminal Justice (Evidence) (Northern Ireland) Order 2004 ("the Order").

[3] The admissibility of the said statements has been challenged by the defence on the basis that they do not meet the requirements of admissibility under the Order in the first instance or alternatively that the court should exclude them under Article 78 of the Police and Criminal Evidence (Northern Ireland) Order 1989 under its general discretion to exclude evidence if its admission would have such an adverse effect on the fairness of the proceedings.

[4] The statements relied upon are those recorded by members of the Royal Military Police in January and February 1972, statements made for the Widgery Inquiry in 1972, and the evidence given by the two witnesses at the said Inquiry.

[5] Having carefully considered the arguments, I have determined that the statements should be admitted into evidence in the case.

[6] During the course of the detailed written and oral submissions advanced by both the Crown and the defence it was clear that, as is often the case, a decision by the court would be based upon a mixture of law and fact. The factual unreliability of the statements was advanced by the defence as a factor relevant to determination of admissibility.

[7] It would, therefore, be inappropriate at this stage to give reasons for my decision. I am not only judge in relation to legal issues but also the tribunal of fact, with the ultimate responsibility of determining guilt or innocence based upon such facts as I decide have been proven to the criminal standard that is beyond reasonable doubt.

[8] This decision is, of course, subject to review under Article 29 of the Order if, after the conclusion of the prosecution case, the evidence provided by the statements are so unconvincing that, considering their importance to the case against the defendant, his conviction of the offences would be unsafe. In that event I would be obliged to direct an acquittal.

[9] One further ancillary issue was raised but its consideration played no part in this ruling but may be argued and ruled upon at a later stage in the trial in the context of all the evidence.