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23 October 2025

COURT FINDS SOLDIER F NOT GUILTY

Summary of Judgment

His Honour Judge Lynch KC, sitting today without a jury in the Crown Court in Belfast, found Soldier F not guilty on all counts of murder and attempted murder arising from events on Bloody Sunday.

Soldier F (“the defendant”) pleaded not guilty to the seven counts on the Bill of Indictment: two counts of murder (Jim Wray and William McKinney) and five counts of attempted murder (Joseph Friel, Joseph Mahon, Michael Quinn, Patrick O’Donnell and a person unknown). All the offences are alleged to have been committed on 30 January 1972 in what is now referred to as “Bloody Sunday.” Soldier F at the time was a Lance Corporal in the Parachute Regiment which was brought into Londonderry that morning to deal with anticipated public disorder arising from a civil rights march.

The role of the court in a non-jury trial is confined to a determination of the guilt or innocence of the defendant on the charges he faces. The onus is on the prosecution to prove the guilt of the accused and at no stage does the onus pass to the defendant to prove innocence or to establish facts from which innocence may be inferred. Before the accused can be convicted of the charges, or any of them, the court must be satisfied of his guilt “beyond a reasonable doubt.”

Evidence of Soldiers G and H

The Crown case was based upon the hearsay evidence of Soldiers G and H, colleagues of Soldier F who were with him on the day. They all entered Glenfada Park North (“GPN”) at more or less the same time and were involved in firing at civilians. Each made statements to members of the Royal Military Police (“RMP”), statements for the Widgery Inquiry and, in the case of H, to the Saville Inquiry. Their statements were summarised in paras [22] – [48] of the judgment.

The object of the RMP statements was to “inform the higher military command of what happened and to make evidence available if required to settle any future claim or for a coroner’s inquest.” The court noted that the statements were taken under compulsion, the interviewees were not cautioned and had no access to independent legal advice. Case law¹ states that the RMP statements would therefore be inadmissible as evidence against their makers.

The court noted that the statements made for the purposes of the Widgery and Saville Inquiries were similarly not able to be used against the makers. It was noted that before giving statements, and before giving oral evidence, to the Saville Inquiry, witnesses were given a formal assurance by the Attorney General that their statements and evidence would not be used against them in subsequent criminal proceedings, except for any proceedings in which they were charged with having given false evidence in the course of the Inquiry or with having conspired with or procured others to do so.

¹ *R v A and C* [2021] NICC 3.

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For these reasons, nothing that may have been said orally or in statement form by the defendant could be used against him. The court said it was unaware if any such statement had been made by the defendant and, even if it were, it would not be able to take it into account when considering the case against him.

The Crown maintained that the evidence of Soldiers G and H established that the defendant, as proven by his actions either was a principal, personally shooting the victims, or an accessory. As an accessory his presence was giving support to those who shot the victims and that he intended to give that support knowing the principal(s) intended to kill.

Murder/Joint Enterprise

To establish the offence of murder, the prosecution must prove to the criminal standard, beyond a reasonable doubt, that the accused killed a person, without lawful excuse, with the intent to kill or cause grievous bodily harm. In relation to the charges of attempted murder the prosecution must prove that the accused did an act which was more than merely preparatory to the commission of the offence and at the time had the specific intention to kill. An intention to cause grievous bodily harm would not suffice. The court stated:

“I am satisfied that the soldier or soldiers who opened fire on persons within GPN did so with the intention to kill given the nature of the weapons, high velocity SLR rifles, the range no more than about 50 yards (G at one stage indicated he could hit a person at 300 yards) their training in the use of such weapons and the injuries to the wounded and deceased all on the upper body as will be seen from medical and pathology evidence.”

The Crown was not able to establish by whose hand the fatal shots were fired, nor those that wounded Joseph Friel, Joseph Mahon, Michael Quinn and Patrick O'Donnell. Of necessity, the Crown therefore relied upon the proposition that the defendant was either guilty as a principal offender or as an accessory in each of the offences. In count seven, the defendant is indicted as a principal on the basis that he fired a shot or shots, which may or may not have caused death or injury, but were directed at an unidentified person or persons with the intent to kill and without lawful excuse.

The court outlined the law on secondary liability in paras [55] – [64].

Evidence from civilians

The court received evidence from 20 civilian witnesses who were in the area of GPN that afternoon. Five gave oral evidence and 15 had their statements or other evidence read into the court record by agreement. The court noted that while their evidence did not directly implicate the defendant it was important in that it gave a context to the allegations and the actions of the crowd in GPN. The evidence of the civilian witnesses is set out in paras [66] – [115].

The court asked itself what it could take from this evidence:

“I remind myself of the timescale of the shootings in GPN which was likely to have been little more than a minute or two in which at least six shots were fired, and certainly several more, in rapid succession. Each witness was, undoubtedly, in a state

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of heightened tension because of the dramatic unfolding of events and in extreme fear as a result of being in an exposed position under lethal fire from close range. The evidence of each witness is, necessarily, limited to his own perception and individual view of events as they unfolded. If there is a divergence in accounts that is only to be expected. For the court to try and impose a coherent narrative of its own would be fruitless but, nonetheless, there were several salient points that emerged and which I summarise:

- (i) A large crowd, mostly young men, moved south down Rossville Street to the vicinity of the rubble barricade and the gable end of the eastern block of maisonettes at GPN. This was in response to military vehicles coming down Rossville Street from William Street and positioning themselves in the general area of the waste ground with several soldiers then debussing.
- (ii) Shots were fired by an unidentified soldier or soldiers from the north in the general direction of the rubble barricade hitting Mr Michael Kelly who collapsed and subsequently died from his wounds. A number of individuals gathered round to try and assist including, as can be seen in photographs 25.32, Mr McKinney and Mr Wray 25.35. Mr Kelly was carried over to GPN.
- (iii) The “brick” of which F was a member having debussed ended up beside Kells Walk on the western side of Rossville Street adjacent to a derelict building.
- (iv) One member of the brick, the evidence pointing to Soldier G, fired an aimed rubber bullet at Mr McCourt hitting him in the leg.
- (v) The soldiers then made their way from Kells Walk to the alleyway at the rear of garages which run along the north side of GPN. Shots were fired by G possibly injuring an unarmed civilian in the leg. There is no charge referable to this incident.
- (vi) Three or four soldiers entered GPN by the northeast corner.
- (vii) The appearance of the soldiers armed, and seeming to behave aggressively caused panic in the crowd a number of whom made their way to the Abbey Gap to escape out of GPN.
- (viii) The lead soldier, who from all the evidence was G, opened fire at a range of no more than 50 metres.
- (ix) There is no evidence from the civilian witnesses of any other soldier firing, though that does not preclude the possibility of others doing so.
- (x) Six people were wounded, two fatally, by a volley of shots from the northeast corner of GPN. At least six shots were fired though there were certainly more as, for instance, Mr Joseph Gallagher, who felt a bullet whizzing through his long hair.

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- (xi) Three of the wounded managed to get away leaving Messrs Wray and McKinney fatally injured and the wounded Mr Quinn all on the pavement at the south side of the square.
- (xii) The soldiers progressed into the square and proceeded to carry out arrests
- (xiii) I am satisfied that none of the members of the crowd in GPN were armed with firearms of any description, nail bombs or petrol bombs as variously alleged by E, G and H. I derive this conclusion from the civilian evidence ... supported by a number of photographs taken shortly before the shootings. For instance, Mr Wray can be seen in 25.35 and 25.36 close by people assisting Mr Kelly with nothing in his hands. Mr McKinney can be seen close to Mr Kelly as people crowd round the prone Mr Kelly, similarly without any form of weapon. Some, but very few, members of the crowd can be seen with stones in their hands but that is all.

Additionally, swabs were taken from Mr Wray and Mr McKinney and no evidence of firearms or explosives residues were found on their person or clothing."

Self defence

This was raised in evidence by Soldiers G, H and E alleging that the persons confronting them were armed with M1 carbines (G), nail bombs (H) or nail bombs and petrol bombs (E). The court, however, was satisfied beyond a reasonable doubt that the soldiers did not need to defend themselves in fact, and that they did not perceive that they needed to. The court was therefore sure that the soldiers did not act in lawful self defence in shooting persons in GPN.

Statements from E, G and H and Inquiry evidence

The court, having determined that the statements made by Soldiers E, G and H, but particularly by G and H, were to be admitted as evidence in the case, went on to consider what weight should be attached to them. It was clear that the RMP's intention was to obtain a coherent narrative of the events of that day, and it was not intended that the statements be used as witness statements. The court considered that the RMP compared statements made by the various soldiers and returned to them to highlight any contradictory account and to enable them to amend their own statements. It noted the alteration in H's account, where in its first iteration he placed the events in the area of the waste ground proximate to the Rossville Flats, only to amend it shortly afterwards to GPN, as strong evidence of such a process. It said this methodology gives cause for concern in terms of the accuracy of statements:

"Any inaccuracies that leach into a witnesses' account are likely to remain as part of their, possibly false, if genuine memory or alternatively a lie which they feel obliged to perpetuate. Whether this was a concerted act to cover up the true events of the day by those in authority or the attempts by individuals to cover up their own culpability is beyond the competency of this court to determine and is irrelevant to the issue of the guilt or otherwise of the defendant. However, this methodology, in my view, introduces serious issues in terms of the accuracy and dependability of those statements *ab initio*."

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The court concluded that the evidence of Soldiers G and H could not be considered as mutually supportive for this reason. In a jury trial there would be a warning to take special care in assessing a witness because of such issues in their evidence. The court said that Soldiers G and H fall into this category on two bases: that they are, in effect, just as guilty as F on the Crown case. They are in effect “unindicted co-accused” and whilst this term has no legal standing it is descriptive of the status of G, H and E. Also, they have been established to have told lies about important events of the day namely the “self-serving assertions” that the persons they shot at were armed:

“I hold that the witnesses have told lies about the events on several occasions. This includes committing perjury, twice in the case of H, to Widgery and Saville and once in the case of G to Widgery. Witnesses established to have told serious untruths about matters central to the commission of the offences the subject of this criminal case would attract a strong warning to the jury and, accordingly, I warn myself of the necessity of taking care before relying upon such evidence and to closely scrutinise it.”

The court said the same applied in relation to their status as, by their own account, they were involved in the same actions as those attributed to the defendant: “Had there been admissible evidence against them they would have been in the dock along with F.” The problem with relying on “unindicted co-accused or conspirators” is that there is a clear incentive for the witness to shift blame partially or totally upon the other persons indicted with them. The court said there was a clear incentive for G and H to assert that not only did he perceive that he was fearful of immediate attack with firearms or with nail bombs, but that the defendant also opened fire under the same apprehension: “Their self defence case would be undermined if one of their number found no necessity to defend himself and his colleagues by opening fire as they allege F did.”

In the light of these issues, the court said it would look for support for the evidence of the two witnesses. The court said it had already been determined that it could not be satisfied that their statements to the RMP were truly independent of each other and said they therefore do not constitute supportive evidence. The Crown contended that the evidence of the civilian witnesses supported many of the basic facts as alleged by G and H but the court said their evidence did not provide any independent support.

The court determined that the witness statements of G and H should be admitted as potentially reliable. However, this was not a determination that they should in fact be relied upon. The ability to assess the witnesses is an important element in the criminal justice system and the ability to cross-examine a witness may undermine, or indeed enhance, his or her evidence. The demeanour of a witness giving evidence is also a method which, with care, can assist in the assessment of truthfulness and reliability of a witness. The court commented:

“A 53 year old statement cannot be cross examined, nor can I assess the demeanour of sheet of A4 paper. These limitations emphasise the care a tribunal of fact must take in evaluating such evidence and, accordingly, I warn myself of the dangers of relying upon such evidence.”

Assessment of witnesses G and H

The court assessed the various statements of G and H in paras [143] – [194] noting the anomalies between the various accounts. At the Saville Inquiry, Soldier INQ444 spoke of a soldier, he

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believed to be H, firing between 10 and 20 shots towards the Rossville Flats. The court said this would explain his invention of a sniper in GFN to cover up his arbitrary, and unjustified firing of unaimed shots at a residential block of flats:

“That H is prone to arbitrary ill-disciplined and dangerous actions has been evidenced elsewhere in that Soldier INQ 96, in a statement to Saville, said that in the context of Operation Motorman on the Shankill Road after relief had arrived and the shooting was over H: ‘(became) very trigger happy, blasting his way up the street. The battle was over, but Soldier H was blasting away, and we had to physically stop him shooting’.”

The court said that the inconsistencies, the lies, the uncertainty of Soldier H’s role in these events all gave rise to extreme concern as to what, if any, weight was to be attached to his evidence.

The court was satisfied that Soldier G was the first to open fire and that he was not being truthful on two counts, namely that he was shooting at gunmen in self defence, and that he had not properly described the arbitrary manner of his opening fire as described by the scene witnesses.

Soldier F

The defendant did not give evidence at the trial. The court was therefore unaware of any explanation he may have given about his movements to the RMP, Widgery or Saville and even if it was it could not take them into account in determining his guilt or innocence. The defendant is entitled not to give evidence and to make the prosecution prove his guilt beyond reasonable doubt. The law is that the court may draw such inferences as appear proper from his failure to do so, if:

- It thinks it is a fair and proper conclusion, and is satisfied that the prosecution’s case is such that it clearly calls for an answer by him; and
- Second, that the only sensible explanation for his silence is that he has no answer, or none that would bear examination.

The court should not find the defendant guilty only, or mainly, because he did not give evidence.

The defendant was interviewed by the PSNI and stated through his solicitor that he no longer had any reliable recollection of the events and was therefore not able to answer any questions. He declined to answer any questions although he was not asked about the accounts that the prosecution now rely upon to convict him. The court held that it would not be fair and proper to rely upon Article 4 of the Criminal Evidence (Northern Ireland) Order 1988 to draw inferences against the defendant for not giving evidence. In any event it could not, of itself, prove guilt and is only one of many factors the court may have regard to in assessing guilt or innocence.

Good Character

The defendant has no criminal convictions. The court said this gave rise to two propositions. Firstly, that a man in at least his seventies, with no criminal convictions is less likely to have committed an offence particularly one of this gravity. The court said this was by no means determinative but was a matter it was obliged to take into account in his favour. Secondly,

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although he had not given evidence in this case his explanation for not doing so at interview was imbued with added credibility.

Conclusions

The court was satisfied that the following facts have been established:

“Shortly after 4pm on 30 January 1972, a number of soldiers, members of the Parachute Regiment, entered Glenfada Park North and immediately, or almost immediately opened fire with high velocity weapons at unarmed civilians at a distance of 50 metres or less. This resulted in two persons, Messrs McKinney and Wray being murdered and four (possibly five) others unlawfully wounded.

Soldiers G, H, F and E were part of the initial group of soldiers who entered the square and were responsible for the deaths and woundings. They had totally lost all sense of military discipline. They were members of a regiment formed in 1942, at the behest of Prime Minister Churchill, and had a proud record in World War Two. Perhaps most notably in Operation Market Garden in the, ultimately failed, attempt to capture bridges over the river Rhine which would, in all likelihood, have foreshortened the war if successful. Those who fought valiantly against SS Panzer Divisions in 1944, have had their Regiment sullied by some of their successors, shooting in the back unarmed civilians fleeing from them in the streets of a British city. Those responsible should hang their heads in shame.”

The court said, however, that there is no concept of “collective guilt” in this jurisprudence. An individual is only responsible for his or her own actions and to establish guilt, in this case, the Crown must establish that the defendant was knowingly and intentionally assisting in the shootings, with intent to kill or was shooting himself with that intention. The court noted that the sole evidence against the defendant on this issue is that of Soldiers G and H and it had already indicated the difficulties in relying upon their evidence:

“Their statements, the sole and decisive evidence, cannot be tested in a way that witnesses giving evidence from the witness box would be. Delay has, in my view, seriously hampered the capacity of the defence to test the veracity and accuracy of the hearsay statements. The two witnesses are themselves, on the basis of the Crown case guilty of murder as, in essence, accomplices with a motivation to name F as a participant in their murderous activities. I find that they have been serially untruthful about matters central to events giving rise to this prosecution. They have committed perjury, G once to the Widgery Inquiry and H twice to the Widgery and Saville Inquiries.

This is the evidence the Crown present as proving the guilt of F. Whatever suspicions the court may have about the role of F, this court is constrained and limited by the evidence properly presented before it. To convict it has to be upon evidence that is convincing and manifestly reliable. The evidence presented by the Crown falls well short of this standard and signally fails to reach the high standard of proof required in a criminal case; that of proof beyond a reasonable doubt.

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Therefore, I find the accused not guilty on all seven counts on the present bill of indictment.”

In those circumstances the court said it did not need to give its reasons for admitting the hearsay evidence of Soldiers G, H and E, for not excluding it under Article 29 or PACE nor for refusing to direct itself to acquit at the conclusion of the Crown case.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available shortly on the Judiciary NI website (<https://www.judiciaryni.uk/>).

ENDS

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