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Delivered: 18/12/2025

IN THE CORONERS COURT FOR NORTHERN IRELAND

INQUEST TOUCHING UPON THE DEATH OF MASTER DESMOND HEALEY

Appearances

Mr Philip Henry KC and Ms Helena Wilson BL appeared on my behalf, instructed by Ms Cathy McGrann, Ms Sara Donnelly-Clegg, and Ms Francine McFarland, Coroners Service for Northern Ireland;

Ms Fiona Doherty KC and Ms Orla Gallagher BL appeared on behalf of the Next of Kin (NOK), instructed by Mr Pdraig O'Muirigh of O'Muirigh Solicitors;

Mr Joseph Aiken KC and Ms Fiona Fee KC appeared on behalf of the Ministry of Defence (MOD), instructed by the Crown Solicitors Office;

Mr John Rafferty BL appeared on behalf of the Police Service of Northern Ireland (PSNI), instructed by the Crown Solicitor's Office;

Mr Ian Skelt KC and Mr Ronan Daly BL appeared on behalf of M23, instructed by Mr Stephen Clarke of McCartan Turkington Breen Solicitors;

Mr Mark Mulholland KC and Mr Michael Egan KC appeared on behalf of M66, instructed by Mr Matthew Garbutt of Devonshires Solicitors.

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CORONER MARIA DOUGAN

Introduction

[1] This inquest concerns the death of Master Desmond Christopher Healey, born on 19 December 1956, who died on 9 August 1971, at the age of 14 years. His death was caused by a gunshot wound to the heart, sustained whilst he was on Lenadoon Avenue, Belfast.

[2] The circumstances surrounding Master Healey's death have been the subject of several prior investigations. The first investigation was conducted by the Special Investigation Branch of the Royal Military Police ("RMP/SIB") in the immediate aftermath of the incident, during August and September 1971.

[3] Subsequently, an inquest was convened on 5 November 1971 before Mr J. Owen Wylie, then Coroner for the District of Belfast, sitting with a jury, at the Cathedral Church Hall, Lisburn. That inquest concluded with the jury returning an open verdict. Despite extensive efforts, the original inquest file could not be located.

[4] More recently, in 2012, the Historical Enquiries Team (“HET”) conducted a review of the original RMP/SIB investigation into the deceased’s death and delivered a Draft Review Summary Report to the Healey family. The HET report concluded:

“There is no evidence, despite this review, to counter the four soldier’s assertions that they thought they were under attack by a person throwing petrol bombs and acted in self-defence ... This review concludes there are no new lines of enquiry or investigative opportunities that could bring about a prosecution of those responsible for Dessie’s death”.

[5] Finally, on 11 April 2019, the Attorney General for Northern Ireland (“AGNI”) directed that this inquest be held pursuant to section 14(1) of the Coroners Act (Northern Ireland) 1959 (“the 1959 Act”).

[6] I will first set out the history of this inquest, then I will deal with some legal issues, and then I will present a review of the evidence, followed by my conclusions.

Case management

[7] In preparation for this inquest, the tracing of witnesses and the recording of witness statements was undertaken by the appointed coroner’s investigator, Mr Stephen Brown. I convened the first Preliminary Hearing on 18 October 2021, at which time I listed the inquest for substantive hearing, to commence on 5 December 2022 for a period of two weeks, to be held at Banbridge Courthouse.

[8] Thereafter, I continued to case manage the proceedings actively by conducting a further nine Preliminary Hearings, to ensure the inquest was fully prepared to proceed as scheduled.

[9] From the outset, the Next of Kin (“NOK”), the Police Service of Northern Ireland (“PSNI”) and the Ministry of Defence (“MOD”) were all granted Properly Interested Person (“PIP”) status. During the course of this case management, I granted two further applications for PIP status, both made by former soldiers.

[10] I adjudicated upon a total of fourteen applications concerning anonymity, screening, and the use of video link evidence.

[11] I determined an application for Public Interest Immunity (“PII”).

[12] Without objection from any PIP, I exercised my power under section 18 of the 1959 Act not to summon a jury.

[13] I delivered a ruling on disclosure during the currency of the inquest hearing. The MOD requested that searches be undertaken by the PSNI in relation to the antecedence of a number of the individuals who were providing evidence to the inquest. The NOK did not object. I directed the PSNI undertake searches within specified parameters. The inquest was adjourned for several months to allow those searches to be undertaken, as they included searching archive sensitive materials from several decades ago.

The inquest hearing

[14] The substantive hearing of this inquest took place at Banbridge Courthouse in what were effectively two parts. The first part sat on the following dates: 5, 6, 7 and 8 December 2022; then 6, 16, 17, 19 and 20 January 2023. The second part sat on 29, 30 and 31 August 2023; then 4, 7, 11, 12, 13 and 14 September 2023; and 11 December 2023. Closing submissions were heard on a later date, namely 16 April 2024. In total, the inquest sat on twenty days.

[15] During the course of the inquest, I heard oral evidence from 23 witnesses. In addition, I also admitted into evidence a further 31 written witness statements, along with a substantial volume of documentary material (including reports, logs, notes, and records) pursuant to Rule 17 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 ("the 1963 Rules"). An exhibits list was compiled during the inquest by my legal team.

[16] There were issues around potential self-incrimination. I was required to provide some civilian witnesses and some former soldiers with warnings under Rule 9 of the 1963 Rules, that they did not have to answer questions which would have the tendency to incriminate them in a criminal offence, ie provide them with an opportunity to invoke privilege against self-incrimination, where applicable.

[17] It is neither necessary nor practicable to rehearse in detail the entirety of the evidence adduced in the course of this inquest. However, I wish to make it clear that I have given full, careful, and conscientious consideration to all of the evidence presented to me, both oral and written, in reaching the conclusions set out herein.

[18] Following the conclusion of the hearings, I received written submissions from counsel on behalf of the NOK, MOD, PSNI, and M23. I am grateful to all counsel for their assistance.

[19] I have considered those submissions in their entirety, together with all other materials made available to me. These findings do not purport to summarise or recite every point made within those submissions, and the omission of specific reference to any particular point made should not be taken to indicate that it has

been disregarded. I confirm that I have taken all of the evidence and all of the submissions into account in their entirety before arriving at my conclusions.

[20] I wish to formally place on record my sincere appreciation to my legal team and the appointed investigator for their diligence, professionalism, and unwavering commitment throughout the course of this inquest. I am also grateful to the staff of the Coroners Service for Northern Ireland for their continued support and assistance. In addition, I acknowledge and thank the legal representatives acting on behalf of the PIPs for their engagement throughout these proceedings.

[21] I further wish to recognise the considerable engagement and resilience demonstrated by the Healey family. Their tenacity and determination in the pursuit of answers have been evident throughout, and I am mindful of the deep personal loss they have endured. I am also grateful for the respectful manner in which they have approached and participated in this inquest. I extend my sincere condolences to them on the loss of Desmond.

[22] I will now move onto deal with some of the issues which arose for consideration in this inquest.

Effect of delay

[23] As with all inquests of this nature, the considerable passage of time – in this instance, over 50 years - must be carefully considered when assessing the quality and reliability of the evidence. It is well recognised that the elapse of decades may significantly affect the accuracy of human memory. Memories may fade or become unconsciously contaminated or distorted through exposure to information about other similar incidents or exposure to accounts from others about the same or similar events. I am also acutely aware of the inherent frailties of human recollection and have taken due account of the potential for inconsistencies in the testimony of witnesses, as well as the absence of fine detail, both of which are understandable given the historical nature of the events under scrutiny.

[24] Moreover, the passage of time has impacted not only the quality but also the quantity of evidence available to the inquest. A number of individuals who may have had relevant information are now deceased, too unwell to attend or outside the jurisdiction, and other contemporaneous material is no longer available, such as the original inquest file for example.

[25] I have been mindful of these limitations when assessing the evidence before me, and they have informed the manner in which I have approached my findings and conclusions.

Scope of the inquest

[26] It is well-established that an inquest is a fact-finding exercise. It does not determine civil or criminal liability. The applicable standard of proof is the civil standard, namely the balance of probabilities.

[27] A provisional scope document was presented to the PIPs prior to the inquest commencing and ultimately the following scope was settled upon by me, without any amendments or objections from any of the PIP:

1. "This inquest will examine the death of Desmond Healey.
2. The inquest proceedings will consider the four matters listed in Rule 15 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963, namely:
 - (a) the identity of the deceased;
 - (b) the place of death;
 - (c) the time of death; and
 - (d) how the deceased came by his death.
3. In respect of "how" the deceased came by his death and in addressing "in what circumstances" he came by his death; the Coroner will consider the following questions when examining the evidence:
 - i. What the deceased was doing in the period immediately before his death.
 - ii. Did he have a petrol bomb in his hand immediately prior to being shot.
 - iii. If not, did he have anything else in his hand(s) and if so, what.
 - iv. Did anyone else in the vicinity of Lenadoon Avenue have petrol bombs on 9/8/71 prior to the deceased being shot.
 - v. What threat was posed to the soldiers present on and around Lenadoon Avenue at that time.
 - vi. Were any warnings shouted by a soldier before a live round(s) was fired.
 - vii. Who shot Desmond Healey.
 - viii. If the person who shot Desmond Healey was a soldier, what did the Yellow Card Rules say about the discharge of a firearm in the circumstances the soldier was in?

- ix. The training and experience of the soldiers concerned, including any previous or subsequent occasions when lethal force was deployed.
 - x. If the person who shot Desmond Healey was a soldier, was the use of force unjustified by reference to article 2 of the ECHR?
4. The Coroner will consider evidence from civilian witnesses who were present at the relevant times or can speak to issues of interest to the inquest, soldiers who were present at the relevant times or who can speak to issues of interest to the inquest, medical evidence, relevant entries on MOD, RMP and RUC materials, the forensic evidence available, the pathology evidence available, and the other potentially relevant material provided to the inquest.

The above definition of scope may be subject to amendment if considered necessary by the Coroner as the inquest progresses.”

Article 2

[28] As set out in the stated scope of this inquest, I indicated that the question of how the deceased came by his death would include consideration of the circumstances in which the death occurred. However, since the opening of this inquest, there have been material developments in the jurisprudence concerning article 2 of the European Convention on Human Rights (“ECHR”), particularly in relation to its applicability to so-called legacy inquests.

[29] Having considered the relevant legal authorities, I am now satisfied that article 2 does not apply to the present inquest. In reaching this conclusion, I have had regard to the decision of the Supreme Court in *Rosaleen Dalton for Judicial Review* [2023] UKSC 36, (hereafter ‘*Dalton*’) the various cases referred to therein, and the decision of Humphreys J in *Re Bradley and Others’ Application for Judicial Review* [2024] NIKB 12 (hereafter ‘*Bradley*’).

[30] The first instance decision in *Bradley* was handed down on 1 March 2024, which was after the evidence in this inquest had concluded, but before the closing submissions hearing on 16 April 2024.

[31] The *Bradley* decision was appealed in part. I have therefore considered the Court of Appeal’s decision, [2025] NICA 30, handed down on 3 June 2025, which upheld the decision of Humphreys J. This was not available to the PIPs when making their closing submissions. I will return to that issue in a moment.

[32] I had previously proceeded on the basis that article 2 was engaged in this inquest. In light of the decision in *Dalton*, all of the PIPs agreed in their respective closing submissions that article 2 was not engaged in this inquest because the death fell outside the relevant temporal limits. I agree.

[33] The deceased died on 9 August 1971. As his death was prior to 2 October 1988, the “genuine connection” test is not satisfied. As a result, article 2 can only be engaged if the “Convention values” test is met. The Convention values test imposes an extremely high hurdle for someone seeking to rely on it. What is principally in mind are serious crimes under international law, such as war crimes, genocide, or crimes against humanity. Whilst I acknowledge that agents of the state, namely soldiers, were involved in causing the death in this inquest, that of itself does not satisfy the high threshold, nor do any of the other features of this death, taken individually or cumulatively. I hold that the Convention values test is not satisfied, nor was it suggested to me by any PIP that it was satisfied in the circumstances of this case.

[34] The conclusion that article 2 is not engaged in this inquest, having previously believed it was, requires me to re-consider the parameters of this inquest.

The scope of a legacy inquest post-Dalton and Bradley

[35] I will not rehearse the detail contained within the PIPs respective submissions on what the parameters of this inquest should be after the conclusion that article 2 is not engaged. However, I can summarise their respective positions as follows.

[36] The PSNI and MOD both submitted that I ought only to deliver short findings in respect of how the deceased met his death, in accordance with decision in *R v Coroner for North Humberside and Scunthorpe, Ex p Jamieson* [1995] QB 1 (“*Jamieson*”).

[37] The NOK, whilst recognising that article 2 was not engaged, submitted that I still ought to proceed to reach findings on the use of lethal force, in this inquest. Inter alia, the NOK rely on the decisions of Weatherup J in *Hemsworth* [2009] NIQB 33 and *Ramsbottom* [2009] NIQB 55. Those decisions were delivered at a time when it was understood that article 2 of the ECHR had no retrospective application beyond 2 October 2000. In those circumstances Weatherup J observed that an inquest should still involve a full public investigation into the circumstances and responsibility for a death, which includes allaying any rumour and suspicion which required to be addressed.

[38] The impact of finding that article 2 was not engaged in a legacy inquest was addressed by Humphreys J in *Re Bradley*. At para [100], he observed:

“It will be a matter for individual coroners charged with the conduct of a particular inquest to determine the scope, the relevant evidence and the nature and extent of the verdict and conclusions. Whether or not article 2

applies may have an impact on some or all of these questions. However, it may be observed that the difference might not be all that pronounced.”

[39] Further, at para [109], Humphreys J noted:

“Given the potential scope for such findings, and the need for a full factfinding exercise, it may be therefore in any given case that the application or otherwise of article 2 is a point of academic interest only, making little practical difference to the running or the outcome of the inquest.”

[40] The approach set out by Humphreys J was approved by the Court of Appeal when *Re Bradley* was appealed.

[41] I have taken into account the comments made by the Court of Appeal on how outstanding legacy inquests ought to be conducted, even if article 2 is found not to apply.

[42] In the Bradley inquest, the coroner went ahead and reached findings on the lawfulness of the use of lethal force by a soldier, notwithstanding his conclusion that article 2 was not engaged owing to the date of the death in issue. The Court of Appeal endorsed that approach.

[43] In doing so, the Court of Appeal discussed how legacy inquests required an examination of large volumes of evidential material and close examination of the facts. It also referred to the desirability of a consistent approach to legacy inquests in this jurisdiction, and the potential for unfairness to families if detailed examination does not take place in their case.

[44] At paras [55] to [57] the Lady Chief Justice and Lord Justice Treacy stated:

“[55] It follows, that even if the article 2 procedural obligation is not in play in a legacy inquest due to the temporal limit, an inquest will have to properly cover the territory which each case is engaged with. Legacy inquest cases typically require examination of large amounts of material and consideration of disputed evidence as to the use of force by police, soldiers or terrorists. Adjudication requires close and detailed examination of the facts. Whilst this is an inquisitorial process it also has adversarial elements given the issues that arise and the need to ensure transparency and involvement of the next of kin. Such principles are clearly articulated in the article 2 jurisprudence but also

derive from common law considerations of fairness and transparency.

[56] Of course, we recognise that an individual coroner has a discretion as to how to conduct an inquest as it is an inquisitorial process. However, given the nature of legacy inquests in Northern Ireland some consistency is desirable. We consider that the approach taken in Bradley was permissible under domestic law. There is no reason in principle why it cannot be followed in the 20 or so inquests, most of which are part heard, which were timetabled under the five-year plan but remain outstanding. To our mind, it would be unfair to the next of kin affected by these outstanding inquests if they felt in some way their inquest was dealt with in a less forensic and detailed way than the inquests that have already been heard, some of which, incidentally, would have fallen outside of temporal scope based on the current law. Another benefit of this approach is the avoidance of further litigation as it would be unfortunate if a coroner adopted a narrow approach in an inquest and then further litigation was pursued in the civil courts.

[57] The Bradley findings are a concrete example of how this approach works in practice in the unique circumstances of Northern Ireland legacy inquests. The common law facilitates such an approach which is fact sensitive, does not conflict with statute, is reasonable and fair, and is reflective of the needs of the people of Northern Ireland to achieve resolution in these outstanding cases.”

[45] Although article 2 does not apply, I am still under a duty to investigate the facts fully, fairly, and fearlessly. That obligation was stated in *Jamieson*, one of the decisions relied upon by the PSNI and MOD.

[46] When investigating the evidence in this case, I must take into account the context. The most important contextual matter is that a 14-year-old boy was shot and killed by an agent of the state, namely a soldier.

[47] One of the most controversial issues was a dispute over whether the deceased was throwing a petrol bomb at the soldiers when he was shot. Several civilian witnesses said he was not, whereas some soldiers claimed that he was. This was in turn reported in the media, (for example, see the Evening Herald article, dated 5 November 1971, which said ‘Shot boy, 14, was a petrol bomber – army’. Irrespective of whether article 2 was engaged or not, this issue was at the core of the inquest and

would have to be resolved to allay rumour and suspicion. The petrol bomb dispute is closely intertwined with the use of lethal force.

[48] I am also conscious that the vast majority of the inquest proceeded on the basis that the use of lethal force would be considered in the findings. This was the expectation of the NOK and other Properly Interested Persons at the disclosure stage and during the evidential hearings. Evidence was adduced to deal with this issue, which was examined in considerable detail. It is only at a very late stage that I changed my position on the engagement of article 2.

[49] In all the circumstances, and in particular taking into account the guidance provided by the Court of Appeal in *Re Bradley*, I am going to consider the use of lethal force within these findings.

[50] I am conscious that the Court of Appeal's decision in *Re Bradley* was handed down after the PIPs had made their closing submissions to me, which included their comments on the applicable law. In normal circumstances, if I was inclined to take into account a new piece of law that was not available to the PIPs when making their submissions, I would provide them with an opportunity to address it. However, the Court of Appeal's decision in *Bradley* was handed down after the statutory cut-off point imposed by the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 ("the Legacy Act"), namely 1 May 2024. Section 16A was introduced to the 1959 Act by section 44 of the Legacy Act. It prohibits me from doing anything other than the "making or giving of the final determination, verdict or findings or something subsequent to that." I concluded that this provision prohibited me from receiving any addendum submissions from the PIPs about the Court of Appeal's decision in *Re Bradley*. However, I am still required to consider the guidance therein, as I am required to deal with the inquest in accordance with the law.

[51] Whilst I could not provide the PIPs with an opportunity to address me on the content of the Court of Appeal's decision, the guidance therein is clear.

[52] In relation to the Legacy Act, I have considered the totality of the oral and written evidence submitted to me up to and including 1 May 2024 before reaching my findings set out herein.

Rumour and suspicion

[53] One of the public interest functions of an inquest is to allay rumour and suspicion, insofar as the available evidence permits.

[54] The circumstances surrounding the deceased's death have, over the intervening years, been the subject of considerable speculation. Allegations concerning the manner in which the deceased came by his death - including but not limited to whether he was throwing a petrol bomb at the army when he was shot - arose at the time of the death and have persisted and continue to influence both public discourse and contemporary accounts of the incident.

[55] The death occurred against the backdrop of significant civil disorder across Northern Ireland on 9 August 1971, which as I will go on to describe below, was the day that internment was introduced in this jurisdiction.

[56] Open-source material considered by the court included an article from the Evening Herald dated 5 November 1971 titled ‘Shot boy, 14, was a petrol bomber – army’. The article reported that Major Peter Kingston told the original inquest that the deceased was throwing a petrol bomb at troops. The article read:

“A rioter drove a heavy lorry at us and shots were fired at the soldiers. Two youths were seen to throw petrol bombs, and I told soldier “A” to warn the bombers that they would be shot. Another petrol bomb was thrown, and two more warnings were given to the youths. Then one of the youths was seen with a petrol bomb in his hand about to throw it. Soldier “A” ordered soldier “B” to shoot him.

A fingerprint expert said that when he was examining the body there was a strong smell of petrol from the dead boys clothes. But Mr V Beavis, a forensic expert, said that when he examined the clothes and the body two days later there was no presence of petrol.

Mr Oliver Gillen of Lenadoon Avenue said there was resentment in the area that day. Stones and bottles were thrown at the troops, but no petrol bombs were thrown, and he added that the youth shot dead was throwing a bottle and not a petrol bomb.”

[57] The Newsletter, the Irish News and Belfast Morning News also reported on the original inquest, on 6 November 1971, in similar terms, with the article heading reading “Open Verdict on Boy Shot by army”.

[58] A Belfast Telegraph article dated 12 August 1971 is titled “A mother who can’t believe schoolboy son is dead” quotes a Mr Dermot Ormsby, lorry driver who described how the deceased had a sauce bottle hijacked from an army NAAFI lorry in his hand and he was running away when he was shot in the back.

[59] An entry about the deceased is contained in the book ‘Lost Lives: The Stories of the Men, Women and Children Who Died as a Result of the Northern Ireland Troubles’ (1999):

“9 August 1971

Desmond Healey, West Belfast

Civilian, Catholic, 14

From Bunbeg Park in Andersonstown, he was shot in disputed circumstances during rioting in west Belfast. The Irish News reported that a 1st Parachute Regiment Major said a youth was shot dead and another wounded after being warned to stop throwing petrol bombs. A witness said bottles were thrown but not petrol bombs ..."

[60] It is my sincere hope that my findings will serve to settle any pre-existing rumours and suspicion by providing an evidence-based account of the circumstances in which the deceased died.

Review of the evidence

Context

[61] On 9 August 1971, an internment operation authorised by the Government and codenamed Operation Demetrius, was initiated. This was a planned and coordinated action implemented pursuant to powers conferred under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922. The stated objective of the operation was to detain individuals suspected of membership in the Irish Republican Army ("IRA"), thereby removing them from active involvement in paramilitary activity through a process of internment without trial.

[62] The operation commenced with military support at approximately 4.00am on 9 August 1971. Its implementation triggered a widespread and immediate reaction from the local population across Northern Ireland. This reaction took the form of civil unrest and public disorder, particularly in Belfast.

[63] It is against this backdrop of heightened tension and widespread disturbance that the events surrounding the death of the deceased must be understood and assessed.

Summary of events

[64] The deceased, Desmond Healey, was only 14 years of age at the time of his death. He resided at 8 Bunbeg Park, Belfast with his parents, Daniel and Margaret Healey, his twin brother Edward ('Ted') and two younger siblings.

[65] Between approximately 1.00pm and 1.30pm on 9 August 1971, the deceased was present among a group of individuals engaged in rioting at or near the junction of Lenadoon Avenue and Glenveagh Drive, Belfast, in response to the internment operation. This location was a relatively short distance from his home.

[66] It was during the course of this disorder that the deceased sustained a gunshot wound. He was in the vicinity of number 146 Lenadoon Avenue when he was shot.

[67] The fatal shot was discharged by a soldier of D Company, 1st Battalion, the Parachute Regiment (1 Para).

[68] The deceased died as a result of a bullet wound to the heart.

The location

[69] This inquest focused on Lenadoon Avenue, in West Belfast and, in particular an area in and around a set of relatively large maisonette buildings located along that road and in the adjoining streets.

[70] There has been some change in the layout of the area since 9 August 1971.

[71] An Ordnance Survey Northern Ireland (OSNI) map, dated between 1961 and 1970, was available to this inquest and, when considered in conjunction with the accounts of multiple witnesses, assisted in identifying the key geographical features of the relevant area. I also had a range of other materials available to me, including expert evidence from a forensic archaeologist, Alastair Vannan.

[72] Lenadoon Avenue was a relatively substantial thoroughfare which passed through a residential area from a junction with Shaws Road at its northern end to a junction with Stewartstown Road to the south. There was a significant bend in its northern section. The road was on a gradient, with a noticeable incline when moving toward and along the bend, uphill away from the Stewartstown Road toward Shaws Road.

[73] Three roads which joined Lenadoon Avenue on its western side are significant in this inquest, as they provided important bearings for the events described by the various witnesses; they are Glenveagh Drive, Creeslough Park, and Falcarragh Drive. Of these, Glenveagh Drive lies furthest to the north, followed by Creeslough Park, and then Falcarragh Drive at the southernmost point. Along Glenveagh Drive, near the curve of Lenadoon Avenue, two rows of residential terraced houses are visible on the OSNI map. Witnesses residing in those properties gave evidence that they observed aspects of the riot from their vantage points.

[74] Between the junctions with Glenveagh Drive and Creeslough Park, the OSNI map identifies five distinct standalone buildings – maisonettes (referred to by some witnesses as ‘flats’) – which are visually and structurally distinguishable from the surrounding semi-detached and terraced properties. They were several storeys tall. Three were located on the western (left-hand) side of Lenadoon Avenue and two on the eastern (right-hand) side, all in relative proximity to the bend in the road.

[75] These maisonettes and their immediate surroundings formed the principal locus of interaction between civilians and members of the military on the day of the deceased’s death. The maisonette buildings have since been demolished.

[76] The OSNI map identifies the most northerly maisonette as number 2, situated on Glenveagh Drive. A second maisonette, also marked as number 2, appears further

south but still on the western side of Lenadoon Avenue. The maisonette marked number 99 on the OSNI map, located at Creeslough Park, is the southernmost of the five. On the eastern side of Lenadoon Avenue, the maisonettes are marked as numbers 148 and 146, with number 146 situated further south. Below number 146, the streetscape resumes with semi-detached dwellings, beginning at number 144 Lenadoon Avenue and continuing down to Stewartstown Road. The basic structure of 144 Lenadoon Avenue remained in situ and unchanged from 1971 through to 2022.

[77] The OSNI map further indicates that each maisonette was accessed via steps leading to the front entrance, which faced north. The rear of the buildings faced south. Surrounding each maisonette were green spaces, with the lower three maisonettes having open areas or vacant spaces to their front elevations. I heard evidence from some witnesses who said the green spaces were relatively clear in August 1971, and this is reflected in the contemporaneous photographs.

Forensic archaeology

Alastair Vannan

[78] Mr Alastair Vannan, a forensic archaeologist, was instructed on my behalf, to address a number of issues concerning the geography and layout of the Lenadoon area as it existed on 9 August 1971. His remit included mapping key locations, placing individuals and physical features referred to in witness statements, and identifying specific addresses mentioned in the evidence. Mr Vannan produced a detailed report and an addendum report, along with a gazetteer of relevant images, and gave oral evidence during the inquest. Mr Vannan did not conduct a site visit prior to commencing his evidence; all of his work was undertaken remotely.

[79] In carrying out his analysis, Mr Vannan utilised a range of source materials, including historical and contemporary maps, historical aerial and oblique photographs, as well as contemporaneous ground-level images and video footage taken circa 1971–1972.

[80] Mr Vannan concluded that Lenadoon Avenue and its surrounding streets remained broadly similar in layout, with the notable exception of the maisonettes located at the junctions of Lenadoon Avenue with Glenveagh Drive and Creeslough Park, which have been demolished. Mr Vannan described these maisonettes as the dominant architectural and landscape feature of that area at the time and “the focal point of interactions between civilians and soldiers around the time of Desmond Healey’s shooting.” The first maisonette was demolished in 2014, and the rest, shortly thereafter.

[81] Mr Vannan clarified a mapping error on the OSNI map showing two buildings labelled “2 Glenveagh Drive”, confirming through architectural plans that the northern block was number 1 and the southern number 2. He also created

overlay maps showing developments post-1971, including new structures, boundaries, and pathways.

[82] Lenadoon Avenue was described as sloping downward from north to south. Mr Vannan calculated the gradient between Glenveagh Drive and Creeslough Park to be 10.24 degrees. He estimated a vertical height difference of 3.74 metres between Soldier D and the deceased at the time of the shooting, with the soldier firing uphill, although I wish to emphasise that these measurements were based on his estimations of their respective locations (their locations will be examined in more detail in due course).

[83] Mr Vannan also prepared a map showing the positions of witnesses and soldiers, based on information provided in their respective statements. He cautioned that such positions were approximate, as individuals were not static throughout the day, as one can readily appreciate during an event which included relatively large scale of public disorder over a period of time, and positional descriptions might reflect similar locations at different times.

[84] Mapping the locations of witnesses and soldiers based on witness statements, Mr Vannan noted that most witnesses placed the deceased near the pavement west of 146 Lenadoon Avenue. Of 16 accounts, 14 located him within a 40-metre range, narrowed to 16 metres when excluding two outliers. Accordingly, 14 witness accounts placed the deceased within a relatively confined area near 146 Lenadoon Avenue at the time of the shooting.

[85] Mr Vannan estimated the possible distances between Soldier D and the deceased as ranging from 20 to 58 metres, with the likely central estimate to be approximately 41 metres.

[86] In relation to petrol bombs referenced in military statements, Mr Vannan measured the horizontal distance from Soldier B's position (on the southern side of Creeslough Park) to the location where youths were alleged to be seen with petrol bombs (the junction with Glenveagh Drive) as approximately 74 metres, with the throw distance to the reported landing point near an armoured vehicle at around 60 metres.

[87] He further noted that Soldiers A to D placed themselves near the junction of Creeslough Park and Lenadoon Avenue during the relevant time, through their respective accounts, though Soldier C placed himself further north of the junction. Some soldiers were likely to have had unobstructed views of the shooting location, with fewer visual obstacles present in 1971 than exist today.

Photography evidence

Victor Patterson

[88] Mr Victor Patterson provided a statement to my investigator dated 10 December 2021, which was admitted into evidence under Rule 17. In 1971, he was

the sole proprietor of a company called Pacemaker Press, and he had one employee, a photographer, Mr Ciaran Donnelly.

[89] Mr Patterson supplied four black and white photographs to the inquest, taken from his website "Images4media.com", which were exhibited to his statement and marked VP1, VP2, VP3 and VP4. These photographs were frequently referred to throughout the inquest.

[90] Mr Patterson explained that Mr Donnelly took the photographs on the introduction of internment into Northern Ireland in August 1971, although neither he, nor Mr Donnelly, could definitively date them to 9 August 1971. They confirmed that they were both on the ground in Lenadoon that day.

Ciaran Donnelly

[91] Mr Ciaran Donnelly provided two statements to my investigator dated 1 April 2022, and 11 November 2022, and he gave oral evidence to the inquest. He confirmed that in August 1971 he worked as a press photographer, and he was employed by Victor Patterson.

[92] Mr Donnelly believed photographs VP1 to VP4 were taken by him in Lenadoon when internment was introduced in August 1971. He could not be certain of the exact date. He recognised the location as being Lenadoon, by the low-level flats or maisonettes.

VP1

[93] VP1 was the first photograph exhibited to Mr Patterson's statement and was titled by him as: 'INTERNMENT_RIOTING_197108000387 A.JPG soldier stands guard with a rifle over a young rioter in the Lenadoon Avenue area, of Belfast, N Ireland, during widespread disturbances which followed the introduction of internment without trial. 387 /71, 197108000387a.'

[94] The image shows a young male lying face-down on the pavement adjacent to a residential property, positioned beside low hedges. His legs are bent, hands extended outward, and his head tilted upwards. He is wearing trousers and a suit like jacket. Three soldiers in berets and combat gear surround him, all visibly armed. One soldier, standing beside the young man's legs, points a firearm towards his lower back. Debris, including broken bottles and stones, is visible on the pavement and road near them, along with tyre marks.

[95] Mr Donnelly highlighted that the photograph was likely captured using a 50mm lens from approximately 30 feet away. He believed it was taken last in the sequence, though he could not be certain. He identified a bottle in the image as probably a beer bottle, based on its dark glass.

[96] Mr Donnelly explained that the caption referred to the young man as a "rioter" because, in his words, "he was lifted by a Snatch Squad ... thrown on the

ground ... told to stay there,” and was awaiting removal by armoured vehicle. However, Mr Donnelly confirmed he had not witnessed the individual rioting and could not positively identify him as a rioter.

[97] Mr Vannan identified the location depicted in VP1 as 132 Lenadoon Avenue. He supported this by reference to comparative analysis using Google Street View images from 2008 to 2022. He relied on features such as discoloured bricks, the height and course of boundary walls, and the relative placement of brick patterns, concluding that the wall and surrounding features were consistent with those visible in VP1.

VP2

[98] VP2 is the second photograph exhibited to Mr Patterson’s statement and was titled by him as: ‘INTERNMENT_RIOTING_197108000387B.JPG soldiers fire rubber bullets at rioters in the Lenadoon Avenue area, of Belfast, N Ireland, UK, during widespread disturbances which followed the introduction of internment without trial. 387 /71, 197108000387b’.

[99] VP2 shows three soldiers behind the gable wall of a bricked building, positioned underneath a window and looking around a corner. The soldiers are in combat attire: two wearing metal helmets and crouched with wide-barrelled weapons, which appear to be firing rubber bullets; and the third is in a standing position, wearing a beret and holding a rifle pointed in a downwards position. One of the soldiers holding one of the wide barrelled weapons appears to have recently discharged it, as indicated by smoke from the barrel. The soldiers are positioned on a grass verge, and debris is scattered nearby. Several crates are lying haphazardly on the ground around the soldiers; some marked with an image resembling a Toby jug and the letters “C” and “K”.

[100] Mr Donnelly explained that this image was likely taken shortly after his arrival at the scene. He estimated he took the photograph from across the street, using a 50mm lens. He positioned himself away from the soldiers due to the presence of stone-throwing rioters. He stated that the soldier in the beret was holding an SLR rifle. Regarding the crates, he recalled that the Toby jug image was associated with a brewery, though he could not identify the meaning of the lettering.

[101] Mr Vannan identified the building behind the soldiers as one of the maisonettes in the Lenadoon Avenue area, based on distinctive architectural features. His assessment in this regard appeared to me to be correct. These features included the height and placement of the window, a row of vertically aligned bricks, and a blank wall without windows. He examined multiple maisonettes and concluded that VP2 was taken at the south-eastern corner of one such building, consistent with five potential locations in the vicinity.

VP3

[102] VP3 is the third photograph exhibited to Mr Patterson's statement and was titled by him as: 'INTERNMENT_RIOTING_197108000387C.JPG Rioting in the Lenadoon Avenue area, of Belfast, N Ireland, during widespread disturbances which followed the introduction of internment without trial. 387/71, 197108000387c'.

[103] VP3 shows a crowd of people captured mid-movement. The image captures two young males in the foreground: one is mid-air, appearing to throw a brown bottle; the other is holding a partially obscured flag. Behind these two young men are the majority of a crowd, who are of varying ages and standing in various positions. Four men are carrying dustbin lids. The crowd appears animated and is facing downhill toward the camera. Behind them, a three-storey residential brick building is visible, with railings in front and spectators (men and woman) both at the windows and behind the railings, observing the scene I have just described.

[104] Mr Donnelly, the photographer, stated that VP3 best illustrates the "low-level flats" (or maisonettes) he referred to in his statement. He recalled that when he arrived, the scene resembled both VP2 and VP3, describing "rioters in the street, throwing stones at the army."

[105] Mr Donnelly told the inquest that, during his time in the Lenadoon area, he did not recall any petrol bombs being thrown by rioters, nor did he recall any live shots being fired, either by the rioters or the army. He stated that he would have left the area quickly if live rounds were being fired.

[106] VP3 was taken using a long or zoom lens from behind an armoured vehicle (shown in VP4), which created the impression of proximity to the crowd. Mr Donnelly estimated he was 70 to 100 yards from the crowd when the image was taken and that VP3 was likely the first of the four photographs he took after arriving in the Lenadoon Avenue area.

[107] Mr Vannan, in his gazetteer and oral evidence, placed the image at or near the junction of Lenadoon Avenue and Creeslough Park. He identified the maisonette behind the crowd as 1 Glenveagh Drive. Using contemporary and historical imagery, he described various identifiable features, including a curved railing near 146 Lenadoon Avenue, visible in the photograph, and matched this with the location of a man holding a dustbin lid. Additional railings on the left of the image were identified as bordering the southern edge of the Glenveagh Drive parking area.

[108] Mr Vannan noted that while some landscape features had changed over time, such as building materials and railing design, the relative positions of buildings, railings, and terrain allowed for confident identification of the image's location.

VP4

[109] VP4 is the fourth photograph exhibited to Mr Patterson's statement and was titled by him as: 'INTERNMENT_RIOTING_197108000387D.JPG A British soldier shelters from rioters' missiles behind an armoured personnel carrier in the Lenadoon

Avenue area, of Belfast, N Ireland, UK, during widespread disturbances which followed the introduction of internment without trial. 387/71, 197108000387d'.

[110] The photograph is taken from behind an armoured vehicle, which faces away from the camera with its rear doors open. A soldier, wearing a beret and combat uniform, is visible standing at the rear of the vehicle, between the vehicle and the photographer, with his back to the camera and arms bent at the elbows. Both back doors of the vehicle are open. The area around the vehicle is littered with debris. In the background, on the far side of the vehicle, a crowd is visible on a sloped road towards the front of the vehicle. Some individuals are holding dustbin lids; one appears to be running. The crowd is flanked by footpaths and grass verges. Behind them, residential buildings with railings and visible spectators are seen.

[111] Mr Donnelly declared that VP4 was likely the third image taken in his photographic sequence and described it as an "establishing shot" showing the armoured vehicle and the approaching crowd. He estimated he was approximately 20 feet from the vehicle when the photograph was taken. He confirmed he was standing behind the same vehicle when he captured VP3 and had stepped around its side to do so using a zoom lens.

[112] Mr Donnelly believed the vehicle depicted was likely a Snatch Squad vehicle, as evidenced by a plastic shield visible inside. Based on his experience of attending incidents of public disorder, he explained that such a vehicle would typically move forward from the main army line, and that there would usually be a second vehicle behind it containing members of the Snatch Squad. He estimated that three or four soldiers would normally have accompanied such a vehicle, most likely travelling in the trailing vehicle.

[113] Mr Vannan identified the location of the image as being at or near the junction of Lenadoon Avenue and Creeslough Park, consistent with his analysis of VP3. He confirmed that the maisonette visible behind the crowd was 1 Glenveagh Drive. He further identified the row of properties above the army vehicle as including 13, 17, and 19 Glenveagh Drive, noting that the positioning of 1 Glenveagh Drive would have partially obscured these addresses from the camera's perspective.

[114] I am acutely aware that, notwithstanding their extensive reference throughout the evidence, the photographs in question bear neither a time nor date stamp and must therefore be treated with appropriate caution. However, based on the accounts given and the content of the photographs, I think it is likely they were taken on 9 August 1971, and clearly, they were taken from locations on and around Lenadoon Avenue. I am less clear on what time of the day they were taken.

Evidence from the Healey family

Mrs Margaret Healey

[115] Mrs Margaret Healey, mother of the deceased, provided a statement to the Royal Ulster Constabulary ("RUC") on 6 September 1971, which was read into evidence under Rule 17, as she is sadly deceased. She described how Desmond, known as Dessie, and Edward were twin brothers, born on 19 December 1956. The deceased attended St. Peter's Secondary School, Andersonstown. It closed for the summer holidays at the end of June.

[116] At 8.00am on 9 August 1971, Mrs Healey was standing at the front door of her home, 8 Bunbeg Park, Suffolk, Belfast. There were a lot of people standing about. She explained that the deceased shouted out the window, "What was wrong?", and someone told him it was internment. He then washed and left the house. Mrs Healey remained in her home that morning. At 12 noon, she saw the deceased walking along Glenveagh Drive towards her. He was coming from the direction of Suffolk Road. He went over to her, and they talked for a few minutes, and she asked him what time he would be home for dinner. He said he would be home later, and he told her that he was going to the school, meaning the school in Glenveagh Drive. Mrs Healey returned home. This was the last time she saw her son alive.

[117] When the deceased had not returned home that night, Mrs Healey assumed that he had gone "down the Falls Road and stayed there for the night". She was satisfied when he did not return on the Tuesday night, because he stayed out on two previous occasions, on one occasion for two days and the other for three.

[118] On the Thursday evening an individual came to her home and informed her that her son was dead.

Patrick Downey

[119] Mr Patrick Downey gave a statement to my investigator on 16 June 2022. He was the maternal uncle of the deceased.

[120] A draft deposition compiled for the original inquest was provided in his name, but he could not recall making this deposition. He did not however, dispute the contents of same. The draft deposition was unsigned, and the contents were the same as a statement made to Constable Farr, dated 12 August 1971. Mr Downey's evidence was admitted by way of Rule 17 as he was elderly and his evidence was uncontroversial. He attended the original inquest but did not recall giving evidence.

[121] He described how Mrs Healey had four boys, who at that time in 1971, ranged in age from 9 to 14.

[122] Mr Downey recalled that a man from Lenadoon came to his house and told him that the deceased had been shot. The man drove him to the mortuary at Lagan Valley Hospital, and Mr Downey identified the deceased. He then went to his sister, the deceased's mother, stating, "I was really just confirming it to her. I remained at the house overnight and a few neighbours came and went to see Peggy and comfort or help her out."

Edward Healey

[123] Mr Edward Healey, twin brother of the deceased, was excused from giving oral evidence to the inquest on medical grounds.

[124] Mr Healey did not provide a written account to this inquest. There are, however, comments attributed to Edward Healey about the events on Lenadoon Avenue on 9 August 1971 in the book titled 'Children of the Troubles: The untold story of the children killed in the Northern Ireland conflict' (J Duffy & F McClements) (2019). The extract reads as follows:

"Name: Desmond Healey

Age: 14

From: Lenadoon, West Belfast

Date of death: 09/08/1971

Dessie was the taller of the Healey twins, and the more adventurous - even though he was the younger by an hour. 'A bit wild' is how his brother Ted describes him. 'We used to go up to a place where there were banks of red muck and there was a dam there and we used to go swimming'.

The twins also swam in the 'half-moon lake' near their home, though Dessie spent a lot of time with friends in Lesson Street on the Lower Falls, where the family used to live.

Internment had been introduced that morning in Lenadoon. Ted was among the rioters: he had no idea his twin was also there. 'We heard the shots, and everyone dispersed. I went up to the house and said to my mummy someone had been shot dead down there'.

Believing Dessie was staying with friends in Lesson Street; the family did not realise for several days that he was dead. 'It was a real shock for me personally, I think a bit of myself died with him,' says Ted. 'I remember the funeral, it was bad. When they were throwing in the earth someone brought me away and I thought, I want to put it in his grave. But I never got to do it.'

Dessie had been shot by the British army's elite Parachute Regiment, though the circumstances remain disputed. The army maintained that he had been throwing a petrol

bomb: eyewitnesses told Ted his brother was throwing a HP sauce bottle that had been taken from a hijacked lorry.

After Dessie's death, his mother went to the Official IRA (OIRA) headquarters. 'He was supposed to have been in the Fianna' says Ted 'and she wanted to know why they didn't give him an IRA funeral. She would have liked it to be known that he was in the IRA or Fianna and that he was shot.'

Ted is unsure if his brother was a member, 'I've never met anybody who said they were in it with him, so maybe it was just talk. There's a plaque up in Lenadoon, from his friends and neighbours. It was nice that they remembered him.'"

[125] There are also statements attributed to Mr Healey in various news articles. An article in the Andersonstown News dated 26 November 2011 and titled "Appeal over boy shot in back" described how the family of the deceased were seeking information about the shooting. Mr Healey was quoted as saying that it would be a relief for the Healey family to finally get justice for his brother:

"It was in the morning internment came in that Dessie was shot. Crowds of adults and youths had started to build barricades and get stones and bottles to throw at the Paras. The place was erupting, people were panicking, it was really bedlam" he said.

"A NAAFI (Navy, army and air force institutes) lorry had been hijacked at the Suffolk Road which contained boxes of HP Sauce. These were placed on a trolley and pushed down to the front line of the riot – at this stage shots rang out, and Dessie was shot in the back.

Media and news reports were scarce at the time – one said that they body of a youth had been found dumped on waste ground on the Stewartstown Road. An identikit photo was released to the press claiming Dessie was 19 years old – the photo bore no resemblance to him, for a start he was only 14. The confusion and delay in formally identifying Dessie came about because we believed he was staying with our aunt who lived down the lower Falls, there were few telephones available, and the area was blocked and barricaded for days.

We were all boys in my family, Dessie and me were the oldest. My mother Margaret never got over Dessie's death."

[126] An article 'Children of the Troubles' in the Irish Times on 2 August 2021 attributed comments to Mr Healey as follows:

"For a child it could be exciting. 'It was great,' says Ted Healey. 'You had all the freedom, throwing stones, which children loved to do, and when you got chased by the army your adrenalin was going. We didn't go to school, you were given a 'by ball' because of the Troubles, so for weeks on end you'd hear there was a riot down in such and such a place, Andersonstown say, so you'd go and join in'."

[127] I remind myself that the above articles are hearsay and the comments therein were not adopted, disavowed, or tested.

Civilian evidence

[128] I received oral evidence from 15 civilian witnesses, and I admitted evidence from a further nine civilian witnesses, pursuant to Rule 17.

John McArdle

[129] Mr John McArdle provided a written statement to my investigator on 8 September 2022, and he gave oral evidence to the inquest. There was no contemporaneous witness statement from him. Prior to his oral evidence, I gave Mr McArdle a warning under Rule 9 of the 1963 Rules advising that he did not have to answer any questions which may tend to incriminate him in a criminal offence. During evidence, Mr McArdle received further Rule 9 warnings.

[130] Mr McArdle told the inquest that he was present on Lenadoon Avenue on 9 August 1971 when the deceased was shot. He was also shot that day but explained that he was not seriously injured.

[131] Mr McArdle stated that he 18 years old in 1971 and heard on the radio that morning that internment had been introduced. He was aware of what it was, as people had been talking about it for weeks in advance and was therefore unsurprised when it was introduced. He was an apprentice lathe turner at Eastwood's. Rather than going to work that morning, Mr McArdle went out towards Shaw's Road to see what was happening but found the area very quiet. He was wearing a short sleeve buttoned shirt. He was with a group but could not recall who these people were.

[132] Mr McArdle walked towards the Lenadoon area after hearing that a riot was taking place. He arrived sometime between 11.00am and 1.00pm Mr McArdle

estimated that there was a crowd of a couple of hundred people present in the area. They were positioned from the shops in Lenadoon Avenue across to Glenveagh Drive and down to the junction with Creeslough Park. Mr McArdle was shown photograph VP3 and stated, "this only shows a small portion of the crowd there. There were far more people present at the time I was there than is shown in this photograph." Describing the crowd, Mr McArdle told the inquest that most were standing watching what was happening. He said the crowd varied in age from 14 to 60 years old.

[133] Mr McArdle could see the army blocking the road at the junction of Lenadoon Avenue and Creeslough Park with their Saracens. The soldiers were on foot and were positioned at the corner house of Creeslough Park, number 2, which had a "massive garden". He could not be definitive as to how many soldiers he saw but stated that there were a lot. The rioters were running up and down Lenadoon Avenue getting whatever they could find to throw at the army who were, in return, firing rubber bullets at the crowd. He stated that, at some point, boxes of sauce bottles were produced amongst the crowd, and the bottles were then handed out and thrown at the army, "leaving the smell of sauce in the air."

[134] Mr McArdle explained that he was not involved in the rioting and did not throw anything at the soldiers.

[135] As he watched, Mr McArdle noted the physical features of two of the soldiers in the garden of the corner house on Creeslough Park. He stated that one was 18 or 19 with very blonde hair and another was Black and kept pointing his SLR rifle at people, although he did not see him fire this rifle at any stage. Mr McArdle had a clear view of both soldiers from a distance of 40 to 50 yards, standing diagonally across Lenadoon Avenue on the opposite side of the road. He confirmed that he had an independent memory of these two soldiers and that he had not been prompted by sight of photograph VP2 to recall these men. Mr McArdle also described how there were soldiers positioned all around the army vehicles.

[136] Mr McArdle recalled hearing a distinctive noise which he recognised as live gunfire. This was around one hour after he arrived on the scene. He stated he was positioned at the car park between the block of flats at 2 Glenveagh Drive and the flats at 99 Lenadoon Avenue at that time. He was on the footpath roughly level with 146 on the other side of the road. He could see people lower down Lenadoon Avenue throwing stones, bricks and bottles at the army, positioned between 144 Lenadoon Avenue and the car park at the flats. He did not see or hear a warning being given by the army, "the shots just rang out from the far side of the road without warning, and then people turned and ran up the hill, screaming," nor did he see any petrol bombs. Mr McArdle clarified that he assumed the shots came from the garden in Creeslough Park, but he did not see any rifle being fired.

[137] As he turned to run, he noticed a young male a few feet behind him, lying on his back on the footpath with his head towards the top of the hill and his feet lower down; the deceased. He believed he saw the male in this position across from the

carpark on the footpath, which is just above 146 Lenadoon Avenue. There were a group of men around the male, and someone shouted, "he's been shot, he's been shot". Mr McArdle went over to the male's right-hand side to assist him and described him as thin with medium length hair and wearing a dark coat. He didn't know who the boy was and did not see any injuries or blood on him but noted that he looked very white and did not speak.

[138] Mr McArdle and another man had just lifted the male off the ground when more shots were fired, he believed likely around two, and he felt something hit him in his right arm just below the elbow. Mr McArdle had been lifting the male by placing his right arm under his legs or side and his left arm under his neck. He believed it was two shots as "the way I was standing, one hit me in the arm and one hit me on the side, and the same bullet couldn't have hit me the way I had him". Mr McArdle and the other male dropped the deceased and ran away with the rest of the crowd, back up the hill and around the corner to the shops on Lenadoon Avenue. He could see that his arm was bleeding and when he stopped to examine his injury, realised that he had been hit somewhere else as well, as the top of his right thigh was aching. When he arrived home, he saw he had another wound across the side of his pelvis which consisted of two small holes, the size of a pea, "an entry and an exit wound." His belt was split in two. He added, "the soldiers must have shot from behind, so the entry wound was at the back end out the front". Mr McArdle did not go to hospital for fear of being arrested although he did receive medical treatment. Mr McArdle described no lasting effects from either wound although he found it difficult to walk for a couple of days.

[139] It was three or four days later before Mr McArdle learned the deceased's name, but he did not recognise it or know him. Having viewed photographs VP3 and VP4, he cannot identify either himself or the deceased in the photographs and did not recognise anyone in the crowd in VP3. He confirmed that he did not see an Ulsterbus, he did not see a heavy lorry driven at the soldiers, he did not hear shots being fired down Creeslough Park towards the soldiers, nor did he hear the soldiers returning fire five times from their SLR weapons. He did not recall if CS gas was used by the army (these are features described by some other witnesses).

[140] On questioning, Mr McArdle denied that he was the second youth carrying a crate of petrol bombs, alongside the deceased, referred to in the soldier's statements. He again confirmed that he was not rioting that day or throwing petrol bombs. He stated that he did not see any petrol bombs. He was clear that he was in front of the deceased that day and he accepted that he could not therefore say what the deceased was doing at the time he was shot.

James Doone

[141] Mr James Doone provided a statement to my investigator on 22 September 2022, and he gave oral evidence to the inquest. He had not provided a contemporaneous written account in 1971.

[142] In August 1971, Mr Doone was 16 years old. He worked in Woolworths, North Street, Belfast, as a store man, and lived with his family in Lenadoon.

[143] On 9 August 1971, his father woke him and told him that internment had been introduced. His father told him not to go to work, as he was concerned that the Falls Road would be on fire and there would be no taxis or buses.

[144] Later that day, Mr Doone, wearing a blue suit, made his way across Dungloe Crescent, to the shops on the far side of Lenadoon Avenue to get cigarettes for his father. When he came down the back alley, to the steps that lead on to Lenadoon Avenue, to his right he saw a group of people throwing stones at the army. He described it as minimal, just the odd stone being thrown. He thought that this was the start of things and there were approximately 40/50 people. They were spread across the green in front of the shops, and across Lenadoon Avenue. The soldiers were numbered about eight to ten and were all on foot, standing between the top two blocks of flats or maisonettes, about 50 feet away. He did not see any army vehicles at this stage.

[145] Mr Doone continued across the road towards the shops but stopped in the lay-by and watched what was going on for approximately 10 to 15 minutes. As he did so, an army snatch squad charged up the road, and the youths that had been throwing stones, ran back. He was not sure what to do, so ran over to the shops to continue his errand.

[146] The row of shops consisted of a chemist, a chip shop and a grocery shop. He tried two or three shop doors, but they were all locked. The army was fast approaching, and everyone had scattered, so he ran down an alleyway at the side of the shops and climbed over a railing where there was a six-to-eight-foot drop. He was hanging on to the railing when a soldier shouted, in an English accent 'if you drop, I'll shoot you.' Mr Doone then got back up and over the railing, the soldier grabbed him and trailed him past the shops toward Lenadoon Avenue. The soldier was adamant Mr Doone was one of the rioters. He was taken out onto Lenadoon Avenue and was made to squat against a lamppost, with his arms outstretched.

[147] Mr Doone outlined that word must have got back to his family, and his two sisters arrived on the scene. They pleaded with the soldier to let him go. The soldier hit him in the face with the butt of his rifle. He lost consciousness, he fell to the ground, and his two front teeth later fell out. Mr Doone confirmed that the soldier who apprehended him was the same soldier who struck him with the butt of his rifle. The soldier was wearing a red/scarlet beret.

[148] Mr Doone described to the inquest how two soldiers trailed him down Lenadoon Avenue, each soldier holding one arm, pulling him backwards. These were different soldiers than those who had dealt with him at the lamp post. He was trailed by the soldiers about 200 yards, down Lenadoon Avenue to a position almost opposite Creeslough Park, where the army had based themselves. There, Mr Doone was made to lay face down on the footpath with his hands and legs raised. There

were more soldiers in this area at Creeslough Park, and stationary army Saracens. He estimated that he was lying on his stomach for approximately 20 minutes.

[149] Mr Doone confirmed to the inquest that he is the person laying on the ground in the suit in photograph VP1. The location is on the footpath, in front of the row of houses on the right-hand side of Lenadoon Avenue, opposite Creeslough Park.

[150] He described that whilst he lay on the footpath, he was aware of a number of shots being fired down Creeslough Park at the army, though he could not see what happened. He was still lying on his stomach at this point, with a soldier guarding him and other soldiers nearby. When asked during oral evidence how he knew the shots were fired down Creeslough, he explained that he assumed this given the position where he was lying and Creeslough was the nearest street to him, "that just appeared to be where the sound of the fire was coming from." He said it was a quick burst of gunfire, and two or three shots may have been fired. He was unsure if the army returned fired. He recalled a soldier saying to him that it was his mates doing the shooting and for this reason he believed that it was the army who were being fired upon. He was not aware of any other shots being fired.

[151] Mr Doone's uncle arrived at the scene and brought the police. He was then marched down by the police to a police jeep parked around the Falcarragh Drive area, and thereafter taken to the police station, hospital and then jail. He was taken to Lagan Valley hospital to have his injuries seen to. He was detained in Crumlin Road Jail and after a few days, taken to St Patrick's Borstal, before eventually getting bail. Mr Doone was charged with riotous behaviour and tried in Lisburn Magistrates' Court around October 1971. Mr Doone stated that he was not convicted as the soldier could not confirm that he was engaged in stone throwing.

[152] Enquiries were made with the hospital to confirm the injuries sustained by Mr Doone, and my investigator was told that they did not have records due to the passage of time.

[153] Mr Doone did not recall any petrol bombs being present nor thrown, nor HP sauce bottles.

[154] Mr Doone did not see an Ulsterbus blocking Lenadoon Avenue at about Creeslough Park, and he did not see a lorry being driven down Lenadoon Avenue and colliding with a house.

Martin Livingstone

[155] Mr Martin Livingstone provided a written statement to my investigator on 20 April 2022 and gave oral evidence to the inquest. He had not given a contemporaneous written account in 1971, but he had spoken with the NOK's solicitor in March 2016. He adopted an unsigned statement/attendance note dated 14 March 2016 recorded by someone working in the NOK's solicitors' office.

[156] Prior to his oral evidence, I gave Mr Livingstone a warning under Rule 9 of the 1963 Rules, advising that he did not have to answer any question which may tend to incriminate him in a criminal offence. He received further warnings throughout the course of his evidence.

[157] Mr Livingstone told the inquest that he was one of the people rioting on Lenadoon Avenue on 9 August 1971 when the deceased was shot. Mr Livingstone was 14 years old at the time. He stated that, at the time, he was a member of the junior wing of the Provisional IRA, 'Na Fianna Éireann' and had been for around six months. He later moved onto the senior wing of the Provisional IRA. Mr Livingstone knew the deceased well, as they were close in age and socialised together. To Mr Livingstone's knowledge, the deceased was not in Na Fianna Éireann.

[158] After his mother told him the news about internment, Mr Livingstone described how he reported to the Officer Commanding ("OC") for Lenadoon area's house at approximately 8.00am or 9.00am. Mr Livingstone, along with around 12 others, were given the task of blocking the area around Lenadoon to prevent the army coming back to the estate and making further arrests after the early morning detentions. A number of people from Lenadoon had been interned.

[159] Almost immediately, Mr Livingstone and the group set about this task by hijacking vehicles, taking the drivers out of them and then using the vehicles to block off the top of the estate. The group, along with other people gathering in the estate, hijacked the vehicles by stepping out of the road in front of them. Mr Livingstone told the inquest that none of the group was armed, and they were all "lightly built young teenagers", who relied on adults to drive the hijacked vehicles away after they had obtained them. However, he later agreed that there were "IRA men" present at the riot who would have been aged over 16 or 17 years old, which was the cut off for the junior and senior IRA. He refused to name them. He estimated that the group were aged between 14 and 16 and amounted to around 20 people.

[160] Mr Livingstone recalled that a blue single decker Ulsterbus was the first vehicle hijacked from either the Glen Road or Shaws Road and then placed diagonally across the junction of Lenadoon Avenue and Creeslough Park to block off the whole street. This was the only hijacking that Mr Livingstone was involved with. Another squad then hijacked a bin lorry at around the same time to block off another street. He explained that the army had left Lenadoon during this time but were still on the outskirts and later returned to clear the barricade.

[161] Mr Livingstone was asked about the hijacking of the bus. He told the inquest that he was on the bus, with three or four others, as it was driven to the junction of Creeslough Park. Almost immediately, after the bus stopped at the junction, an army Saracen rammed it which caused him to dismount. Mr Livingstone stated that the bus was not doused in petrol, "there was no petrol there". One of the soldiers, a Sergeant James Walmsley, suggested he smelt petrol from the deceased; and one

police officer, Constable Eric Murray, and the Deputy State Pathologist, Dr Carson, also referred to detecting a strong smell of a substance resembling petrol or oil from the bottom of the deceased's trousers' and shoes. Mr Livingstone added, "where would we get the petrol from ... we had no money."

[162] When asked to comment on the military log provided by the MOD, in relation to a report that once the bus was dragged away, the army recovered four and a half crates of petrol bombs, Mr Livingstone commented, "that's a lie."

[163] Mr Livingstone explained that after he dismounted the bus, he went back up the hill towards Glenveagh Drive where a large crowd had assembled. Mr Livingstone surmised that, at some point, the bus was removed by the army out of his view and away from Lenadoon Avenue, although he did not see this happening. He recalled that the army vehicles then took up position nearly exactly where the bus had been positioned at the junction of Lenadoon Avenue and Creeslough Park and he stated the majority of soldiers were in the large garden of 2 Creeslough Park. Mr Livingstone recalled one Saracen and two Jeeps, which then blocked the street.

[164] Some soldiers came out from behind these vehicles and provided cover. Mr Livingstone placed two soldiers at the corner of the block of flats at 99 Lenadoon Avenue. He referenced VP2 and claimed that the soldier crouching down in this photograph was a "heavy set Black fella" who "was firing rubber bullets as fast as he could load them and the ground around him was littered in cartridges." He explained that the soldier standing in the photograph and holding the SLR was Asian, "possibly Pakistani or Indian." In the 2016 statement/attendance note, Mr Livingstone stated that it was the reverse and the soldier firing the rubber bullets was possibly Pakistani or Indian with the Black soldier firing the SLR. When asked about this, Mr Livingstone stated that this was due to confusion after so many years but that he was now "one hundred per cent" certain that the description detailed in his 2022 statement was correct, "the SLR was the Asian guy then the guy firing the rubber bullets was heavy set Black guy". He denied that sight of VP2, when giving a statement to my investigator in 2022, was the reason he had clarified his description of the soldiers (it appears to show a Black male with a baton/rubber bullet gun). Mr Livingstone also placed a squad of soldiers at the garden at 2 Creeslough Park who were in the open with only a small garden wall for cover.

[165] In relation to photograph VP2, Mr Livingstone described how this was the position from which most of the rubber bullets were being fired at the crowd. He also told the inquest, "I believe the crates in photo VP2 were taken from St Paul's Club on the Shaws Road by people coming over from Rossnareen to join in the rioting." He believed the crates were likely beer crates.

[166] Mr Livingstone said that after he dismounted the bus and came up the hill to Glenveagh Drive, there were bottles, crates and stones being piled up. Mr Livingstone estimated there were between 200 and 300 people, although the majority were onlookers who were not participating in the riot. He estimated the number of people taking part in the riot to be between 40 to 60 male teenagers or young men in

their early twenties. He also stated, "some would have been very young." He said the young men were outside 1 Glenveagh Drive and 146 Lenadoon Avenue.

[167] After the Ulsterbus was moved, the rioters were face to face with the army at about a distance of 40 to 50 feet. Mr Livingstone stated that the army fired rubber bullets directly at the crowd. He also recalled CS gas being fired intermittently. He did not recall the army charging up the road or advancing towards the crowd at any stage, stating "they were static."

[168] Mr Livingstone described how, "we had been throwing anything we could get our hands on at the Brits, bottles, stones etc, this is why there were lulls in the rioting because we ran out of things to throw." He stated that there were no petrol bombs, "there were crates with bottles, but they weren't petrol bombs".

[169] When the deceased was shot, Mr Livingstone placed himself at the small car park at 99 Lenadoon Avenue, at the opposite end of the flats where the army were positioned – about 20 yards away from one another. Mr Livingstone and the crowd were using a van as cover and "jumping in and out and throwing whatever we had at them." He did not see the deceased at the riot at any stage.

[170] Mr Livingstone heard a single SLR shot fired and noted that it was different to that of the rubber bullet gun. He confirmed that he only heard one shot. He did not see the gun being fired although he surmised that the soldier at the corner of 99 Lenadoon Avenue was the one who fired as he was close to the crowd, "if he was taking the shot, he would have been the soldier to take it." He stated he would have been close enough to the army to hear any warning that was given, but none was given. He was asked about the noise created by the rioting. He told the inquest there, "wasn't really much noise from the crowd, it was more bricks and bottles going ... there was no roaring or shouting." Mr Livingstone was unable to provide an estimate of the time which elapsed between the crowd throwing missiles at the army and when the deceased was shot.

[171] After the shot was fired, Mr Livingstone ran up the hill, seeing a male youth around the same age as him lying across Lenadoon Avenue, in the middle of the road. He was thirty feet away from him.

[172] Mr Livingstone told the inquest that there were no petrol bombs on 9 August 1971 on Lenadoon Avenue and the only objects thrown at the army were stones and bottles; some of these were beer bottles and he also recalled some food-related bottles, although could not state that these were definitively bottles of sauce; however he then went on to say that he remembered the sauce "hitting off the walls" around the flats. He outlined that there were crates with bottles, but the bottles were not petrol bombs. He later heard that a NAAFI lorry had been hijacked, and bottles of sauce including salad cream were taken off this lorry on trolleys, although he did not specifically see this. He did not see the deceased participating in the rioting or throwing anything during the riot. He did not hear any shots being fired at the

soldiers or see any lorry being driven at the snatch squad on the corner of Creeslough Park.

[173] Mr Livingstone confirmed under questioning that he did not see the army throwing the deceased's body into the back of the Saracen. He said he did not know personally that all that the deceased was throwing was a sauce bottle, which was contrary to the contents of the 2016 statement/attendance note, but explained that he was told this information by others after the event.

Seamus Finucane

[174] Mr Seamus Finucane provided two written statements to my investigator, on 4 July 2022 and 9 August 2022. He gave oral evidence to the inquest. He also exhibited a statement/attendance note recorded on 24 August 2016 at the NOK's solicitors and signed by him.

[175] Prior to his oral evidence, I gave Mr Finucane a warning under Rule 9 of the 1963 Rules advising that he did not have to answer any questions which may tend to incriminate him in a criminal offence. During evidence, Mr Finucane received a further Rule 9 warning.

[176] Prior to providing his evidence to the inquest, Mr Finucane advised that he had recently suffered injuries following a car accident which had affected his memory.

[177] Mr Finucane stated that in 1971 he was 14 years old. He knew the deceased quite well as he lived two doors down from him and they had gone to primary school together. He described the deceased as very happy go lucky and a good natured, typical 14-year-old boy.

[178] Mr Finucane recalled that on 9 August 1971, internment had been introduced and there had been searches and arrests in the Lenadoon Estate at around 5.00am or 6.00am. The atmosphere in the area was tense. Mr Finucane detailed how he inquisitively toured the area watching local people erect barricades to prevent the army having access to the estate. He stated he did not take part in any hijacking of vehicles, nor did he see anyone else doing this.

[179] After lunchtime, the army arrived in the area, possibly to remove a barricade. Mr Finucane vaguely recalled a barricade across Lenadoon Avenue at the junction of Creeslough Park. He later referred to this as a bus. In his oral evidence to the inquest, he had no recollection of seeing the bus being moved but did not recall seeing it when he left Lenadoon Avenue. He confirmed under questioning that he was not on the bus at any stage, and he did not see it on fire. He said, "the army coming into Lenadoon was unusual in 1971. In those days, the estate was mixed, and I cannot recall any issues between the residents. Prior to that day, I cannot remember any rioting in Lenadoon."

[180] As news spread that the army had arrived in the area, crowds of young people gathered to confront them. When Mr Finucane first arrived, the rioting had not started. He was positioned on the part of Lenadoon Avenue that looped round towards the shops. He detailed, “the fact that the soldiers were from the Parachute Regiment only fuelled the situation.” The number of rioters grew as persons from other areas arrived. Mr Finucane stated that the crowd was a mixture of both young men and adults. The rioters threw rocks, bricks, paving slabs and HP bottles of sauce at the army from 20 to 50 metres. In his oral evidence to the inquest, Mr Finucane stated, “I have a vague recollection of bottles of sauce being available as missiles and being thrown. How they came to be there, I’m not so clear.” He added that he had no clear memory of participating in the rioting. He had no recollection of holding any bottles, either sauce or otherwise, rocks or stones or paving, in his hands.

[181] Mr Finucane described how the rioters were positioned at the junction of Glenveagh Drive and Lenadoon Avenue, although they did move from this point to go further down the hill and launch missiles. He recalled soldiers on foot at the junction of Creeslough Park and Lenadoon Avenue and around number 144 Lenadoon Avenue. As the intensity of the riot grew, Mr Finucane stated that shots rang out without warning. Mr Finucane thought there were perhaps two or three. He was positioned at the junction of Glenveagh Drive and Lenadoon Avenue. He described seeing the body of a young man, wounded, on the footpath at the junction of Glenveagh Drive and Lenadoon Avenue where it turned into a carparking area at the corner of the 146 Lenadoon Avenue maisonettes. He did not know the body was that of the deceased at that time, nor what the person was doing at the time they were shot. He said he saw the soldiers move forward to retrieve the deceased, “trailing him along the ground and throwing him into the back of a Saracen armoured personnel carrier” which was parked at the Creeslough Park / Lenadoon Avenue junction.

[182] Mr Finucane did not see any civilians attempt to remove the body before the soldiers came to retrieve it. During his oral evidence he clarified that he did not see the soldiers throwing the body into the Saracen, but this was the general talk in Lenadoon in the immediate period after the incident.

[183] Mr Finucane confirmed that he had no clear recollection of seeing the deceased at the disturbance. Mr Finucane stated that no petrol bombs were thrown at the army, and he did not recall any live fire taking place prior to the incident when the deceased was shot. Mr Finucane was shown VP3, and he did not recognise anyone in that photograph. He explained that he was not a member of Na Fianna Éireann and that he did not know anyone who was in Fianna or the IRA on 9 August 1971, “I have no knowledge or did not have any knowledge on 9 August of any member of Na Fianna Éireann or the IRA being party to that riot”.

Michael Fitzsimons

[184] Mr Michael Fitzsimons provided two written statements to my investigator, dated 20 April 2022 and 21 November 2022, and he gave oral evidence to the inquest.

A signed statement/attendance note had been recorded by the NOK's solicitor on 22 September 2016 based on information provided by Mr Fitzsimons and he told the inquest that he recalled making this.

[185] Prior to his oral evidence, I gave Mr Fitzsimons a warning under Rule 9 of the 1963 Rules advising that he did not have to answer any questions which may tend to incriminate him in a criminal offence. During his evidence, Mr Fitzsimons received a further Rule 9 warning.

[186] Mr Fitzsimons told the inquest that in August 1971 he was 14 years old and lived in Lenadoon with his parents and siblings. He knew the deceased well from growing up in Lenadoon, although he said his older brother was friendlier with him.

[187] On 8 August 1971, Mr Fitzsimons had stayed over at a friend's house and his father arrived early on the morning on 9 August 1971 to bring him home. On the walk home, his father told him that internment had been introduced. As he and his father reached Lenadoon, he saw that a lot of vehicles had been hijacked, and men were beginning to barricade the area with them. In his 2016 statement, Mr Fitzsimons stated that these vehicles were on the Suffolk Road and on fire. He also described being stopped by the army who took his name and address.

[188] After he arrived home, he snuck out to call at his friend's house, Joseph Kavanagh, and then subsequently went to look in the Lenadoon area for the deceased and two other friends. At this point, it was still morning time. In his 2016 statement/attendance note, Mr Fitzsimons described that this group had heard that a bus had been hijacked and placed across Lenadoon Avenue, and they went to investigate this.

[189] Mr Fitzsimons explained that as he walked through the estate, he heard a noise which he recognised as rubber bullets being fired from the direction of Lenadoon Avenue. He made his way to that area and, "when I arrived there was a full-scale riot going on and I started participating in the riot, lifting whatever debris was at hand and throwing it at the army." This was sometime between 10.00am and midday. He later confirmed he was alone when he arrived at the riot.

[190] He described the army as positioned at the corner of the junction of Lenadoon Avenue and Creeslough Park and there was about three or four yards between the army and the rioters. Mr Fitzsimons claimed that there were at least 30 to 40 rioters at the front of the crowd throwing bricks, stones and whatever came to hand. He noted that all the people were "very young," but later added that adults were present and throwing bricks and stones. He recalled one Saracen, facing up the hill, positioned just beside number 99 Lenadoon Avenue. He did not recall seeing an Ulsterbus.

[191] Mr Fitzsimons described how, at one point, one or two men came to the junction of Glenveagh Drive and Lenadoon Avenue with a push trolley loaded with HP sauce or bottles of sauce of some sort. He described how:

“kids like me were ripping the boxes open and taking a bottle in each hand and running down to Lenadoon Avenue to throw them at the army. The men and more sensible ones were lifting a box full of sauce running down the road and dropping it off to feed the rioters.”

[192] Mr Fitzsimons told the inquest that the whole “place stank, it was stinking with the smell of sauce”. He recalled the deceased arriving at the trolley before him and returning to the front of the riot again. Mr Fitzsimons followed with a bottle in each hand. In his oral evidence, Mr Fitzsimons indicated that he did not see the deceased lift any bottles but was surmising he had done so given his arrival at the trolley.

[193] The army continued to fire rubber bullets from their position in the garden of 2 Creeslough Park. He also saw soldiers behind a wall at 99 Lenadoon Avenue.

[194] Mr Fitzsimons placed himself close to the crates shown in photograph VP2 with the army on the corner of Creeslough Park which was just a width of the street and footpath away from him. He heard a live round being fired and noted the different sound in comparison to the rubber bullets. He did not hear any warning from the army but later told the inquest that the noise from the riot “would have been deafening”.

[195] Mr Fitzsimons stated that no petrol bombs were thrown, “I never seen any petrol bombs, none whatsoever ... If they were hidden, they were well hidden”. Once the shot was fired, he heard people screaming that someone had been shot. He turned and fled. Mr Fitzsimons explained that he did not learn that it was the deceased who had been shot until a few days later.

[196] In his second statement, Mr Fitzsimons referred to the 2016 document. He clarified some matters. In 2016, he had described how he was not at the riot or in the vicinity when the deceased was shot and in his 2022 statement, he stated he was. When asked about this discrepancy, Mr Fitzsimons said:

“the only explanation I can give there is that I am just confused on that issue whether I was there at that actual moment in time when the shots were fired, but I did hear one or two shots that day and that's when I was at the front of the riot, I can remember hearing shots then.”

[197] He told the inquest, “I’m 100% sure I was there when Desmond Healey was shot. I was at the corner when shots were fired”. He also added that he did not definitely remember throwing bottles of sauce, but he did recall obtaining the bottles and bringing them down to the front of the riot. He vividly recalled the smell of the sauce once the bottles had smashed. Mr Fitzsimons confirmed that he was involved in other riots that took place after 9 August 1971 and there was therefore the potential for his memories to merge.

Joseph Kavanagh

[198] Mr Joseph Kavanagh provided a written statement to my investigator on 21 November 2022 and gave oral evidence to the inquest. I was also provided with a signed statement/attendance note recorded by the NOK's solicitor, dated 22 September 2016, based on information provided by Mr Kavanagh.

[199] Prior to his oral evidence, I gave Mr Kavanagh a warning under Rule 9 of the 1963 Rules advising that he did not have to answer any questions which may tend to incriminate him in a criminal offence. During evidence, Mr Kavanagh received a further Rule 9 warning.

[200] Mr Kavanagh told the inquest that in 1971 he was 14 years old, and he was friends with the deceased, Michael Fitzsimons and Martin Livingstone. Around 5.00am or 6.00am, "it was early in the morning", on 9 August 1971, the deceased called to Mr Kavanagh's house and explained that internment had been introduced. Mr Kavanagh, the deceased and James Nolan headed out together shortly after this, walking down the Suffolk Road. Mr Kavanagh observed lorries, which had been hijacked, being put across the road and used as barricades by "the older ones". Mr Kavanagh noted that he, Mr Nolan and the deceased remained in the Suffolk Road area for quite a while, watching what was going on and walking around the estate.

[201] Mr Kavanagh depicted how, at approximately 1.00pm, their group came across the riot and a blue Ulsterbus across Lenadoon Avenue. He accepted in evidence that this could have been earlier in the morning. In the 2016 statement/attendance note, he mentioned the bus being on fire, but at inquest he was unsure whether the bus was actually on fire, owing to the passage of time. He was clear that he did not see any petrol being poured on the bus:

"I could see the bus across the road and the soldiers on the far side of it further down at the junction of Creeslough Park. A large crowd was throwing stones and bottles at them and the army, in return, fired loads of rubber bullets."

[202] There were around 50 to 60 people out on the street, positioned around the top of Lenadoon. Mr Kavanagh described these people as being of all different ages, some standing and watching and others rioting. He said that those who were watching were positioned further up the hill of Lenadoon. Mr Kavanagh highlighted VP2 and stated that this is how he remembered the position of the soldiers as, "positioned beside the flats on Lenadoon," meaning the flats at 99 Lenadoon Avenue. He said there were also soldiers in the gardens on the other side of the road, at 142 Lenadoon Avenue. He described the crowd and himself, as further back up the hill, around 146 Lenadoon Avenue.

[203] Mr Kavanagh told the inquest that he and the deceased were involved in the rioting after they arrived on the scene. He recalled throwing stones at the army from

about 30 yards away (approximately 27 metres). He did not recall CS gas being fired nor any armed civilians being present.

[204] In the 2016 statement/attendance note, Mr Kavanagh stated he was aware that a lorry had been hijacked, and brown bottles of sauce were lifted and used to throw at the soldiers. In his oral evidence, he confirmed he recalled bottles of HP sauce being thrown, which had come from a food lorry which was hijacked. He stated that he saw the lorry on the Glen Road earlier in the day, prior to the rioting.

[205] Mr Kavanagh told the inquest that he was separated from the deceased during the riot, and he did not see him being shot or what happened to him after. He did hear at least one-shot ring out whilst he was separated from the deceased which was "live fire from the British soldiers." He stated that he thought two shots were fired. He explained that he was further up the hill when this happened, around the junction of Glenveagh Drive and Lenadoon Avenue. He did not recall any warning being issued. He said that the shots caused the crowd to disperse. He was aware that the deceased was closer to the soldiers than he was when the shot was fired but could not state his exact position.

[206] Mr Kavanagh did not see any petrol bombs being thrown by the crowd in the time he was there. He stated that he recalled throwing stones and remembered HP sauce being thrown. He confirmed that when throwing things, he was close enough to be able to hit the soldiers.

[207] After the shots were fired, Mr Kavanagh left the scene and ran up Glenveagh Drive, back towards his home. It was a few days later before Mr Kavanagh heard that it was the deceased who had been shot.

Dermot Ormsby

[208] Mr Dermot Ormsby provided a written statement to my investigator on 26 April 2022, and he gave oral evidence to the inquest. He previously provided a statement to the Association for Legal Justice in 1971 and an unsigned statement to the HET on 10 January 2007. He also attended the original inquest in 1971.

[209] Mr Ormsby told the inquest that in 1971, he was 22 years old. Mr Ormsby recalled that the army were beside a large green area which could have been between Falcarragh Drive and Creeslough Park on the right looking down (the hill on) Lenadoon Avenue.

[210] In his 1971 statement, Mr Ormsby stated that he was visiting friends in the Upper Glen Road estate on 9 August 1971. He lived in Andersonstown. Around lunchtime, he was walking home when he saw a crowd of "fairly young people", "teenagers and young men, ages ranging between 14 to mid-20s" throwing stones and bottles of sauce at the military. The crowd was between 100 to 150 persons strong and scattered around the junction of Glenveagh Drive with Lenadoon Avenue. There was another crowd of people standing on the green on Lenadoon

Avenue and they were looking up Lenadoon Avenue. Mr Ormsby came along Glenveagh Drive and took up a position at the railings/balcony near the maisonettes at the corner of Glenveagh Drive.

[211] Mr Ormsby observed three Saracens facing up Lenadoon Avenue (toward where he was) and a group of soldiers standing around them. He said there were two or three army trucks, parked on the corner of Falcarragh Drive. Mr Ormsby observed the soldiers firing approximately three cannisters of CS gas and a few rubber bullets at the crowd. When they did so, the crowd scattered in various directions and would then reform when the gas died down.

[212] When the crowd dispersed, Mr Ormsby observed broken glass from the bottles of tomato sauce which was all over the road, as well as bricks and stones, approximately 20 to 30 yards away from the soldiers' position. Mr Ormsby described the bottles of sauce as larger than normal, "I would describe them as catering size," and believed that they came from a NAAFI lorry that had been hijacked from Hannahstown the previous night. He described how every time the crowd reformed, they had these bottles as ammunition to throw at the soldiers which happened approximately three times before the deceased was shot. In his oral evidence to the inquest, Mr Ormsby stated that he had always believed it to be brown sauce rather than tomato sauce and "maybe I said it (tomato) accidentally or something" to the HET in 2007.

[213] Mr Ormsby heard a shot and noted that a CS gas cannister was fired at almost the same time. Mr Ormsby did not see who fired the shot. The crowd scattered again, and Mr Ormsby saw a boy fall on the road on the even numbered side of Lenadoon Avenue, approximately 15 yards down from the junction of Glenveagh Drive and Lenadoon Avenue, "just up above 146 Lenadoon Avenue". Mr Ormsby ran over to see how badly hurt the boy was and stopped between 10 to 15 yards away, "he was not moving. I saw a full sauce bottle lying on the road beside him. He had nothing in either hand. A couple of people tried to lift him." He described how the distance from where he observed the deceased fall to the deceased's position to be between 100 and 200 yards.

[214] As the people tried to lift the boy, two Saracens began moving up Lenadoon Avenue from the corner of Creeslough Park with soldiers on foot beside the first Saracen. More CS gas was fired and those who tried to lift the boy then ran up Lenadoon Avenue. The first Saracen stopped, reversed and he believed four soldiers lifted the body and "tossed him into the back" of the vehicle.

[215] Mr Ormsby stated that at no time did the crowd throw anything other than stones and bottles. He did not see any petrol bombs thrown at the soldiers and no one fired a gun, other than the soldiers. He did not hear any warning shouted by the army but added, "if they [the army] had shouted a warning, it wouldn't have been heard due to the noise from the crowd on Glenveagh Avenue and also another crowd that was gathered on Lenadoon Avenue on the green at the back of the Daily Mirror factory."

[216] Mr Ormsby left shortly after. He did not know who had been shot for several days, until he saw an article in the newspaper. He then realised he knew the deceased's mother and came forward to provide information for her. He recalled:

"I attended the inquest sometime later and Mrs Healey got very upset because she couldn't see the faces of the soldiers who had shot her son. She became so upset they had to stop the inquest because she was shouting and crying."

Gerald Palmer

[217] Mr Gerald Palmer provided a witness statement to my investigator on 4 August 2022, and he gave oral evidence to the inquest. Mr Palmer confirmed that he had not made any previous statements in respect of the deceased's death.

[218] Prior to his oral evidence, I gave Mr Palmer a warning under Rule 9 of the 1963 Rules advising that he did not have to answer any questions which may tend to incriminate him in a criminal offence. During evidence, Mr Palmer received further Rule 9 warnings.

[219] Mr Palmer told the inquest that he was present on 9 August 1971 when the deceased was shot. In 1971, Mr Palmer lived in Andersonstown and was 17 years old. He was aware that internment was going to be introduced and that it had been "used ... against republicans many times. As a result of this, I had not been staying at my home address." Mr Palmer confirmed that, as a republican, he was personally concerned he may have been arrested and interned and was consequently staying with a friend of his family. He asserted his privilege against self-incrimination when asked what being a republican meant to him in 1971, if he went to the Lenadoon area because of what he was involved in at that time, and if he was involved with an unlawful association in 1971. He later stated that "I think being a republican was enough to get interned" and "being a republican is somebody who has the aspiration for a united Ireland".

[220] Mr Palmer described how, on the morning of 9 August 1971, there was lots of confusion and general unrest in the area. In the afternoon, possibly around 2.00pm, he went on foot to the Lenadoon estate after hearing there was trouble there. He went alone. When he arrived, he saw the soldiers at the bottom of Lenadoon Avenue. There was at least three army vehicles positioned across Lenadoon Avenue, blocking the road. Mr Palmer stated that rioting had started and people, mostly teenagers in and around 17 years old, were throwing bottles, paving and stones at the soldiers. Mr Palmer described VP3 as an accurate depiction of the riot in respect of the position and numbers of the crowd.

[221] As the crowd moved down Lenadoon Avenue towards the soldiers, Mr Palmer moved with them on the right-hand side of the street. The deceased was on the left-hand side, approximately eight yards away and directly across the street. Mr Palmer told the inquest that the deceased was throwing missiles but could not say precisely what these were. Mr Palmer heard shots being fired and the deceased fell on the footpath on the far side of the road from Mr Palmer, just outside 138 and 140 Lenadoon Avenue. Mr Palmer estimated that it was four shots in quick sequence. Quite a few of the crowd, including Mr Palmer, went towards the deceased to try to pick him up, "four of us were closest and the two guys that got there first attempted to lift him," by his arms and his legs respectively. As they did, the deceased "completely folded in the middle, almost in half. It was obvious that he had been shot." Mr Palmer assumed that the limpness of the deceased's body meant that the soldiers had used 'dum dum' bullets which were modified rounds which did more damage internally and thus explained why the group were unable to lift him.

[222] At this point, the soldiers opened fire again, firing between four to six shots. The group laid the body down again and the crowd retreated up the hill. Mr Palmer was aware of a person named McArdle in the group and later in the day became aware he had been hit by one of the bullets as Mr McArdle showed him his broken belt.

[223] After this, the soldiers came up the hill on foot with three vehicles behind and a large soldier, who Mr Palmer recalls as a Black man, lifted the deceased's body above his head and "proceeded to shake him triumphantly above his head and then threw him into the back of a 'pig'." Mr Palmer has a memory of seeing the deceased's body being thrown into the back of the vehicle as the back doors were open and facing him, therefore pointing up the hill. However, he added, "I remember seeing the back of the vehicle, so the vehicle would have been pointing south, which, to me, on memory, doesn't seem logical. I can't explain that".

[224] After the deceased was shot, Mr Palmer left the area. He confirmed that he did not hear any warning being given that live rounds were going to be fired, and he did not see any petrol bombs being thrown. He stated that the location where he was when the deceased was shot was "pretty noisy." He did not recall any rubber bullets or CS gas being fired before the deceased was shot. He recalled CS gas being fired afterwards. He did not recall an Ulsterbus either nor any live fire being directed at the soldiers. He stated he believed he was likely in the area that day for two hours.

[225] Mr Palmer confirmed under questioning that he had since read newspaper articles about the incident but denied that these had influenced his recollection of events.

James McCaughley

[226] Mr James McCaughley provided a statement to my investigator on 10 March 2022, and he attended the inquest and gave oral evidence. I thank this witness for assisting this inquest, despite the health difficulties he faced just weeks prior to his

attendance. Mr McCaughley provided a statement to the Association for Legal Justice one week following the death of the deceased, and the contents of this statement will be discussed further ('the 1971 statement'). A document was also produced by the HET attributed to Mr McCaughley. He did not recall seeing this document before and he did not take exception with anything contained in this document.

[227] In August 1971, Mr McCaughley lived at 19 Glenveagh Drive, Lenadoon, with his wife Elizabeth and four children. He was 28 years old and worked as a milkman. He did not know Desmond Healey but knew his brother Ted, who helped him with the milk run.

[228] Mr McCaughley did not believe that he attended work on the 9 August 1971 due of the disruption caused by internment. He stated that the kids started gathering in the area and rioting early on. He was not involved in this but stood at the front of his house, which was on an elevated position, giving him a good view down Lenadoon Avenue.

[229] On the morning of the 9 August 1971, Mr McCaughley recounted how two army Saracens were positioned at the junction of Falcarragh Drive and Lenadoon Avenue. It was put to Mr McCaughley that some witness accounts detail soldiers at the entrance of Creeslough Park. He agreed that some soldiers may have moved up to that position. In relation to the soldiers at the maisonettes, at the corner of Creeslough Park and Lenadoon Avenue, Mr McCaughley said that they were standing, and not in vehicles.

[230] Mr McCaughley described how a large crowd, who were positioned in front of the maisonettes, had been throwing stones, bricks, and whatever they could get their hands on, down Lenadoon Avenue, towards the army on and off for hours. The army had been firing rubber bullets, which bounced off the ground, at the crowd, to keep them from getting down Lenadoon Avenue as far as Falcarragh Drive. The army also fired CS gas and occasionally Mr McCaughley had to close the front door to stop the gas blowing into his house. When the army fired CS gas at the crowd, he noticed a puff of smoke coming from the gun of the soldier who had fired it, which didn't happen when the rubber bullets were fired. He stated in oral evidence that, when the army used CS gas, the young lads were lifting them and throwing them back at the army. He did see rioters throw paving slabs at the army. He did not hear any other type of gunfire that morning, up to this time.

[231] He said that the size of the crowd varied, both increasing and decreasing as rioters ran back and forth up and down Lenadoon Avenue, or when looking for more ammunition elsewhere in the estate, to throw at the army. The core group of rioters was made up of approximately 30 to 40 young males, under 18 years old, "just kids really".

[232] There were a lot of other people around watching the rioting but not taking part in it, including most of Mr McCaughley's neighbours and their young children.

They were all out at the front of their houses or at the railings at Glenveagh Drive, watching on. Mr McCaughley confirmed that some of them can be seen standing at the railings beside the block of flats in the photograph exhibited VP3. He is not visible in VP3, but it is in the row of houses that can be seen at the top left of the photo, just slightly further to the left, out of shot.

[233] Mr McCaughley saw a soldier run across from the direction of Falcarragh Drive, up Lenadoon Avenue and go into one of the front gardens of the houses to the left-hand side of Lenadoon Avenue, as you look down the hill. A tall Black soldier took position low down in a garden opposite, somewhere between the Falcarragh Drive and Creeslough Park junction.

[234] A short time later, a young lad, whom he now believes to be the deceased, came walking down Glenveagh Drive towards Lenadoon Avenue with what looked like a delivery cart off a lorry. This contained several brown cardboard boxes with HP sauce written on the side of them. Mr McCaughley shouted over to him, "don't be going down there, son, there's a soldier in the garden", meaning the army, and for him to be careful. When this young lad got close to the junction of Glenveagh Drive and Lenadoon Avenue, he and others from the crowd started opening the boxes and passing around these large catering size bottles of HP sauce. A few of them ran forward down Lenadoon Avenue. Mr McCaughley saw the young man, he now believes was the deceased, walking down with two sauce bottles, and then with his right arm raised as if he was throwing something. He was about level with Creeslough Park. He then heard a crack that was different to the noise made by the rubber bullet or CS gas guns. He didn't know what the noise was at this time but his wife, who was standing nearby, said 'they have shot somebody.' Mr McCaughley did not see the deceased being shot.

[235] He said the crowd ran forward again to get the deceased, but Mr McCaughley heard another similar crack and saw someone else this time, on the right-hand side of Lenadoon Avenue, being trailed away by the crowd as if he had been shot too.

[236] Two Saracens moved forward from their position on Falcarragh Drive and started coming up Lenadoon Avenue towards the rioters. Soldiers were out on foot, running behind the two Saracens. One soldier came out from behind a Saracen to where the deceased was lying, and he believes the 'big Black' soldier came over from his position in the garden. Mr McCaughley did not refer to any soldier as being Black when he provided his 1971 statement, nor when he spoke to HET. When he was asked why he failed to do so, he stated that he had no explanation as "... it was so evident to all present that it was assumed to be known in fact and did not need mentioned."

[237] Mr McCaughley explained that the deceased was trailed by his two legs through smashed bottles, bricks, and debris by two soldiers. One of the soldiers doing this was the Black soldier. Mr McCaughley commented that the sight was so undignified he will never forget it and still finds it upsetting over 50 years later.

[238] He said the two Saracens then reversed down Lenadoon Avenue to Falcarragh Drive. Mr McCaughley believed that the deceased was shot around 12 noon, but the rioting continued for some time afterwards.

[239] Mr McCaughley confirmed that he did not see any petrol bombs present nor being thrown at the army. The crowd threw some stones, bricks and bottles at the army and later, and when they were brought to the area, the bottles of HP sauce.

[240] From his position he did not hear any warning about live ammunition being given by any of the soldiers present. If a warning was given, he can only assume the combination of the distance and the noise of the crowd drowned it out.

[241] Mr McCaughley stated that he did not remember an Ulsterbus, nor any vehicles being hijacked that day, and he did not recall vehicles on fire.

Roisin Draffin (nee Mackin)

[242] Ms Roisin Draffin assisted the inquest by providing a statement to my investigator on 8 April 2022, and she attended the inquest to give oral evidence. A statement / personal attendance note dated 22 July 2015 was made to the NOK's solicitors after she saw an advertisement in the local newspaper. The attendance note was not signed. This was said to have been based on Mrs Draffin's instructions, but she did not accept all the contents of same, and this will be dealt with further below.

[243] In August 1971, Mrs Draffin was 14 years old. She lived with her parents at 74 Creeslough Park, Lenadoon. She knew the deceased and his twin brother Ted as they were the same age and lived in the same area. Whilst she knew the deceased, she did not know that he was the young male shot until at least three days afterwards.

[244] On the 9 August 1971, when at her home address, she learnt of the rioting and within approximately 10 minutes, she made her way up to Lenadoon Avenue on her own to "have a nosey, just natural teenage curiosity really." She recalled that it was a nice sunny August day, and she had a short sleeve top on.

[245] Mrs Draffin was not involved in the rioting and stood further back "at the crown of the road on Lenadoon Avenue, above the first junction of Creeslough Park," which she felt was a safe position to watch what was going on. She marked her location on the map as in or about the green at 146 Lenadoon Avenue and later she detailed that she was just outside the entrance to the car park above 99 Lenadoon Avenue. She had her back towards top of the hill, and she had a clear, unobstructed view down Lenadoon Avenue. She was not sure how long she was there watching the rioting for, stating "about half an hour, slightly more". She was unsure of the time of day it was but thought it was possibly "late afternoon, 2 o'clock onwards, but not too late."

[246] Mrs Draffin confirmed in oral evidence that the rioters were slightly above Falcarragh Drive running up to 142 Lenadoon Avenue, "it was quite a fluid sort of movement". Her evidence placed the rioters further down Lenadoon than most of the other witnesses.

[247] Mrs Draffin said she remained in the same position. The crowd rioting were mostly teenagers ranging in age from 13 to 16 years. She stated that, "it was not a big crowd, about 20 to 30 young people pelting the army and their vehicles with bottles and stones." Mrs Draffin was asked to confirm in oral evidence what type of missiles were used by the rioters. She said that she could not confirm what type of missiles were being thrown as she was not close enough. She said the rioters "were going up very very close and then running back ...". They got as close as a foot or two to the soldiers.

[248] Mrs Draffin's 2022 statement detailed that there would have been a few Saracens and a jeep, maybe two, but she could not be definite. She claimed that the army vehicles would have been just below the junction of Falcarragh Drive. The jeep would have been in the middle of the road with the back facing up, the nose facing towards the Stewartstown Road. She could not recall where the Saracens were.

[249] Mrs Draffin recalled that there were soldiers behind the vehicles and over to the side and where she was standing, "that block of flats at 99 Lenadoon Avenue, there would have been soldiers around there as well." She later retracted on this position and confirmed that the soldiers would not have been as far up as 99 Lenadoon Avenue, but they were above Falcarragh Drive, just where there is a turn off. She confirmed that there were soldiers on her right as she was looking down Lenadoon Avenue.

[250] Mrs Draffin described the scene, "it was a chaotic situation with the crowd running back looking for more ammunition and then going forward to pelt the army again". She confirmed in oral evidence that the people watching the riot were older, maybe in their 20's. In her 2022 statement, she could vaguely recall the army firing rubber bullets, but she distinctly recalled the ringing out of one shot.

[251] When the shot rang out, she explained that she just stood there, that everyone was quite startled, and the rioters ran back towards her. The 2015 document detailed that she turned her back and "ran with the crowd up Creeslough Park away from the approaching soldiers". When it was put to her that this would have put her in the thick of the crowd rioting, Mrs Draffin confirmed she was standing back, not participating, and in a position where she felt safe. She expounded, "I have never been involved in a riot in my life."

[252] Mrs Draffin did not see the deceased being shot but did see him on the ground. The 2015 document indicated that Mrs Draffin had to turn around to see the body of the deceased on the ground. Mrs Draffin claimed in oral evidence that this was not correct, as he was in front of her, and she had a clear view down Lenadoon.

When asked where he was, she stated that that he was lying “almost sideways across Lenadoon Avenue crumpled on the ground near the middle of the road”.

[253] Mrs Draffin then described in her statement how:

“A soldier then walked up the side of a jeep to Dessie's body; the jeep hadn't moved and was facing down Lenadoon Avenue. He was a Black soldier of very big build and looked tall in his army gear. He lifted Dessie, who was only a child really and of very slim build, up above head height. He held Dessie's body up above his head jeering at the crowd and turning it round for everyone could see it. The crowd were stunned; you could hear them gasping at what they saw. This big soldier standing there with the lad's body above his head.”

[254] Mrs Draffin recalled the back door of the army jeep, was open and facing up Lenadoon Avenue and the Black soldier threw him in the back of it. She acknowledged that, if the jeep was facing upwards with its back doors open, debris and missiles thrown by the crowd would likely have gone into it. The jeep then drove down Lenadoon Avenue at quite a speed towards the Stewartstown Road.

[255] Mrs Draffin's 2022 statement and the 2015 document both detail mistreatment of the deceased's body by a Black soldier, in terms of how the body was lifted and put into the back of the army vehicle. The 2015 document detailed that the army Saracen made its way up the street to approach the body of the deceased, and the Black soldier jumped out of the vehicle to approach the body. Mrs Draffin maintained that her 2022 statement was correct, and the Black soldier was in fact already out of the vehicle when the deceased was shot; and the jeep had remained in situ and did not move until after the deceased was shot. The 2015 document detailed that the Black soldier carried the body of the deceased around the back of the Saracen before throwing it in the back. The 2015 document referred to the army vehicle the deceased was thrown into as being a Saracen, but in her 2022 statement she referred to the army vehicle being a jeep. When shown a photograph, during oral evidence, of a British Army Land Rover with a hard top, and hard sides, she confirmed that is what she meant by jeep.

[256] Mrs Draffin said in oral evidence that the Black soldier who lifted the deceased was wearing riot gear and a helmet. When asked what height the Black soldier lifted the deceased, she could not recall if the soldier lifted him to shoulder height or above his head. She said she could not recall if he walked, jogged or ran to the body.

[257] Mrs Draffin did not recall any soldier checking the deceased for a pulse nor any civilian attempting to go to his aid. She explained “the crowd were so shocked and stunned that's my memory of it and then I went home”.

[258] Mrs Draffin did not recall any shots being fired from the crowd, nor petrol bombs. She stated that the crowd threw stones and bottles. She did not recall HP sauce bottles, nor a smell of it in the air. She could not recall if any rubber bullets were used nor CS gas. She did not hear any warning being issued by the army prior to the issue of live gun fire but noted that the riot was very loud.

[259] Mrs Draffin could not recall seeing a bus blocking the road in Lenadoon. She confirmed that she would not have known who was in the IRA had they been present.

[260] Mrs Draffin was shown the photographs, VP1-VP4. She confirmed that the photographs did appear to represent the riot, but not the view she had. She did not recognise anyone in the photographs. In relation to VP4, she did not believe that this photograph was at the time of the riot she was present for on the 9 August 1971, but said had it been, she would have been in the middle of the debris.

[261] When asked if she had discussed the events with anyone after, Mrs Draffin explained that she probably did as she knew the deceased as they both went to Clonard disco. If an article came up, she would have reminisced about deceased and how he died. She acknowledged that she would have read news reports, viewed TV reports over the years, but she said she was “very very definite” about her description of the Black soldier and the way he behaved.

[262] Mrs Draffin confirmed that other riots took place in this area, maybe three or four but this was the only one where she heard gunfire. She moved away from this area when she was around 19 years old.

Paul Hemsworth

[263] Mr Paul Hemsworth assisted this inquest by providing three statements to my investigator, dated 9 November 2020, 25 April 2022 and 28 June 2022. He made a statement/attendance note recorded by the NOK’s solicitors in January 2017 which was signed by him on 31 January 2017. He also gave oral evidence to the inquest.

[264] In August 1971, Mr Hemsworth was nine years old. His family had moved to 73 Creeslough Park, Belfast, on the 3 August 1971. The next day, on 4 August 1971, he met other children in the area whilst out playing, and he said that is when he met the deceased and his brother.

[265] Mr Hemsworth described how the houses in Creeslough Park were split level and from the back of the house there were good views of Lenadoon Avenue, and he recalled that he could see across to Suffolk Road.

[266] On the morning of 9 August 1971, Mr Hemsworth said he was at home in the living room, his mother was in the kitchen at the front of the property, and he recalled his mother shouting that there was going to be trouble as she had seen a lot of youngsters heading up Creeslough Park towards Glenveagh Drive. His mother would not let him out of the house.

[267] Mr Hemsworth said he was standing looking out the living room window. An alleyway ran behind his house which led on to Lenadoon Avenue. At approximately 11.00am or 12.00noon, he saw two men dressed in black who were positioned in the alleyway. He thought they were IRA men but then saw they had large cameras with them. Five soldiers appeared "the next minute" and the soldiers posed for the camera. Four of the soldiers were wearing hard helmets and the soldier in the middle was wearing a claret-coloured beret.

[268] Mr Hemsworth said he then saw a boy, whom he recognised as the deceased, come running from the direction of the green area next to Glenveagh Drive in front of the Spar shop and flats. Mr Hemsworth claimed that he could see the green from his living room window.

[269] Mr Hemsworth told the inquest that there was no rioting on Lenadoon at this time, but there was a crowd at the bottom of Glenveagh which the deceased had been part of. He said that the deceased went to the shop to get HP sauce and go home for his tea. He was asked during his evidence if he was sure he recognised the deceased given that he had only met him once. Mr Hemsworth confirmed that he has a "photographic memory".

[270] Mr Hemsworth described how he heard someone shout "Dessie, you've to get a bottle of sauce and go up for your tea." He would have had to have heard this from inside his house. He said that he observed the deceased going into and leaving the shop with one bottle of sauce. He came across the green at Lenadoon Avenue on his own as the crowd had dispersed. He got as far as the corner at 146 Lenadoon Avenue, he saw the "five Paras" and "once he [the deceased] ran down (the footpath), he put his arm behind him like that with the bottle of sauce and the next minute your man clicked the camera and then the other one shot him." Mr Hemsworth said that the deceased got as far as the fourth house down Lenadoon Avenue, number 138, before he was shot. He explained that he saw the photograph of the deceased raising his arm, just before he was shot, on a programme about Mairead Farrell on RTE, about a year and a half, two years ago. Despite great efforts by my legal and investigative team, we were unable to locate the footage and photographs referred to by Mr Hemsworth.

[271] In his 2020 statement, Mr Hemsworth stated that the deceased had ran approximately 30 feet when he raised his right arm in the air and was shot. He saw that the deceased was holding a HP bottle of brown sauce in his right hand. He claimed that he was sure of this.

[272] He described the deceased as falling like a heavy wet blanket onto the footpath. He said the deceased crawled a tiny bit then stopped and did not move again. Mr Hemsworth marked the deceased's position as he lay on the footpath, on the side of the road.

[273] Mr Hemsworth did not see who had fired the shot. He did not hear any shouting. There was no one else with the deceased when he ran down the path

towards the soldiers. He stated that he had a clear and unobstructed view of the deceased being shot.

[274] Mr Hemsworth said that all the local men in the IRA came out of their houses after the deceased was shot and a gun battle ensued with the soldiers. He stated in oral evidence that he did not know these were local men. Mr Hemsworth told the inquest that he did not see any petrol bombs or rubber bullets.

[275] He said that after the shooting stopped, soldiers moved up, pulled the deceased's body towards the green by Glenveagh Drive.

[276] During his oral evidence, Mr Hemsworth was questioned about the line of sight and view from his living room to the events he described. Number 99 Lenadoon Avenue was the maisonettes between Mr Hemsworth's house and Lenadoon Avenue. Mr Hemsworth accepted that these maisonettes were higher than his house and that his view was obstructed to some degree.

[277] I found Mr Hemsworth to be an honest witness who was giving his account according to what he recalled, but I have discounted his evidence entirely, concluding that his memory does not reflect what happened.

Andrew Jordan

[278] Mr Andrew Jordan assisted the inquest by providing a statement to my investigator on 16 September 2022. He believed he made a statement to Association for Legal Justice in 1971 (which I will refer to as the '1971 statement') but he did not agree that the 1971 document before this inquest was the statement he had made in 1971, and I will discuss this further below. This statement had his name typed where one might have placed a 'wet' signature. It was admitted into evidence under Rule 17. He gave oral evidence to this inquest.

[279] In 1971, Mr Jordan was 30 years old, and he lived with his wife and children at 119 Lenadoon Avenue, Belfast. Mr Jordan explained that his house was on the corner of the Avenue opposite the green in front of the shops. His house was second from the end. He lived there for approximately four years before emigrating to Australia in 1972.

[280] Mr Jordan recalled that 9 August 1971 was the first day of internment. He described how there were riots outside his home.

[281] When he was outside his home, he explained, in his 1971 statement, that he was standing at the railings, which were in front of the maisonettes numbered 1 Glenveagh Drive, looking down Lenadoon Avenue. He was unsure what time it was when he went outside.

[282] In his 2022 statement, he stated that the rioting was literally at his front door, number 119, where he stood watching. He did not know how long it was going on for but said he watched for approximately one hour. He had a slightly elevated view

of the riot. He had a view across to the row of shops opposite his house and down Lenadoon Avenue to his right between the two blocks of maisonettes. He stated that he could see almost as far as the junction of Creeslough Park.

[283] Mr Jordan described how a group of young lads between 30 and 50 in number were throwing stones at the army right in front of him. In his oral evidence, he explained that he could not gauge their age as they were a couple of hundred yards from where he stood. They were spread across Lenadoon Avenue to the green area in front of the shops. He described how all the activity took place in a bare spot on the road in front of 105 Lenadoon Avenue. He said that he could not “verify” if he saw people throwing bricks, he did not see many bricks nor rocks when people scattered after the shot was fired, but he could nearly “verify” that paving slabs were not being thrown.

[284] He said the army was spread across the road on foot further along Lenadoon Avenue to his right between the two blocks of maisonettes. He detailed in his 2022 statement there may have been two army vehicles, Armoured Personnel Carriers (“APC’s”) or ‘pigs’ as they were known, further down the hill close to Creeslough Park.

[285] In his 2022 statement he said that he did not recall any rubber bullets being fired by the army during that time. This was contrary to the 1971 statement which recorded that the soldiers had been firing rubber bullets all morning. He did not recall any shooting at the army. He commented “It was just this group of young lads throwing stones and HP Sauce at the army.”

[286] Mr Jordan did not see any lorry that had been hijacked. He did not recall an Ulsterbus blocking Lenadoon Avenue, nor any form of truck blocking it or crashing into a building.

[287] Mr Jordan believed the bottles of HP sauce arrived on a factory type trolley. The 1971 statement recorded specifically seeing a lad coming down Glenveagh Drive with the factory trolley, loaded with cartons of HP sauce. It said that a number of lads went over from the crowd and took a carton each. The rioters returned to their position in the crowd and began throwing HP sauce at the soldiers.

[288] In oral evidence, he said that he could recall specifically that it was HP sauce as people were laughing as it seemed comical, “I’ve a kind of vague memory of them bringing in this trolley thing ... everybody was amused at these boys bringing this”. He could not smell the sauce that day but said he saw the bottles in the clean up the following day. He confirmed that the HP bottles were glass, they were the standard HP sauce bottles. Mr Jordan stated that he would have been 100-200 yards away from the rioters throwing the glass HP sauce bottles.

[289] The 1971 statement explains that Mr Jordan heard three to five single shots, followed by a single shot from either behind the Saracens or from the garden of 2 Creeslough Park.

[290] Contrary to the 1971 statement, in his 2022 statement and during his oral evidence, Mr Jordan recalled hearing only one single shot being fired. He said it was fired into the middle of the crowd without warning, either from the army Saracens that were across Lenadoon Avenue or from Creeslough Park where the army were positioned. He believed the one shot hit three different lads who were standing close together. He said the crowd charged forward when the shot rang out. This was the only shot he heard.

[291] Mr Jordan claimed that the deceased was the first to be shot, and “he fell dead in the middle of Lenadoon Avenue between two blocks of maisonettes”. Because of the slope, with the army being in the lower position than the rioters, he said the same shot then hit a second lad on the hip, and he fell. He said he just dropped and did not appear to move. When asked how he knew that the second lad was shot, Mr Jordan commented that it was “conjecture ... Look, I could be wrong completely, but I will maintain that I only heard one shot that day.” He went on to say:

“I am not sure what happened to him as after the shot was fired, the army then made a charge forward and the rest of the young lads ran back and just scattered. That was when I saw the third lad who was able to run but very slowly. He got left behind and had just made his own way back as far as the gable end of the shops opposite my house when the red berets caught up with him. They collared him and they beat him up. I could see red blood on the leg of his trousers.”

[292] Mr Jordan detailed seeing two soldiers apprehend the third person shot, one soldier was Black, “and very well set, wearing a red beret.” Mr Jordan claimed that this Black soldier was one of the soldiers who beat up the third lad, and he stuck out in his memory because of his colour. He claimed that this took place at the gable wall of the shops. He said that one soldier hit this third individual with the butt of his rifle, and the Black soldier was punching him. A man, whom Mr Jordan did not know, tried to interject to stop the lad from getting beat up, but the army turned on him. He thinks that both men were taken away by the army.

[293] In relation to the position of the deceased after he was shot, Mr Jordan confirmed in oral evidence that the deceased was on Lenadoon Avenue, “to the entrance of Glenveagh Drive, the broad area”.

[294] The 1971 statement recorded that CS gas was fired, approximately three canisters, and no petrol bombs nor nail bombs were thrown at the army. In oral evidence he stated, “I don’t remember CS gas at all that day”, and that there was glass and rubble on the ground the next day.

[295] In relation to the 1971 statement, Mr Jordan confirmed that he did recall a man attending his house to speak to him and the man took notes. He agreed that the 1971 statement did not refer to a Black soldier, nor did it refer to soldiers beating

anyone. He said he made a statement in 1971 but not the one which is before this inquest.

[296] When asked if a warning had been issued prior to the shot being deployed, he said there was a possibility, but he could not be sure, “they were just throwing stones or HP bottles ... they shot without justification, as far as I was concerned ...”

[297] Mr Jordan was shown the photographs VP1-VP4. He did not believe that photographs VP1-4 were taken on the same day or were at a different time on that date, as this riot happened further up Lenadoon Avenue in front of his house and not in the position shown in these photographs. He was not in these photographs, nor did he recognise anyone.

Deirdre Finnegan

[298] Ms Deirdre Finnegan assisted this inquest by providing a statement to my investigator in 2023, and she gave oral evidence to the inquest. A statement/attendance note dated 7 September 2016 recorded by the NOK’s solicitors was also attributed to Ms Finnegan (referred to below as the ‘2016 document’) however, she disputed some of the facts contained therein. The 2016 document was not signed by her.

[299] In 1971, Ms Finnegan was 15 years old and lived with her mother and father at 56 Ramone Gardens, Belfast. She did not know the deceased. On the morning of the 9 August 1971, Ms Finnegan told the court that she was at home with her mother, Annie McDonnell. Around mid-day her mother grew concerned for her two sons who had left the home earlier that day. Ms Finnegan and her mother went to look for them in the local area. The 2016 document stated that Ms Finnegan and her mother made their way to Lenadoon to investigate what was going on, and she did not mention her brothers.

[300] As they walked to Lenadoon, there were roadblocks around the estate, and she saw crowds at the top of Lenadoon Avenue, near the flats and the shops. She was told that there was a roadblock at the bottom of Shaws Road, at the junction with Stewartstown.

[301] When Ms Finnegan and her mother arrived, there was a large crowd looking on. The people watching were standing on the curve on Lenadoon Avenue. The onlookers were on both sides of the road, and they were at the top of the hill near the flats or maisonettes. Ms Finnegan described approximately 50 to 70 youths throwing stones and bottles at the army. She declared that the rioters were predominantly young men. She stated that the army had parked their Saracens down the hill, and this seemed to be the focus of the crowd’s attention. The 2016 document detailed that Ms Finnegan was there for the “beginning of the rioting”. Ms Finnegan told the inquest that this was incorrect, and the rioting had already commenced by the time she and her mother arrived.

[302] She explained that the situation quickly developed into a full-scale riot, and Ms Finnegan and her mother watched on from the footpath. Some of the crowds were assisting the stone throwers by pulling paving stones up, breaking them up and taking them down in wheelbarrows to the people rioting. She described being on the footpath near 1 Glenveagh Drive. The rioters were approximately 15 yards away and at the junction of Glenveagh Drive and Lenadoon Avenue.

[303] Ms Finnegan was referred to photograph VP3. She marked her position as being in and around the beginning of the railing on the right-hand side, at the back. She described how the block of flats in the background was 1 Glenveagh Drive. She described how the army Saracen and jeeps were close to the junction of Lenadoon Avenue and Creeslough Park. She said that there were "loads" of rubber bullets fired prior to the live round, which was contrary to the 2016 document (which stated "prior to the live rounds I was not aware of any rubber bullets being fired"). She said the army was firing rubber bullets when she and her mother arrived.

[304] When the crowd ran out of things to throw, Ms Finnegan told the inquest that she saw some of them go into the shop and come out with stock including one box of sauce. She claimed that she saw the deceased come out with a box. Ms Finnegan did not refer to seeing the rioters going into the shop in the 2016 document. She said that the deceased put the box on the road, and it was opened. The box contained possibly 12 glass bottles of sauce.

[305] Ms Finnegan believed that the deceased was shot when attempting to throw his first HP sauce bottle at the soldiers. She said she heard a completely different noise, like a piercing sound, which she and everyone knew was a live round.

[306] Ms Finnegan described the deceased as being "with the crowd but he wasn't, like, surrounded. He was further out than the rest and like, only by two feet or something ...", meaning at times he was closer to the army. She confirmed that she specifically remembered seeing a bottle in his hand when he was shot. She said that people ran back or got on all fours after the shot rang out. She was there for approximately 20 minutes before she heard the live round being fired.

[307] Ms Finnegan said she looked over and saw that the deceased was not moving. She described how she was about five to six yards away from the deceased when he was shot. The deceased was in the middle of the road, and Ms Finnegan and her mother were positioned to his right.

[308] During her oral evidence, Ms Finnegan referred to photograph VP4 showing the Saracen on Lenadoon Avenue. She stated, "The shot came from over the right-hand side of the jeep as you look at this photograph." She described how the deceased was shot by the first live round that was fired.

[309] It was stated in both the 2023 statement and the 2016 document that Ms Finnegan saw the soldier who shot the deceased. In her 2023 statement she said that the shooter was standing up on the back of the jeep, and the shot came from the

right-hand side of the jeep seen in photograph VP4. The 2016 document records that Ms Finnegan believed the soldier who shot the deceased to be Black in ethnicity. She later denied in her oral evidence that she saw who shot the deceased, and she only saw the deceased laying on the ground once the live round rang out.

[310] In the 2016 document, Ms Finnegan stated that she observed the deceased during the rioting, "he was in my view the entire time." She said that after the deceased was shot, the soldiers began firing at anyone who came close to the deceased's body. She said that she and her mother attempted to move his body and pull him into the crowd who were surging forward again. However, shots were then directed at them, ricocheting up from the ground in front of them. They had to retreat to avoid the shots.

[311] She said that after about 10 to 15 minutes, the soldiers began moving up Lenadoon to where the deceased's body was, and as they did, Ms Finnegan saw a Black soldier, who was positioned close to the flats at the junction of Creeslough Park and Lenadoon Avenue, put his finger in the air. She believed it was this Black soldier who shot the deceased because of his action, like he was saying, 'one-nil.' Ms Finnegan did not refer to this hand gesture by the Black soldier in her 2016 document.

[312] Ms Finnegan told the inquest that it was Liam Aldridge that suggested to her that the finger in the air by the Black soldier meant 'one nil'. He was approximately 12-14 years old at the time. When questioned about this gesture, she robustly stated, "I'm not being a racist or anything, it was the very first time I'd ever seen a Black man in my life". She explained that she did not mention this in her 2016 document as she believed she was to go back to the solicitor and amend it and make a more fulsome statement at a later date.

[313] Ms Finnegan depicted how two soldiers then moved forward, up Lenadoon Avenue, to cover a snatch squad and the Saracen. The soldiers took the deceased by a leg each and trailed him through all the debris, not to the first Saracen, but to a second one that was facing down Lenadoon Avenue about 100 to 120 yards from where he was shot; "It seems silly now but all I could think about at the time was the bricks and glass cutting into his back, even though having gotten close to the deceased, I was not sure if he was dead."

[314] The 2016 document records that the army proceeded to throw the deceased's body in the back of the Saracen. She confirmed that the front of the jeep was effectively parked, looking out of Creeslough Park and on to Lenadoon Avenue and that the Saracen back doors were open, facing the crowd. The document states that the Saracen sat there for another hour, hour and a half before moving on and at no point did the army check to see if he was alive or breathing or attempt to bring him to hospital.

[315] The statements of Soldiers A to E, which variously referred to only two shots being fired, one at an individual who was in the process of throwing a petrol bomb

and another on the direction of a more senior officer, at a second individual who was in the process of throwing a petrol bomb, were put to Ms Finnegan. She told the inquest that no petrol bombs were used. She denied that any soldier checked for life and that steps were taken to rush the body to hospital.

[316] Ms Finnegan asserted that the deceased was only a very short distance from her when he was shot, only a matter of feet. She did not identify her mother or the deceased in the photographs VP1-VP4.

[317] Ms Finnegan believed there were more than 8 shots fired:

“According to the wall at the side of the house and the flats, there must've been at least 50 to 60 bullet holes in each of them or sorry, between the two of them. They were there up to about 15 years ago and then they were covered up.”

[318] Ms Finnegan claimed that other people were injured because of gunshot wounds, although she could only recall John McArdle as being one of the persons injured, as he was her neighbour and lived around the corner.

[319] She explained that the rioting petered out after the deceased was shot, Ms Finnegan and her mother continued looking for her brothers, only to find them sitting at home when they returned.

[320] Ms Finnegan could not offer any further reason why she and her mother remained at this riot situation despite the concerns for their safety. She stated, “It's just to see where there were rioters, probably out of nosiness as well. Everybody just headed towards it.”

[321] At no time during the rioting at Lenadoon Avenue did Ms Finnegan see anyone throw a petrol bomb at the army, nor did she see or hear anyone fire live rounds, apart from the army. She only saw the crowd throw bottles, stones and whatever bits of debris they could get their hands on.

[322] In relation to the 2016 document, Ms Finnegan confirmed that some of the “facts in it were wrong”. The NOK's solicitors had an advert in her local paper asking for any witnesses to come forward, so she contacted them, and they made a written note but never heard from them again. This was the first time she had given an account on what happened. But she had spoken to other people about it since the incident.

Henry McCabe

[323] Mr Henry McCabe assisted this inquest by attending to give oral evidence. He made a statement after the incident in 1971 to a person whom he believed was from Association for Legal Justice, and he attended the original inquest in 1971 but did not give evidence.

[324] Mr McCabe lived at 30 Glenveagh Drive and was a postman. He was in his thirties at the time. He did not know the deceased but recognised the name as the family lived in Bunbeg Park.

[325] On 9 August 1971, he heard a? commotion outside. He left his house and went down to escort his wife home who had been at the shop. He met up with her just below number 13 Glenveagh Drive. His wife went on home.

[326] Mr McCabe claimed that he had a clear view straight down Lenadoon Avenue as he was standing at the railings which were to the left-hand side of number 1 Glenveagh Drive. He believed it was afternoon time, probably after lunchtime.

[327] Mr McCabe told the inquest that there were no petrol bombs being thrown. The rioters were pulling up paving stones and breaking them up. They were breaking them up from the front of 2 Glenveagh Drive, "there was a small verge there, but just off the verge was completely paving stones ... that's where they had pulled the paving stones up and smashed them up ... and started to throw them ...". He said there were approximately 70 people, quite young, 15 - 17years old. There were no adults. They threw stones and ran back to the safety of the maisonettes. He stated that they were around number 144 Lenadoon Avenue down to the corner of Creeslough Park.

[328] In the 1971 statement, Mr McCabe said that the army had three Saracen vehicles at the corner of Creeslough Park and Lenadoon Avenue. During his oral evidence, he described "two armoured cars" parked at this location, with soldiers on foot behind the vehicles. They were being attacked by a constant bombardment of stones and bottles.

[329] Mr McCabe described how three soldiers:

"took up a position in the gardens of 144 and 142 Lenadoon Avenue. They were continually firing rubber bullets into the crowd. The soldiers were making obscene and provocative signs at the people. They took up their rifles as if they were about to shoot into the middle of the people".

[330] In his statement, Mr McCabe outlined how small white boxes were taken from a hijacked medium sized white van earlier in the day, which was sitting at the top end of Creeslough Park. He did not see the van getting hijacked but saw the back doors of the van lying open, facing the back wall of the block of flats at 2 Glenveagh Drive. Empty boxes were laying around it, so he assumed that it was hijacked. They opened the small cartons, lifted out the sauce bottles and threw them at the soldiers. They were small sauce bottles, which he believed to be the shape of HP sauce. Mr McCabe referred to the shape of the bottle as "a wee dumpy bottle ... it looks like Big Ben ...".

[331] He said the army retaliated by firing rubber bullets. The soldiers were up as far either 142 or 144 Lenadoon Avenue, directly opposite where the rioting was and where the bottles of sauce were being thrown. He then heard a high velocity shot fired, which struck the deceased.

[332] Mr McCabe told the inquest that the deceased had been in the middle of the rioters before he advanced forward down the hill to throw the glass bottle at the soldiers, when he was shot.

[333] Mr McCabe described the deceased spinning round falling on to his back. He said he saw two lads who had been rioting try to remove his body, pulling it away. Mr McCabe explained that the deceased was shot on the pavement outside the entrance door to 2 Glenveagh Drive. He believed he was shot from approximately 30 yards.

[334] It was put to Mr McCabe that from where he was standing, he would not have been able to reliably identify the type of bottle that the deceased was throwing. Mr McCabe replied, "I could tell you it was bottles that were taken from the cartons. They were, certainly to me they looked like the HP. They were like a blue label on the bottle ... it was bottles of sauce".

[335] Mr McCabe went on to describe how, after the deceased was shot, the soldiers came out from possibly 144 or 142 and fired CS gas at the rioters. The two rioters who attempted to go to the deceased's aid dispersed. While that was going on, the rest of the soldiers had come up in an armoured car:

"The child was lying in the street, out on the kerb, full out like that and they grabbed - lifted the child by the arms and they dragged him like a dog, what you would have done if a dog had have been lying on the street ... they never checked to find - to see if the child died - was dead. They checked nothing like that, even if they could have helped him, but they didn't, they just dragged him - one grabbed the arms eventually and the other one grabbed the feet, and they threw him into the back of the - of the Saracen armoured car and left the scene."

[336] Mr McCabe stated in oral evidence that the youth was initially trailed by one soldier, and then another soldier got out, and both soldiers trailed him. He saw blood coming from the back part of the deceased's body. This detail was not included in his 1971 statement, and he accepted that his description of the removal of the deceased's body in his oral evidence before me was "more serious" than his original account.

[337] Mr McCabe said that the Saracen reversed slowly back to the position of the other Saracens and turned around and drove down Lenadoon Avenue towards Stewartstown Road.

[338] He stated that during this period, the army issued no warning whatsoever about shooting CS gas or bullets.

[339] The rioting then appeared to end. CS gas was fired down the back of Glenveagh Drive and this went on for a couple of hours. Mr McCabe stated that he stood at the railings for approximately one hour before he left.

[340] Mr McCabe could remember only one shot being fired that day.

[341] Mr McCabe's wife, Una McCabe sought and was granted medical excusal. A statement/personal attendance note, recorded on 22 July 2015, by the NOK's solicitor was attributed to Mrs McCabe and was entered into evidence under Rule 17. She stated that she did not witness the shooting of the deceased. She was on the other side of the Creeslough Park maisonettes which obstructed her view of the crowd, but she stated that she did see the soldiers. She stated that she saw a number of soldiers firing live ammunition at the crowd.

Kathleen Brennan (nee Aldridge)

[342] Ms Kathleen Brennan provided a written statement to my investigator on 6 April 2022, and she gave oral evidence to the inquest. She had also attended with the NOK's solicitors and there was a resulting statement/attendance note, dated 12 September 2016 which was signed.

[343] Ms Brennan told the inquest that on 9 August 1971 she was 15 years old and lived with her family in 13 Glenveagh Drive. She described how, "Glenveagh Drive cuts across the top of Lenadoon Avenue and is in a raised position that gives a clear view down Lenadoon Avenue." Outside of Ms Brennan's front door, there were railings, and she stood at these railings watching the events unfold throughout the day. In her 2016 statement she estimated the distance to be around a few hundred yards between her position and the disturbance. She told the inquest that she knew who the deceased was in 1971 as he lived in the estate, but she did not know him personally.

[344] Ms Brennan explained that trouble had been going on all day because of internment, and it started off mainly as local kids from the area throwing stones at the soldiers and army vehicles as they patrolled the area. She recalled observing kids looting and hijacking vans that delivered to the Lenadoon shops and subsequently throwing the items they had taken at the army. It then progressed as the day went on and people came from other areas and older people, those between 15 years old and up to their twenties, became involved. Ms Brennan stated that this was at around 4.00pm however she couldn't be exactly sure of this. She stated:

"Saracens and soldiers had been moving up and down Lenadoon Avenue and the crowd moving back and forth as the rioting continued throughout the afternoon. The army had been firing rubber bullets at the crowd."

[345] Ms Brennan placed the soldiers on foot at the corner of the flats at the junction of Creeslough Park and Lenadoon Avenue, 99 Lenadoon Avenue, highlighting VP2. She stated that most of the rioting was taking place at the back of the flats at 2 Glenveagh Drive, at the top of the hill in Lenadoon. This meant that it was happening between her position and that of the soldiers. She recalled one Saracen parked on Lenadoon Avenue at its junction with Creeslough Park itself but could not remember if there was more than one. There were some soldiers behind the Saracen also.

[346] The crowd was around 50 people and Ms Brennan outlined how she could see by the colour of the labels on the bottles being thrown that it was HP sauce. Ms Brennan heard a shot being fired and everyone ducked down. When the crowd stood up again, one person remained on the ground. She heard people shouting, "somebody has been shot". Ms Brennan now knows this was the deceased but did not know it at the time. The 2016 document stated that, "Dessie had a bottle of HP sauce in his hand when I heard a shot ring out". In her oral evidence, she stated she was looking at the crowd when the shot rang out and not at the deceased directly. She also added that the bottle of sauce was at the deceased's right hand and as he lay on the ground. She estimated her distance from the rioters as 100 yards.

[347] Ms Brennan was then moved inside by her mother and watched the rest of the disorder from her living room window. The 2016 document stated that she did not see who fired the shot. Ms Brennan stated that the deceased was lying on the left-hand side of Lenadoon Avenue, near the top of the hill and was on the road close to the kerb on the right-hand side. She said she saw three or four boys going over to lift him but as they did, another shot rang out. The boys ducked down and dropped the deceased as they did. They then ran away, and a Saracen came up the road with soldiers behind it on foot.

[348] The Saracen drew level with the body. Ms Brennan saw two soldiers lift one foot each and trail the body of the deceased through the debris of the riot and then put it in the back of the Saracen. She stated it was one soldier who trailed the deceased face down through the broken glass and debris back to the Saracen.

[349] The riot continued for a while, but the numbers faded away after the live rounds had been fired.

[350] Ms Brennan confirmed to the inquest that she did not recall seeing a hijacked bus or any CS gas being fired. She did not recall any petrol bombs in the area during the day but noted there may have been some later that night. Ms Brennan told the inquest she could see the flashes of the petrol going up as they were thrown in the darkness, observing from the door of her house again.

[351] Ms Brennan identified her mother in the photograph VP3, standing behind railings in the background of the rioting: "My mother, Catherine Aldridge, is wearing a white top and I believe I am standing directly beside her and to her left, but on her right as you look at this photograph. This photograph accurately portrays

the view I had of events that day.” She now believes that this photograph was likely taken not long before the deceased was shot as once the live shots had been fired, she would have been brought inside by her mother.

[352] Ms Brennan was also asked about the statement bearing her mother’s name, now deceased, which was provided to the Association for Legal Justice in 1971. Ms Brennan said she was with her mother when her mother provided the statement. It was brought to Ms Brennan’s attention that her mother did not detail her as being present when she observed the deceased being shot, although she does list other family members. Ms Brennan confirmed to the inquest that she was present, stating, “oh I was there, definitely.”

[353] Ms Brennan told the inquest of the existence of film footage of the rioting on Lenadoon Avenue that day. She described how she went to a neighbour’s house in Glenveagh Drive. She thought this was within a year of the death. She believed it was the home of James McCaughley. There was a projector set up, and cinefilm was played onto a screen. While she cannot be certain it shows the deceased being shot, she was sure that it showed boys going over to lift him after he was shot and some of the other events, she described taking place in Lenadoon that day.

Patrick Livingstone

[354] Mr Patrick Livingstone provided a written statement to my investigator on 28 April 2022. There was also a statement/attendance recorded by the NOK’s solicitors, dated 24 July 2015, bearing his name and a handwritten signature. He was summonsed to attend the inquest to provide oral evidence but failed to do so. As a result, counsel for the PIPs did not have the opportunity to question Mr Livingstone on the contents of his written statements. He is a brother of Martin Livingstone, whom I referred to earlier.

[355] The following information was provided in his written account. In August 1971 Mr Livingstone lived with his family in Lenadoon. He was 20 years old. He did not know the deceased that well, as the deceased was younger than him. He did know him to see around the area. Mr Livingstone described, how, on 9 August 1971, the area was in pandemonium due to the introduction of internment. He woke around 4.00am to the noise of houses being raided by soldiers. When he went outside it was daylight. There were crowds of people hijacking lorries and buses and putting them across the roads. Mr Livingstone surmised that this was probably after 7.00am as the buses didn’t start running until that time.

[356] Mr Livingstone’s statement described a bus across Lenadoon Avenue, close to the junction with Creeslough Park. There were soldiers and a Saracen positioned at the side of the flats. There was a crowd of around 40 to 50 strong, most of whom were younger than Mr Livingstone, “there were lots of young ones including my brother Martin, who was 14 at the time, and possibly some of my brothers who I was trying to get to go home without success.” Mr Livingstone and his friends joined in the rioting and started to throw stones, bricks and bottles at the soldiers who were

around 20 yards away from them. He described how "Some people were pulling up paving stones and smashing them into pieces to throw."

[357] Mr Livingstone noted two soldiers at the corner of some flats, an 'Asian' soldier, possibly Pakistani with a high-powered rifle and a Black soldier with a rubber bullet gun. He stated they were in a similar position to that shown in VP2, but he did not believe that VP2 was taken at the time the deceased was shot.

[358] He said that at some point, people came down towards the crowd with boxes which Mr Livingstone believed were from a van in the distance close to the shops on Lenadoon Avenue. Mr Livingstone was told it was a NAAFI lorry filled with army food. When the boxes were opened, they contained bottles of HP sauce, and the crowd started to throw them at the soldiers. At this point, Mr Livingstone placed himself near the front of the crowd on the grass area shown on the right-hand side of photograph VP3. He identified himself in VP3 as the person in the act of throwing, "I am almost certain this person is me." Mr Livingstone identified the person waving the flag as Seamus Simpson, who died on 11 August 1971.

[359] The soldiers had been firing rubber bullets at the crowd regularly and Mr Livingstone was hit in the stomach with a rubber bullet. He described how the deceased was 3 or 4 feet in front of him, to his right, not much more than an arm's length away. He was on the footpath in front of the grass area on the left-hand side of Lenadoon Avenue looking down the hill with the soldiers on the right at the corner of the flats, only the width of the road away. He commented:

"They were close enough to us to see exactly what we were throwing, and we would have been close enough to them to hear any warning given that they were going to fire live rounds, but no warning was given."

[360] Immediately after Mr Livingstone was hit in the stomach by the rubber bullet, live rounds were fired and one hit the deceased in front of Mr Livingstone and another hit John McArdle, severing his belt and leaving him with a flesh wound at waist height. Due to the noise, Mr Livingstone was unable to state how many live rounds were fired. The soldiers fired diagonally across Lenadoon Avenue from a slightly lower position than the crowd. He believed that it was the Asian soldier that shot the deceased. Mr Livingstone said that he and Mr McArdle remained on their feet and were able to run up Lenadoon Avenue around the turn in the bend. When he looked around, Mr Livingstone saw two soldiers had grabbed the deceased by his ankles and were trailing him down Lenadoon Avenue through rubble and broken bottles.

[361] The soldiers left the deceased behind the blockade of the bus and unattended in front of a crowd of Loyalists, who then kicked and spat on his body. Mr Livingstone did not see what happened to the deceased after this.

[362] Mr Livingstone stated, “when the live rounds were fired Dessie Healey did not have a petrol bomb, I had not seen a petrol bomb at all that morning.”

Robert (Roy) McDowell

[363] Mr Robert (Roy) McDowell provided a statement to my investigator on 16 June 2022. He had previously made a statement to the Association for Legal Justice in 1971, which he exhibited to his inquest statement and which he did not dispute. Mr McDowell’s documents were admitted into evidence under Rule 17, and he did not give oral evidence.

[364] Mr McDowell identified VP3 and VP4 as showing the row of houses where he lived and stated that the photographs showed the view of events he would have had at the time and how close he was to the incident.

[365] In his 1971 statement, Mr McDowell described how, on 10 August 1971 he was standing at his door at 21 Glenveagh Drive and observed a riot taking place. The crowd was made up of 50 civilians, mostly teenagers, engaging the soldiers. The soldiers came up Lenadoon Avenue, and the teenagers threw bottles and stones at the army who responded by firing two or three rounds of rubber bullets. The teenagers ran back and then regrouped to come forward again. The soldiers then opened fire with tear gas and more rubber bullets, and the crowd again retreated.

[366] The teenagers regrouped again and ran down towards the soldiers who fired approximately three rubber bullets along with a gun shot. The teenagers retreated again, and Mr McDowell saw the deceased lying on the ground. Two youths were standing beside him, trying to lift him up and run away but by this time two Saracens drove up towards them and the youths ran away. The soldiers ran to the body; one lifted his head by his hair and put his hands over his face which Mr McDowell assumed was to close his eyes. After this, the two soldiers grabbed the body by the ankles and dragged it 10 to 15 yards through broken bottles and threw it into the Saracen. Mr McDowell stated, “I would like to make note of this, no petrol bombs, no ammunition of any sort, only bottles and stones. Most of them was [sic] empty bottles.”

[367] When the deceased fell, Mr McDowell stated he was holding a HP sauce bottle, and he was disgusted at what he saw. He concluded, “I would also like to point out that there was no warning whatsoever before they opened fire with the rifle. On this occasion, there was no warning whatsoever. They fired the same time as they fired rubber bullets.”

Teresa O’Neill

[368] Mrs Teresa O’Neill provided an undated witness statement to the Association for Legal Justice in 1971, which was read into evidence under Rule 17, as she is sadly now deceased. It is believed this statement, which bears a typed signature, was provided in 1971, shortly after the deceased’s death. I will summarise its contents.

[369] Mrs O'Neill lived in 105 Lenadoon Avenue with her family. Between 1.30pm and 2.00pm on 9 August 1971, Mrs O'Neill was standing in her living room with her two sons, one of whom was Terry (named below). They were watching the crowd throwing stones and bottles of sauce at the soldiers. Mrs O'Neill described how the crowd was at the bend of the hill in Lenadoon Avenue at the junction of Glenveagh Drive and the soldiers were approximately ten feet away from them.

[370] Mrs O'Neill stated that about twenty to thirty soldiers were spread out across the road and on the green. Some of the crowd ran forward to pick up an object but the soldiers got there first and picked it up and left it between two yellow crates and then one soldier went on the right-hand side and roughly handled the object. Her son stated that someone had been shot. Mrs O'Neill described how the soldiers seemed to join the other soldier in a delighted manner when they found that the object was a child. Mrs O'Neill stated that no one was throwing petrol bombs or shooting at the soldiers and the only weapons the crowd had were stones and bottles.

[371] Mrs O'Neill went on to describe how three or four soldiers called the Saracen up and they trailed the body up and threw it in a pig-like manner in the back of the Saracen. She could see the legs of the body hanging down the back of the Saracen. The Saracen then reversed quickly down Lenadoon Avenue and into Creeslough Park and then drove off.

Terence O'Neill

[372] Mr Terence O'Neill provided a statement to the Association for Legal Justice, which was understood to have been made in 1971. It bears a typed signature, rather than a handwritten signature. Mr O'Neill is now sadly deceased, and the statement was admitted into evidence under Rule 17. I will summarise its contents.

[373] Mr O'Neill lived at 105 Lenadoon Avenue with his mother Teresa O'Neill and siblings. Between 2.00pm and 3.00pm on 9 August 1971, he was standing looking out the front room window with his mother and younger brother. He saw a large crowd throwing stones and bottles at the army. This crowd consisted of between 100 and 150 people. It included some adults aged about 30 to 40 years. The rest were younger and aged from 12 years old upwards.

[374] Mr O'Neill described how the crowd was gathered at the railings in front of the maisonettes at 146 Lenadoon Avenue. The army was at the maisonettes numbered 99 Lenadoon Avenue. There were two soldiers at this position. One of these soldiers was in a crouching position and he was looking up Lenadoon Avenue. The other soldier was standing over him, looking in the same direction. The soldier who was crouching had a rifle held at his waist. Two more soldiers were at 2 Creeslough Park. He believed that there were two Saracens blocking Lenadoon Avenue at the junction of Creeslough Park and Lenadoon Avenue.

[375] The crowd was throwing missiles for 10 to 15 minutes at the Saracens which were out of range. Most of the throwing was at the two soldiers who were at the corner of Creeslough Park, at the maisonettes numbered 99 Lenadoon Avenue. The soldier at the Saracens fired rubber bullets now and again. The rubber bullets appeared to rise above the crowd. Mr O'Neill stated that he heard one long burst of automatic fire. It appeared to come from the direction of Creeslough Park.

[376] Mr O'Neill saw the soldiers dive for cover when he was taking his siblings to his grandmother's house, and he heard the automatic fire. They were standing on the green, on the corner of Dungloe Crescent and Glenveagh Drive. Their father was also with them. He took them to their grandmother's and Mr O'Neill returned to his house. He then heard two shots being fired. He thought that this was the soldiers returning fire. He returned to the living room where his mother and brother were still looking out the window. After a few minutes the crowd seemed to think that the soldiers were going to charge. The crowd turned to run up the hill and then he heard a shot followed by a few rubber bullets.

[377] Mr O'Neill described how a young lad fell on the footpath just below the maisonette railings at 146 Lenadoon Avenue. The crowd dragged him a few feet and he was then left lying on the road. The crowd scattered and the two Saracens then came up Lenadoon Avenue, they stopped beside a pile of boxes where the young lad was lying. Two soldiers picked him up by the shoulders and ankles. They then tossed him into the back of the Saracen, the Saracen reversed down Lenadoon Avenue to its previous position.

Edmund Higgins

[378] Mr Edmund Higgins provided a statement to the Association for Legal Justice, believed to be in 1971. It contained a typed signature. He attended the original inquest in 1971 to give evidence. His statement was admitted into evidence under Rule 17. There is no recent account from him. I will summarise the contents of the 1971 statement.

[379] Mr Higgins described how, on the morning of 9 August 1971, a barricade consisting of a single deck Ulsterbus and some pieces of rubble had been placed across Lenadoon Avenue at the junction with Creeslough Park. Sometime before noon, the army arrived at the barricade, and a small crowd gathered. Most of the crowd were teenagers.

[380] Mr Higgins described how the crowd began throwing some stones but mostly bottles, at the army. He thought that there were three army vehicles at the barricade. About a dozen soldiers jumped out. Two soldiers took up a position in the garden of what he thought was number 142 Lenadoon Avenue. Three soldiers came up the back of the maisonettes numbered 146 Lenadoon Avenue. By this time two soldiers had fired two or three rubber bullets. The crowd retreated up Lenadoon Avenue as the soldiers progressed. The soldiers kept firing rubber bullets at the crowd, which was getting bigger. The crowd continued to throw bottles and stones at the army.

The soldiers ran up Lenadoon Avenue towards the shops and another soldier, a Black soldier, took up position at the wall beside the layby which was on the left-hand side of Lenadoon Avenue going towards Shaw's Road. This layby was almost opposite the shops and Lenadoon Avenue.

[381] Mr Higgins recalled two soldiers marching a youth in a blue suit down Lenadoon Avenue from the direction of the shops towards an army vehicle. Soldiers were in the garden of 142 Lenadoon Ave and in the garden of the house which was at the corner of Lenadoon Avenue and Creeslough Park and in the corner of the maisonettes at 99 Lenadoon Avenue. The Black soldier was standing at the southern corner of these maisonettes looking up towards Glenveagh direction.

[382] Mr Higgins stated that young lads arrived in a Lyle and Kinahan lorry from the direction of Shaw's Road. Lyle and Kinahan was a local bottling plant. It stopped about halfway between the shops and the maisonettes in Lenadoon Avenue. Some people took the crates and bottles off the lorry and brought them down towards the crowd.

[383] He said rubber bullets were fired at the crowd, and they continued throwing objects at the soldiers. Mr Higgins recalled seeing the youth in the blue suit lying face down with his legs on the road and his face on the footpath. He was lying about two or three feet behind where the Saracens were parked at the corner of Creeslough Park and Lenadoon Avenue. He was lying on the even numbered side of Lenadoon Avenue. Mr Higgins stated that it appeared he had a leather strap tied around his ankles, another around his thighs and another strap holding his arms against his sides and he appeared to have something around his neck. Bottles and stones were falling around him, but he did not move.

[384] Mr Higgins described how rubber bullets were still being fired and each time the crowd ducked. Between rubber bullets, the crowd continued to throw bottles and stones at the army. During this time, about six cartons of HP sauce arrived on a trolley. The crowd then threw these at the army.

[385] Mr Higgins then stated he heard three pistol shots being fired at the army. The soldiers fired about 8 to 10 rounds up the lower part of Creeslough Park. Mr Higgins stated that he heard one shot, and the crowd ducked and turned and ran up Lenadoon Avenue. He then heard another shot and saw a figure fall. This person fell about a foot out from the curb on the right-hand side of Lenadoon Avenue going up at the southern corner of 146 Lenadoon Avenue. He then saw the figure lying on the ground about 20 feet further up Lenadoon Avenue. Mr Higgins heard someone say, 'he's dead, he's dead'. The crowd retreated and were stunned at what had happened.

[386] A Saracen came up to where the body lay and stopped. The crowd stoned the soldiers who got out of the Saracen. Two soldiers pulled the body along the road for a few feet until they reached the back of the Saracen. One soldier had his arms under the boy's armpits the other soldier carried his legs. The back and buttocks of the boy were trailing on the ground. They threw him into the back of the Saracen.

The Saracen then reversed down to its original position. Mr Higgins stated that no petrol bombs or nail bombs were thrown at the army.

Oliver Gillen

[387] Mr Oliver Gillen provided a statement to the Association for Legal Justice, believed to be in 1971. It bears a typed signature. He is reported to have given evidence at the original inquest. He is now sadly deceased, there is no recent statement from him for the purposes of this inquest, and his 1971 statement was admitted into evidence under Rule 17. I will summarise the contents of this statement.

[388] Mr Gillen described how, at approximately 7.30am on 9 August 1971, a barricade was erected across Lenadoon Avenue at the junction with Creeslough Park. He believed the army arrived at the barricade at around 10.30am. A small crowd of young people gathered in Lenadoon Avenue at the entrance to Glenveagh outside the maisonettes numbered 2 Glenveagh Drive. After about 20 to 30 minutes the army made a charge up Lenadoon Avenue towards the shops.

[389] Mr Gillen described how he saw the army trail a lad aged about 16 years old from the shops to about 148 Lenadoon Avenue where a Saracen was waiting. By this time, a big crowd of soldiers, about 50 strong, had arrived beside the Saracen. Word then got around that the soldiers have given the lad a kicking and this brought a large crowd of men and women out onto Lenadoon Avenue. He said the crowd fired bottles and stones at the army. The soldiers then opened with rubber bullets. They then retreated to the junction of Creeslough Park. There was a continuous barrage of stones and bottles being thrown at the army. This continued for perhaps an hour or so.

[390] During this barrage someone had jumped into a Lyle and Kinahan lorry and tried to ram two Saracens which had replaced the civilian barricade at the junction of Creeslough Park and Lenadoon Avenue. The lorry ended up in the garden of the house at the corner of Lenadoon Avenue and Creeslough Park. Further stones and bottles were thrown and the army responded with rubber bullets.

[391] During the time of rubber bullets, Mr Gillen heard a burst of gunfire which he thought consisted of around five rounds. This was between 12 noon and 1.00pm in the afternoon. He then saw a lad drop where he stood, and another lad spun round. This was on Lenadoon Avenue. Four men had got a hold of the lad that had spun around and lifted him up the street and brought him into the corner of Lenadoon pharmacy. Several lads attempted to lift the other lad, but the army fired CS gas and had charged towards the body. A Saracen stopped where the lad fell, and another Saracen continued up Lenadoon Avenue almost as far as the shops. This Saracen opened with CS gas and rubber bullets. The army lifted the lad that had been lying in the road and threw him into the back of the Saracen. This Saracen reversed down the hill. After this there was a running battle between the army and the civilians. Mr Gillen said there was no gunfire or explosive materials used against the army during

this period. As far as Mr Gillen knew there was a camera operator from Raidió Teilifís Éireann (RTÉ) present during the shooting.

[392] A newspaper article dated 6 November 1971, the day after the original inquest, contained comments from Mr Gillen. He appeared at the original inquest and gave evidence. He was reported as confirming he was present at the shooting of the deceased and there was resentment in the area to internment and bottles were thrown but not petrol bombs and in his opinion the army acted wrongly.

Thomas McAvoy

[393] Mr Thomas McAvoy provided a statement to members of the Association of Legal Justice, believed to be in 1971. It bears a typed signature. Mr Avoy was medically excused from giving evidence to this inquest and his statement was admitted into evidence under Rule 17, which I will summarise. He did not provide a more recent statement for the purposes of this inquest.

[394] Between 12 noon and 2.00pm on 9 August 1971, Mr McAvoy was standing looking over the railings which were in front of the maisonettes numbered 1 Glenveagh Drive. He was looking down towards the armoured cars which were blocking Lenadoon Avenue. He described a crowd of teenagers chanting and throwing stones at the soldiers. The soldiers opened with a few rubber bullets. An armoured Saracen came up Lenadoon Avenue from the corner of Creeslough Park. A group of soldiers about 15 strong followed the Saracen; they fired rubber bullets and a couple of canisters of CS gas to disperse the crowd. Saracens stopped near the shops in Lenadoon Avenue. The Saracen and the soldiers retreated down Lenadoon Avenue to where they were originally. The lads came back down Lenadoon Avenue throwing stones and bottles and bottles of sauce. This continued for about 15 minutes and then he heard shots which made a different sound from that of the rubber bullets. Mr McAvoy thought he heard about three or four single shots. Somebody said that the soldiers were firing real bullets. The lads ran when they heard the shots.

[395] Mr McAvoy saw one lad lying on the footpath just outside the maisonettes numbered 146 Lenadoon Avenue and one lad bent over him. The soldiers started shooting CS gas again and ran up Lenadoon Avenue. The lad who was bent down ran away. The rest of the crowd dispersed up the street. Mr McAvoy left and went to his own house. He stated that at no time was there gunfire, nail bombs or petrol bombs coming from the crowd.

Catherine Aldridge

[396] Mrs Catherine Aldridge gave a statement to the Association for Legal Justice, believed to be in 1971. It bears a typed signature. She is now sadly deceased, and her 1971 statement was admitted into evidence under Rule 17. I will summarise its contents.

[397] Mrs Aldridge lived at 13 Glenveagh Drive. In the early afternoon of 9 August 1971, she was looking through her sitting room window into Lenadoon Avenue. She and her husband Henry, daughter Kathleen Brennan (whom I mentioned earlier and who gave evidence to this inquest), and friend, together with two sons were watching the rioting which had started before noon. She stated that teenagers aged between 14 and 16 years old were throwing bottles and stones at the soldiers. The soldiers knelt on the green verge beside the maisonettes which were situated at the corner of Lenadoon Avenue and Creeslough Park. They took aim at the boys who were at the maisonettes at the corner of Lenadoon and Glenveagh Drive. The boys were also at the maisonettes on the other side of Lenadoon Avenue, on the even numbered side. She described how the soldiers fired a lot of riot gas and rubber bullets, and the boys started to run. She stated that one boy fell on the footpath at the end of the railings which surrounded the maisonettes at number 146 Lenadoon Avenue.

[398] A few of the boys picked the boy up and tried to run with him but dropped him. The soldiers continued to chase the boys and two of the soldiers dragged the boy by the heels down to the Saracens. She did not see anything further. Mrs Aldridge stated that there were no explosive substances of any kind thrown at the soldiers by the boys nor was there shooting of any kind by the civilians.

Philip McCullough

[399] Mr Philip McCullough provided a handwritten statement dated 26 August 1971. It is not known who recorded this statement or for what purpose and Mr McCullough could not be traced. The statement was read into evidence under Rule 17. I will summarise its contents.

[400] Mr McCullough stated that during the battle on 9 August 1971 there were no petrol bombs thrown by civilians. He claimed that stones and bottles were thrown to keep the army at bay as people thought they were coming in to intern more people. The army was firing CS gas.

[401] Mr McCullough described how the soldiers took up positions at his door. His family were pinned down with a mattress on top of them, in the event of any shots being fired through the walls, as the army were firing indiscriminately, without orders and without warning.

[402] Mr McCullough described how he watched a marksman opposite his house and heard a shot. He was told afterward that the deceased was shot dead whilst in the act of throwing a sauce bottle and that the soldiers went up and trailed him from the top of the hill to the bottom and then realised, he was dead, so dumped him into the van.

[403] Mr McCullough stated that there was an awful lot of abuse. He recalled a Black soldier in particular shouting abuse and then he danced with his rifle on top of his head.

Anne Murray

[404] Mrs Anne Murray provided two statements to my investigator, dated 15 June 2022 and 16 August 2023. These were admitted into evidence under Rule 17. She recalled the Association for Legal Justice recording statements in relation to the deceased's death. She typed them but did not speak with the witnesses herself, rather, law students from Queen's University spoke with the witnesses and recorded their accounts.

Comment on the civilian evidence

[405] Before moving onto a different area of evidence, I pause to note that none of the significant number of civilians whose evidence was considered in this inquest refer to any petrol bombs being thrown at the army in and around the time the deceased was shot on Lenadoon Avenue. This is a striking feature. Petrol bombs were and sadly remain a common feature of public disorder in Northern Ireland. One civilian witness referred to there being petrol bombs later that evening/night, but it was a striking feature of the civilian evidence that no one saw any petrol bomb(s) on or around Lenadoon Avenue at the time the deceased was shot.

Military evidence

[406] I will move on to deal with evidence from each of the former soldiers in due course. However, I will first deal with the other sources of evidence from the MOD.

Military logs

[407] The MOD provided some contemporaneous military logs from three different parts of the army (this is explained in more detail below). The logs provided were typed. The original handwritten log entries were not available.

[408] The logs were a useful record. They were made contemporaneously, which adds to their value. However, they are also subject to the potential vulnerabilities of the accuracy of the account given by the individual passing the message, who may not have witnessed it at first hand, the accounts were being given from a scene of violent public disorder, and as described below, some of the messages were passed through several links of a chain of communication.

[409] As is apparent from the logs, there was a significant military presence in West Belfast throughout 9 August 1971, associated with the introduction of internment and the disorder which followed. The military logs depict a time of serious violence and chaotic scenes.

[410] The unit at the centre of this inquest was D Company of the First Battalion Parachute Regiment (1 Para), which was based in Palace Barracks, Holywood.

[411] The MOD was not able to provide 1 Para logs for the relevant events. However, I was provided with three other sets of relevant military logs, as set out below, which contain entries referring to 1 Para D Company, including those of the Second Battalion of the Parachute Regiment (hereafter 2 Para).

[412] There was an element of passing information up the line of command, from unit to unit, by radio, as recorded in the logs.

- **1 Para D Company (B4)** logged its internal messages, at least some of which were passed to 2 Para, as D Company of 1 Para were under the command of 2 Para at the relevant time.
- **2 Para HQ (Tac)** recorded messages on its 2 Para logs. In turn, 2 Para passed some of its information on to the headquarters of the 39th Infantry Brigade. 39th Infantry Brigade was one of three army brigade headquarters in Northern Ireland, and it had responsibility for the Belfast area. 39 Brigade had its own log (HG 39 AIRPTBL BDE).
- **39 Brigade**, along with the two other brigades in Northern Ireland, passed information up to the army's central headquarters in Northern Ireland, HQNI, which was based at Thiepval Barracks, Lisburn.

[413] The 2 Para log reported that, at 11.30/12:00, 1 Para D Company (reference B4 in the 2 Para Report of Operations) came under the command of 2 Para, whose

Territorial Area of Responsibility included Andersonstown and Suffolk, and therefore the area around Lenadoon Avenue.

[414] D Company returned under the command of 1 Para at 02.00 hours on the 10 August 1971.

[415] The relevant entries in the HQNI log, the 39 Brigade log, and the 2 Para log for 9 August 1971 are set out below. I have set them out in chronological order, which means moving around between the three different units' respective logs. It also means that not all the information described below was necessarily going to a single destination.

[416] An entry in 2 Para Log sheet, timed at 08.46, from the RUC to 2 Para HQ reported, "There is a report that there are 2 crowds in the Lenadoon area, and both are armed" (Serial 56). The action stated "C2 asked to investigate". C2 was the military unit 54 Battery, the Royal Artillery.

[417] An entry in the HQNI Log sheet, from 'Anon' at 09.30 reported, "Lorry hidden in Lenadoon Ave. Mineral bottles emptied of mineral water. Lorry flat backed - blue. Passed to 39 Bde" (Serial 50).

[418] In the 2 Para Log Sheet, an entry timed at 09.48 from 54 Battery, Royal Artillery (C2) to 2 Para HQ stated, "A report received that a large number of petrol bombs have been brought into the Suffolk area" (Serial 69). 2 Para HQ replied that 1 Para D Company (reference B4) "will be in area very shortly". Therefore, before 1 Para D Company attended the Suffolk and Lenadoon areas on 9 August 1971 and before the public disorder during which the deceased was shot, there were reports of petrol bombs in that general area (Suffolk is close to Lenadoon Avenue, with the Suffolk Road being the next substantial throughfare to the west of Lenadoon Avenue, running partially parallel to Lenadoon Avenue).

[419] An entry in the HQ 39 AIRPTBL BDE Log Sheet, timed at 10.55, referred to a communication from RUC Comms to 39 Brigade HQ, stating, "Petrol bombs being made at Barricade on Lenadoon Avenue. Passed to 2 Para (they know)" (Serial 139). This is a second reference to petrol bombs in the area of around Lenadoon Avenue before the deceased was shot.

[420] An entry timed at 11.30 in the HG 39 AIRPTBL BDE Log Sheet, from "PARSSON RAC" to 39 Brigade HQ recorded, "Report from RUC Lisburn 1. Lenadoon Housing Estate completely barricaded off. 2. Prots leaving estate. 3. IRA armed and in possession. They are manning barricades. 4. RUC requests Mil assistance". The action section records "2 Para tasked" (Serial 162).

[421] A further entry in the HG 39 AIRPTBL BDE Log Sheet, timed at 11.55, concerning a communication from 2 Para to 39 Brigade HQ, reported "Appears that Lenadoon Ave is not under control of IRA. The area is not as bad as reported" (Serial 164).

[422] The 2 Para Report of Operations recorded that, at approximately 12.00, 1 Para D Company (B4) came under the command of 2 Para and were “deployed into Suffolk area using Finaghy Road North. They were given the task of clearing the Suffolk area and reestablishing order there”.

[423] At 11.55 a communication from 39 Brigade to 2 Para HQ in the 2 Para Log Sheet, recorded, “Reports that armed IRA men are manning barricades around Lenadoon. Not confirmed and 1 Para in area 1 bus barrier in that area.” (Serial 87).

[424] The HG 39 AIRPTBL BDE Log Sheet recorded a report from 2 Para to 39 Brigade at 12.20, that “Ref Lenadoon area. B49 been to barrier yobbies in area bottling” (Serial 173). B49 is a reference to Major Kingston (also referred to in some of the papers as Soldier E), who was the Officer Commanding in 1 Para D Company.

[425] An entry in the 2 Para Log Sheet, timed at 12.32, from 1 Para to 2 Para HQ reported “At junc of Finaghy Rd North and Riverdale Park South. Under attack from stones, bottles and petrol bombs. 2 SLR rounds fired – 1 man wounded” (serial 100). The 2 Para Report of Operations stated “Two rounds were fired after warning, hitting a petrol bomber. The wounded man was taken away by the crowd. This man was later identified as Francis McGuinness”. This is another reference to petrol bombs, but now in direct connection with a fatal shooting. The inquest materials contained documentation which confirmed that Francis McGuinness was shot and killed by a soldier from the 1 Para D Company, the same unit to which the soldier who shot Desmond Healey belonged. Francis McGuinness was shot a short time before Desmond Healey, a short distance away, in somewhat similar circumstances, although not identical. Not all the soldiers present at Finaghy Road North were necessarily present subsequently on Lenadoon Avenue when Desmond Healey was shot. The unit were dispersed between two different locations at the same time.

[426] The explanation given by the soldier who shot Francis McGuinness was that he was throwing a petrol bomb.

[427] At 12.45, 2 Para Log Sheet, recorded a report from 1 Para to 2 Para HQ, “Confirmed stone throwing and bottling at Lenadoon Ave barrier” (Serial 102).

[428] A communication from 1 Para D Company to 2 Para HQ, resulted in an entry being recorded at 13.05 in the 2 Para Log Sheet, that, “Bottles petrol bombs and gunfire against friendly forces in Lenadoon” (Serial 108). This is a reference to live rounds being fired at the army and another reference to petrol bombs at Lenadoon.

[429] The next entry in the 2 Para logs resulting from a communication from 1 Para referred to petrol bombs. At 13.18, a communication from 1 Para to 2 Para HQ recorded in an entry in the 2 Para Log Sheet, “Petrol bombs attack and shooting at tps (troops) – have returned 3 shots” (Serial 109). I conclude this refers to live rounds, by use of the word “shots”. There is no reference to a specific location. This may be a reference to shots fired when Desmond Healey was killed. The ‘Action’

section records "Bde Info'd" which I have taken to mean that 39 Brigade Headquarters was informed.

[430] At 13.30 an entry was made in the 2 Para HQ in the 2 Para Log Sheet following a communication from 1 Para, "Crowd in Lenadoon dispersed by CS" (Serial 111).

[431] An entry in the 2 Para Log Sheet, timed at 13.55 resulting from a communication from B49 (the call sign for Major Kingston, who was in command of 1 Para D Company on Lenadoon Avenue that afternoon) to 2 Para HQ reported, "Have just been fired on by MG in Lenadoon Ave" (Serial 114). The reference to "MG" is a reference to a machine gun.

[432] An entry timed at 14.00, in the 2 Para Log Sheet, as a result of another communication from B 49 (Major Kingston) to 2 Para HQ recorded, "Expenditure of ammo to date: 21 x 7.62 100 x Baton 12 CS 1.5" (Serial 115) meaning 21 SLR rounds, 100 baton rounds and 12 cartridges of CS gas. It is unclear whether this is referring to a total for D Company for the day or for a shorter period immediately prior to the communication, but I think it is more likely the former ie everything since its deployment to Suffolk, including Finaghy Road North, at approximately 12 noon, and the units time on Lenadoon Avenue.

[433] An entry in HQ NI Log, timed at 9.30pm, from the RUC to HQ, reported "Lagan Valley Hospital, DOA youth, 15 to 18 bullet wound LH side chest. Picked up by mil pers near ... cannot be identified".

The Yellow Card

[434] Within the papers disclosed by the MOD was a copy of the "Instructions by the Director of Operations for Opening Fire in Northern Ireland." This document is known as the "Yellow Card" and this version is dated as 'Revised January 1971' and was in force at the relevant time. This was a card issued to every soldier, and contained instructions on, inter alia, circumstances in which it may be permissible for a soldier to open fire with live rounds.

[435] The Yellow Card in force on 9 August 1971 contained instructions to soldiers that they should never use more force than the minimum necessary to enable them to carry out their duties and should always first try to handle the situation by means other than opening fire. It provided that the soldier should only fire aimed single shots and that, save in two cases, if a soldier had to open fire, a warning was to be given before doing so. Even then, the circumstances in which a soldier could open fire were limited.

[436] The relevant extracts of the Yellow Card are as follows:

"General Rules

2. Never use more force than the **minimum** necessary to enable you to carry out your duties.

3. Always first try to handle a situation by other means than opening fire. If you have to fire:

a. Fire only aimed single shots.

b. Do not fire more rounds than are absolutely necessary to achieve your aim."

"Warning before firing

5. **A warning must always be given before you open fire.** The only circumstances in which you may open fire without giving a warning are described in para 12 below.

6. A warning should be as loud as possible, preferably by loud hailer. It must:

a. Give clear orders to stop attacking or to halt, as appropriate.

b. State that fire will be opened if the orders are not obeyed."

"You may fire after due warning

[...]

8. **Against a person throwing a petrol bomb,** if petrol bomb attacks continue in your area against troops and civilians or against property, if his action is **likely to endanger life.**"

"You may fire without warning

12. **Either** when hostile firing is taking place in your area and a warning is impracticable, **or** when any delay could lead to death or **serious** injury to people whom it is your duty to protect or to yourself; **and then only:**

a. against a person using a firearm against members of the security forces or people whom it is your duty to protect

or

- b. against a person carrying a firearm if you have reason to think he is about to use it for offensive purposes.

Note: 'Firearm' includes a grenade."

Soldiers' evidence

[437] I heard oral evidence from five former soldiers. A further twelve military witnesses provided written evidence that was admitted under Rule 17; several were unable to attend due to ill health, and others were deceased.

[438] Despite substantial tracing efforts by my office, some key military witnesses could not be located and therefore could not be invited or required to attend to give evidence to assist the inquest.

[439] I determined eleven applications brought by military witnesses for anonymity, screening, and the use of live video link.

[440] In these findings, the majority of military witnesses are referred to by cipher - either pursuant to an anonymity ruling or because their identities could not be confirmed - save for Brian Samways, Major Kingston (deceased), Sergeant James Walmsley (deceased), Sergeant Timwell (deceased), Corporal Jack Fowler (deceased), and Sergeant Major Hammond (deceased), all of whom are named.

[441] As in other legacy inquests, a substantial difficulty in this inquest has been the absence of the cipher list used at the original inquest. During the original investigation, RMP/SIB officers took statements from five soldiers who were referred to in the original inquest by ciphers 'A' to 'E'. None of the former soldiers spoken to during this second inquest admitted to being Soldiers A to E. Access to the cipher list from the original inquest would have provided a reliable source of identification for soldiers A to D, ie those directly involved at the time of the shooting. I was able to firmly identify Soldier E as Major Kingston (deceased). That was relatively straightforward: his name appeared on one of the statements; his position of command in the unit set him apart and was identifiable from the content of his statement; and he, as the OC, was the only soldier to give evidence at the original inquest.

[442] I had to try to identify the remaining four soldiers, namely Soldiers A to D, from the material available to me. That material included information which provided the names of some soldiers who were in 1 Para D Company at the relevant time.

[443] Significant efforts were made to resolve these difficulties through the tracing process, but these were constrained to some degree by the non-attendance, excusal, or non-cooperation of certain potential witnesses.

Brian Samways

[444] Mr Brian Samways was a former SIB investigator and RMP Sergeant. He previously made a statement to the Coroner, Mrs Justice Keegan, in the Ballymurphy Inquest, which was signed and dated 3 May 2019. Mr Samways referred to that

statement in this inquest. He also made a statement to my investigator on 28 April 2022. His evidence was admitted into evidence under Rule 17.

[445] Mr Samways had no memory of being involved in the investigation into the deceased's death. He stated that none of the cases he investigated while on detachment to Northern Ireland involved a petrol bomber.

[446] Mr Samways did not record the statements of Soldier A to D. The statement of Soldier D, recorded on the 11 August 1971, showed the SIB investigator to be a Corporal J Croft, now deceased. Mr Samways stated that he did not know this investigator.

[447] The statements of Soldiers A to C, recorded on 11 August 1971, did not indicate which SIB investigator recorded them.

[448] Mr Samways noted that it appeared from the statements of Soldiers A to D that they were giving cover to a snatch squad. Mr Samways said that none of his cases in Northern Ireland involved military snatch squads.

[449] Other than his original statement, he stated that he had no other evidence to offer to this inquest.

[450] Mr Samways' statement to the Ballymurphy Inquest was read into evidence. It contained no direct reference to the deceased's death, or any shooting in the Lenadoon area. It was introduced into evidence to provide some background information. It described how the SIB was a specialist branch of the RMP and handled deaths and serious crimes.

[451] It explained that Mr Samways was deployed to Northern Ireland on 2 August 1971, and when he arrived at base, he received an induction briefing, which outlined that they were there in support of the authorities in Northern Ireland. He was told that every law of the land applied to them, and this was not a wartime situation. He was given the Yellow Card. He said that this aide memoir made it abundantly clear what every soldier could and could not do in terms of firing his weapon. After the briefing, he was shown around the local area.

[452] Mr Samways' Ballymurphy statement outlined how a SIB unit operated very much like a police unit that would gather in one place and receive instructions to investigate an incident.

[453] On a call out, it was Mr Samways' role to preserve the body and investigate the crime scene. He found that by the time he arrived, any casualty had been moved to the hospital, or the crime scene had been disturbed. His role as an SIB investigator was to establish that an incident had occurred, take a list of people who were there at the time, and determine the availability of individuals to provide statements. They did not use forensic methods of investigation until his 1974 to 1976 deployment.

[454] Mr Samways explained that during the time after internment, they were not necessarily following normal procedures.

Soldier A

[455] As explained above, Soldiers A to E provided statements about the incident leading to the death of Desmond Healey to RMP/SIB. Soldiers A, B, C and D made statements two days after the incident and Soldier E provided a statement four weeks later. All of their 1971 statements were admitted into evidence in this inquest, pursuant to Rule 17.

[456] Soldier A provided a statement on 11 August 1971. There is also an unsigned draft deposition for the original inquest bearing his cipher, dated 15 October 1971. Both documents contained the same information. He did not give evidence to the original inquest.

[457] Soldier A described how, at 12.40 hours on 9 August 1971, he was in charge of a snatch squad which was operating on the Lenadoon Avenue and Glenveagh Drive areas. He detailed how their task was to disperse rioters in that area. He stated that as he was observing the rioters he heard three shots which passed close to him. Soldier A's position at the time was on the junction of Lenadoon Avenue and Creeslough Park. He immediately turned around and saw a red Ford Escort at the end of Creeslough Park. He saw one man in the rear, and he had a rifle and was in the process of pulling it into the car. As he did so, the car started to move away.

[458] Soldier A claimed that he fired two aimed shots at the car with his SLR rifle. He heard one shot hit the car. The car disappeared around the corner of Creeslough Park.

[459] Soldier A recorded that at approximately 13.20 hours, he heard members of the army shouting that some of the rioters had petrol bombs. Soldier A recounted how he asked Soldier E how petrol bombers were to be dealt with, and Soldier E replied that the petrol bombers were to be warned, and if they continued, they were to be shot.

[460] Soldier A described how he immediately went up to the front of their position and saw a youth throw a petrol bomb in their direction. The petrol bomb hit the road about 10 feet in front of him but did not explode. Soldier A described how he then warned the rioters that petrol bombers would be shot. He stated that he shouted this three times. As he had just finished the third warning, he saw the youth that had thrown the first petrol bomb run back with a lighted bomb in his hand. Soldier A immediately ordered Soldier D to fire at the youth. Soldier D cocked his SLR rifle and fired one round at the youth.

[461] Soldier A described seeing the youth stagger and fall to the ground. As the youth fell, Soldier A stated that the rioters surged forward throwing stones and bottles at their position. Soldier A saw five or six male persons pick up the youth and carry him across Glenveagh Drive into Lenadoon Avenue. Soldier A

immediately ran towards them with four men from his company. The male persons dropped the youth and dispersed. He reached the youth and saw that he had been shot in the chest. There was no movement from the youth, however Soldier A said he found a small pulse on his wrist and neck. Soldier A said he lifted the youth into an armoured vehicle, and they returned to their original position at the junction. He said the armoured vehicle then drove off to a hospital. Soldier A described the youth as about 17 years old, brown curly hair, blue eyes and about 5 feet 6 inches tall. He was wearing a grey corduroy jacket, cream coloured shirt, brown trousers, and brown shoes.

M23

[462] Based on the evidence before me, I considered whether a soldier ciphered as M23 in this inquest may have been Soldier A.

[463] I am aware of M23's name but granted his application for anonymity. He was also given PIP status, and he enjoyed separate legal representation to the MOD.

[464] M23 was a Sergeant in D Company 1 Para at the relevant time.

[465] As part of the tracing process, M23 responded to a questionnaire issued by my investigator.

[466] M23 was identified by several military witnesses as one of the soldiers visible in the photograph VP2 (standing at the corner of the maisonettes building with a rifle and wearing a beret, accompanied by two other soldiers holding rubber bullet/baton guns).

[467] Some of the soldiers who identified M23 as visible in photograph VP2 referred to the "Foreign Wings" insignia on the chest of the soldier in VP2.

[468] I had a photograph of D Company 1 Para taken at Palace Barracks, which was believed to have been taken in or around August 1971. It was used by my team with former soldiers to try and identify and thereafter trace potential military witnesses. Only two sergeants in that photograph appeared to have had the "Foreign Wings": M23 and one other. Both soldiers were visible in the front row of the Palace Barracks photograph.

[469] When considering whether M23 was Soldier A, I considered an entry recorded in his regimental conduct sheet, contained in his Personnel File provided by the MOD. It refers to M23 being a Sergeant in D Company 1 Para on the day on 1 August 1971. The relevant portion states:

"in an eight-day period of intensive operations in Belfast, acting Sergeant [M23] commanded his section with calm and outstanding leadership, performing individual acts of bravery on at least three occasions. On the morning of 9th August 1971 Sergeant [M23] was required to lead his

section against a rioting crowd of over one hundred who did their worst in an attempt to defeat the soldiers. The section was stoned, petrol bombed and fired upon by sub machine gun. Sergeant [M23] moved forward to warn the rioters that gunmen and petrol bombers would be shot if they persisted. A new attack by petrol bombers was immediately mounted but under the calm direction of Sergeant [M23] who showed little regard for his own safety his troops drove off the attack. ..."

[470] The above entry did not specifically refer to Lenadoon Avenue, Desmond Healey or that someone was shot and killed, but it is still partially consistent with the account given in the Soldier A statement and deposition documents.

[471] As mentioned earlier, there was another fatal shooting in the area that day, when Francis McGuinness was shot and killed by a soldier from 1 Para D Company. However, as outlined in his evidence, a soldier ciphered in this inquest as M10 placed himself there as the Patrol Commander present and involved in the incident that resulted in the death of Francis McGuinness. M10's statement and the other ciphered statements for that incident stated that it was the Patrol Commander (M10) who issued the warning which preceded Mr McGuinness being shot. As M10 has claimed responsibility for issuing the warning in the Francis McGuinness shooting, it appears to me that M23's citation is referring to a different incident of rioting in which a warning was given which involved D Company 1 Para on 9 August 1971. That moves me closer to a conclusion that M23 is Soldier A in the Healey shooting.

[472] As M23 was named by other soldiers as being in the D Company photograph taken at Palace Barracks and in photograph VP2, he was contacted by my investigator with a view to being a witness in this inquest and potentially giving oral evidence.

[473] He did not provide a witness statement for the inquest.

[474] M23 lodged an application for medical excusal from giving oral evidence to the inquest, which I refused. The medical report obtained by M23's legal representatives referred to M23 having suffered damage to his memory as a result of a series of strokes. His report was quite powerful in favour of excusal. However, one of the competing factors was the potential importance of his evidence.

[475] As he was not excused on medical grounds, M23 did give oral evidence to the inquest via Videolink, with adjustments made to cater to his needs, as he was clearly in poor health.

[476] Prior to providing his oral evidence, I gave M23 a Rule 9 (1963 Rules) warning, that he did not have to answer any question which may tend to incriminate him in a criminal offence. He was reminded of this warning throughout his evidence.

[477] When asked about his general service and years in D Company, M23 replied that he could not remember.

[478] M23 then asserted his privilege against self-incrimination when asked if he recalled being in Palace Barracks in 1971 and being on a two-year tour of Northern Ireland. He asserted his privilege when asked if he was a sergeant in the British Army, whether he recalled internment being introduced in Northern Ireland, and whether he was present on Lenadoon Avenue on 9 August 1971. When he was asked to review photograph VP2 and answer if he recognised himself in the photograph or could identify anyone else, he asserted his privilege against self-incrimination.

[479] M23 continued to assert his privilege against self-incrimination when asked if he recalled being involved in an incident where a teenage boy was shot in Belfast in the early 1970s; if he recalled making a statement to the Royal Military Police ciphered as Soldier A in relation to such an incident; if he recalled being present on Lenadoon Avenue on 9 August 1971 when a riot was taking place; if he recalled asking Major Kingston (Soldier E) for permission to warn rioters that those throwing petrol bombs would be shot on any occasion in Belfast in the early 1970s; if he recalled shouting a warning to rioters in Belfast, warning them not to throw any more petrol bombs or they risked being shot; if he remembered being present after the warning was issued and a rioter was shot; and if he recalled the name of the soldier who shot and killed the deceased on 9 August 1971.

[480] During his oral evidence, M23 was read the entry from the regimental conduct sheet bearing his name. M23 asserted his privilege when asked if he had a memory of the events described in the conduct sheet; if he recalled receiving a commendation for same; and when asked if a Sergeant Walmsley was present on Lenadoon Avenue on 9 August 1971 during a riot.

[481] In their closing submissions to the inquest, representatives for M23 acknowledged that he did not give any relevant assistance to the inquest but also noted that he clearly lacked any memory of the events. They submitted that the photograph VP2 is not reliably dated to 9 August 1971 and that it cannot be positively stated that M23 is visible in this photograph. They raised queries around the regimental conduct sheet, submitting that it was not location specific, it referred to the morning of 9 August 1971, and there was no mention of any of the troops under M23's command shooting and killing someone.

[482] M23's legal representatives submitted that there were several sergeants who attended the scene of the riot on 9 August 1971 and any of them could be Soldier A. They submitted that a Sergeant Walmsley was the most likely candidate to be Soldier A, given the details in a 2012 HET statement where he placed himself at Lenadoon on the relevant date, together with the evidence from a soldier ciphered in this inquest as M63, which said that he was 85% sure that Sergeant Walmsley was Soldier A. M23's representatives further referred to the evidence of M66 that Sergeant Walmsley was M23's senior Sergeant and that it was likely that as the senior sergeant, Walmsley was passing orders to and from Major Kingston.

[483] The other PIPs did not make any submissions regarding M23.

[484] There is some evidence in support of a conclusion that M23 is Soldier A. There is evidence which places him at Lenadoon Avenue on 9 August 1971: the combination of Soldiers M58, M60 and M71 naming M23 as the soldier in VP2; with the likelihood of VP2 being taken on Lenadoon Avenue on 9 August 1971. There is also the consistency between Soldier A's account of events in his 1971 statement and the content of the Regimental Conduct Sheet naming M23.

[485] However, that is not the only relevant evidence about the identity of Soldier A. I also considered whether Soldier A may have been another soldier, in particular a soldier called James Walmsley.

James Walmsley

[486] Mr James Walmsley, now deceased, was interviewed by the HET on 15 November 2012. He was a retired soldier who had previously been a Sergeant in D Company 1 Para. The notes of this HET interview were read into the evidence under Rule 17. As with all of the evidence admitted under Rule 17, his account could not be probed or tested. He was referred to in the HET report as 'Soldier X'. At the time of the interview, Mr Walmsley was 74 years old and not in good health. The note recorded that Mr Walmsley decided not to engage with the HET process because of contact with the MOD.

[487] From the HET materials, I know that HET personnel spoke with Mr Walmsley over the phone and during the call Mr Walmsley said he had been on Lenadoon Avenue on 9 August 1971 when the deceased was killed. He did not disclose that he was Soldier A or confirm that he was involved in the incident in which Desmond Healey was shot and killed, although he did describe being present and witnessing what had happened. Mr Walmsley refused to provide the HET with the name any of the soldiers involved.

[488] He confirmed there was a photographer beside him when the trouble started.

[489] Mr Walmsley said that the soldiers were surprised by the degree of escalation on Lenadoon Avenue and the degree of force used by the rioters, as that had not been anticipated from the civilians in the Lenadoon estate (in contrast to some other parts of Belfast).

[490] Mr Walmsley recalled live rounds being fired at his unit from a car which approached from the top of Lenadoon Avenue behind what he thought were two storey flats. He described the live rounds as being like the sound of a Thompson machine gun.

[491] Mr Walmsley described how the trouble started with verbal abuse, then progressed to stone throwing and throwing of 'pop' bottles from a mineral water lorry.

[492] Mr Walmsley recalled that the deceased was shot when Mr Walmsley's unit observed three youths carrying what he described as milk crates full of bottles with wicks protruding from the neck of the bottles. He stated that it was clear that they were petrol bombs which had been carried from the rear of the dwellings positioned on the left-hand side of the road looking up towards the flats.

[493] Mr Walmsley believed that one shot was fired as the boy was about to throw a bottle from the crate. He stated there was a "stink of petrol" when he went over to the boy and there was broken glass lying beside the crate. He did not recall anyone taking possession of the bottles.

[494] Mr Walmsley commented that the injured boy was one of the ringleaders and was as active as the other two boys with him. Once the shot was fired, the rioting stopped, and attempts were made to get medical help to the boy.

[495] He described several youths/young men being the main protagonists.

[496] The HET personnel who spoke with him noted that Mr Walmsley was very reluctant to talk about the incident and was conscious not to mention any names of his colleagues or those involved.

Soldier B

[497] Soldier B provided a statement to SIB/RMP on 11 August 1971. There is also an unsigned draft deposition for the original inquest bearing his cipher, dated 15 October 1971. He did not give evidence at that original inquest. The statement contains an additional paragraph at the end, which is not contained in the draft deposition.

[498] Soldier B described how, at about 12.40 hours on 9 August 1971, he was a member of subunits clearing the Lenadoon and Glenveagh Drive areas of rioters. His task was to cover snatch and baton squads from a defensive position at the junction of Lenadoon and Creeslough Park.

[499] Soldier B described that he was on the other side of the junction to Soldier D, who was also covering the snatch and baton squads. Soldier B described how, suddenly, there were three shots from the bottom of Creeslough Park. He ran over to the mouth of Creeslough Park and saw a red Ford Escort driving away. Someone shouted that shots had come from the car. Soldier B then returned fire, by firing two rounds at the car with his SLR rifle (therefore both Soldiers A and B said they fired at the car in their respective written accounts). He said he did not hit the car, and that it disappeared around the corner of the street.

[500] Soldier B then returned to his position and continued to give cover to the squads that were dispersing the rioters. At around 13.20 hours, he described hearing someone shout that petrol bombs were being brought out. Soldier B claimed that he saw two youths moving onto the junction of Lenadoon Avenue and Glenveagh Drive. They were carrying a crate which they put down on the junction. He kept his

attention on the two youths and saw that one, who was wearing a light-coloured jacket with dark trousers, was squatting by the crate. He then stood up with a lighted petrol bomb in his hand, which he threw towards their position. It failed to ignite when it hit the ground about 10 to 12 feet away from one of the armoured vehicles. He then saw the other youth throw a lighted petrol bomb towards their position and this again failed to ignite when it hit the ground.

[501] Soldier B described how, at this time, three warnings were given that petrol bombers would be shot. Soldier B stated that he saw the first youth about to throw another lighted petrol bomb. Soldier A ordered Soldier D to shoot at the youth and Soldier D fired one shot which hit the youth causing the youth to stagger back and fall to the ground. As the youth was shot the other petrol bomber made off to his right across the junction with a petrol bomb in his hand. As he ran Soldier B fired one shot from his SLR at him. He dropped to the ground and Soldier B saw him rise to his knees, but they gave way under him. At that moment an armoured vehicle passed between Soldier B and the youth. Soldier B then saw him being carried away to his right. He realised there was no chance of catching up with him, so he returned to his previous position. He described this youth as about 18 to 20 years old with dark medium length hair, about 5 feet 8 in height and he was wearing a dark coloured suit.

[502] I was unable to identify Soldier B's name from the material available to me.

Soldier C

[503] Soldier C provided a statement to SIB/RMP on 11 August 1971. There is also an unsigned draft deposition for the original inquest bearing his cipher, dated 15 October 1971. He did not give evidence at the original inquest.

[504] Soldier C's written statement described how, at about 13.20 hours on 9 August 1971, he was a member of a cover party in Lenadoon Avenue. His task was to cover subunits as they engaged with rioters and dispersed them. His position was about 10 yards off Lenadoon Avenue on the left-hand side of the road. He heard someone shout that petrol bombs were being brought out and he looked up towards the junction of Lenadoon and Glenveagh Drive and saw two youths carry a crate of petrol bombs out onto the junction.

[505] Soldier C stated that he heard someone shout out a warning three times that petrol bombers would be shot. As he was being stoned and bottled, he turned his attention back to the rioters. He then heard two shots from an SLR. He turned and saw a youth lying about halfway up Lenadoon Avenue at the junction of Glenveagh Drive and Lenadoon Avenue. Some of the rioters ran down to the youth, picked him up and took him across Glenveagh Drive towards Shaw's Road. Soldier C said that the youth was recovered by a party led by Soldier A, and that Soldier C was called forward to examine the youth.

[506] Soldier C noted that the youth had been shot in the right side of his chest, and he had a very faint pulse. He could feel no heartbeat and his pulse stopped. In Soldier C's opinion, the youth had passed away. He said that he immediately took the youth in the armoured vehicle to a safe hospital on the orders of the OC. At the bottom of Lenadoon Avenue he saw an RUC Inspector and he told him of the incident, and he detailed a constable to accompany him to Lagan Valley Hospital. On arrival, the youth was given cardiac massage and artificial resuscitation. He was then pronounced dead. Soldier C described the youth as 15 to 17 years, brown curly medium length hair, blue eyes, 5 feet 6 inches, wearing grey corduroy jacket, cream shirt and brown trousers and shoes.

[507] I was unable to identify Soldier C's name from the material available to me.

Soldier D

[508] Soldier D provided a statement to SIB/RMP on 11 August 1971. There is also an unsigned draft deposition for the original inquest bearing his cipher, dated 15 October 1971. He did not give evidence at the original inquest.

[509] Soldier D's written statement described how, at about 11.30 hours on 9 August 1971, he was ordered to move into the Lenadoon Avenue area to clear a hijacked Ulsterbus which was being used as a barricade on the Lenadoon Avenue, Creeslough Park junction. The barricade was manned by 150 to 200 rioters. Baton and snatch squads were sent to disperse the rioters. The rioters dispersed and the bus was recovered.

[510] Soldier D detailed how, once the bus was recovered, the junction was secured by the army and stones, bottles and darts were still being thrown at them.

[511] At around 12.45 hours, Soldier D recorded that he was positioned on the junction and his task was to give cover to the snatch squads which were still deployed to disperse rioters in their immediate area.

[512] Soldier D described how, suddenly, three shots were fired, from what appeared to be a high velocity rifle, from a red car at the bottom of Creeslough Park. Soldier D returned the fire by firing one round from his SLR (the third soldier to record firing at the car in their respective written accounts). He said he hit the rear bodywork of the car which disappeared around the corner of Creeslough Park. Soldier D stated that, as he fired, he heard about four or five shots being fired from an SLR behind him and to his right.

[513] After this, Soldier D carried on giving cover in the same position, that was, the junction of Lenadoon and Creeslough Park. At approximately 13.25 hours, he noticed two youths carry a crate of bottles with cloths protruding from the necks. They halted at the junction of Lenadoon Avenue and Glenveagh Drive and put the crate down. One youth was about 18 years old and was wearing dark trousers, light jacket and a light shirt. He was slightly built and had long curly light brown hair.

[514] Soldier D outlined how this youth, picked up two of the bottles and the other youth lit one of the bottles and the youth that had the bottle in his hand threw a lighted bottle towards Soldier D's position. Soldier D stated that the bottle hit the road about 4 or 5 yards in front of him. The bottle broke but there was no explosion.

[515] Soldier D stated he then heard Soldier A warn the crowd that petrol bombers would be shot and that he shouted this three times. Soldier D described how, as Soldier A shouted the third warning, he saw the youth, lean back about to throw another petrol bomb which was alight. As he was about to throw, Soldier A ordered Soldier D to fire at the youth. Soldier D cocked his SLR and fired one aimed shot at the youth's chest. Soldier D described seeing the youth stagger back and fall to the ground.

[516] Soldier D described that this was followed by a heavy bombardment of stones and bottles from the crowd. He stated that the rioters surged forward towards their position, blocking his sight of the youth. He saw six people stop at the spot where he had last seen the youth, and then he saw the youth being carried across Glenveagh Drive and Lenadoon Avenue towards Shaw's Road. Soldier D described how Soldier A ran forwards with four men and Soldier D ran forward to provide cover with his SLR. Soldier A reached the youth, and he was placed in the back of an armoured vehicle. It then drove away down Lenadoon Avenue towards the Stewartstown Road.

[517] I had to consider whether I could identify which soldier was Soldier D, the soldier who fired the fatal shot.

M66

[518] A former soldier ciphered as M66 in this inquest was identified as being a member of 1 Para D Company and present on Lenadoon Avenue on 9 August 1971.

[519] I am aware of M66's name but I granted his application for anonymity.

[520] He was also given PIP status, and he enjoyed separate legal representation to the MOD.

[521] I considered whether M66 might have been Soldier D.

[522] M66 provided two written statements to this inquest, dated 25 November 2022 and 31 August 2023. He also attended in person and gave oral evidence.

[523] A statement recorded in relation to Operation Demetrius, which was signed by M66 on 10 September 1971, was admitted into evidence. It dealt with attempts to arrest and detain someone for internment, not the shooting on Lenadoon Avenue.

[524] M66 was a Private in 1 Para D Company in August 1971. M66 told the inquest that when he joined the military, he received training in the Yellow Card as well as training on dealing with riots, including the use of baton rounds and snatch squads.

He explained that D Company was a specialist company, which carried out reconnaissance, consisting of approximately 65 to 70 soldiers. He explained that it was divided into sections of four men patrols, each of which had their own callsign.

[525] M66's first tour of Northern Ireland began around summer 1970 and lasted 18 to 24 months. It was during this tour that the deceased was shot.

[526] M66 described himself as a "thin, slightly built teenager" at this time.

[527] He explained that he was subject to abhorrent comments from members of the public during this tour as a result of being Black, as well as verbal abuse from other members of his Company.

[528] M66 said he recalled 9 August 1971 as the day that internment was introduced. He was briefed very early in the morning, and at 4.30am he went on an arrest operation, in relation to an individual located in Divis Flats area. He explained that the arrest was affected without incident.

[529] M66 said he was with a soldier ciphered in this inquest as M63, who was a Corporal, during the arrest. M66 confirmed there was some fluidity in duties. He said one might start off in one section, and then join another section, depending on what was required. He told the inquest that his immediate superior officer on the day from whom he received his orders, was either Sergeant Walmsley or Corporal M63.

[530] M66 told the inquest that later that same day, after the arrest operation, he was in the vicinity of Lenadoon Avenue as part of a snatch squad. The army had driven to the Lenadoon Estate area but arrived at Lenadoon Avenue on foot.

[531] M66 told the inquest that there were 16 men present from his Company on Lenadoon Avenue, two sections of eight, or potentially fewer. M66 believed that his section would have been travelling in two APC's, and each vehicle would be equipped with a radio and have a soldier acting as their signaller. He said one of the two vehicles would have had a Sergeant, the section commander, in charge, and the other with a Corporal in charge.

[532] M66 said that he could not now be certain who these were, but believed they were one of the two sections mentioned in the statement of Soldier E, Major Kingston, the Company Commander ("OC").

[533] M66 explained that it would be usual for the Company Sergeant Major ("CSM") to be with the OC. However, he could not be certain whether CSM Hammonds was present on Lenadoon Avenue that day.

[534] It was put to M66 that a "Report of Operations" document showed that both A Company and C Company of 1 Para were working in West Belfast at the same time as D Company. M66 told the inquest that he was certain it was only D Company that were on Lenadoon Avenue that day.

[535] He confirmed that Major Kingston's radio call sign would have been B4 and that Major Kingston's vehicle had a callsign B49, and any entries in the radio logs assigned to either of those callsigns would relate to him or other sections of D Company, as all communications outward that would have been recorded in another unit's log would have gone out through Major Kingston's radio operator.

[536] M66 recalled civilians banging metal bin lids to alert others to the arrival of the army and they were faced with a large crowd on arrival. There was constant stone throwing, and it was very noisy. He recalled moving through gardens and climbing over walls with another soldier. He believes that this soldier was Soldier D, who was covering him.

[537] M66 said Soldier D was "likely" to have been in M66's section or patrol that day and they were acting as a pair.

[538] M66 believed he was armed only with a baton gun and there would likely have been a soldier armed with an SLR to protect him. He confirmed that it would usually have been the most senior member of the snatch squad who carried the SLR (this is consistent with photograph VP2, in which a sergeant wearing a beret, is holding an SLR whilst the two other soldiers have rubber bullet/baton guns, one of whom is Black). He said his own SLR was likely secured in the army vehicle with the driver whilst he was armed with the baton gun.

[539] He said that over the course of several hours, the number of rioters grew, and more soldiers arrived in support. M66 recalled firing a number of baton rounds at individual rioters who were escalating the riot and appeared to be a threat to the soldiers. He did not recall receiving any orders to fire those rounds and does not recall how many baton rounds he fired, but it was likely more than 20. M66 stated, "This riot went on for a number of hours, and I definitely fired more than the average number of rounds that day, due to the length of time, intensity of the riot and open nature of Lenadoon Avenue."

[540] The rioting continued to escalate, "with numerous projectiles being thrown in a constant barrage against the army." M66 told the inquest that no petrol bombs exploded near him, and he did not recall the smell of petrol in the air, but that he could not be certain that none were thrown. In relation to the type of missiles thrown, he detailed, "I cannot be certain, but I would think there would be bricks and pieces of pavement" and "I have no memory of petrol bombs being thrown".

[541] M66 did not feel able to accurately mark a map with his own location during the day.

[542] M66 did not recall hearing any warnings being given at any stage during the day but stated, "that is not to say that warnings were not given, but that I did not hear them if they were. It is quite possible that any warnings that were given were drowned out to me by the noise created by the rioters."

[543] M66 did not recall hearing any order to fire in respect of live rounds. Whilst observing the rioters, who were throwing missiles, he heard a high velocity round fired and saw one of the rioters fall. He described the individual as crumpled on the ground. He believed that Soldier D fired this round. At this stage, M66 believed he was “probably on the road at the time to the right of the road” and he was level with Soldier D facing the rioters. Soldier D was close to where he was located, approximately 12 to 15 feet away and to M66’s left, when this round was fired. M66 stated that the rioters “were certainly more than 12 to 15 feet away from us”.

[544] Prior to his oral evidence, I gave M66 a warning under Rule 9 of the 1963 Rules that he did not have to answer any question which may tend to incriminate him in a criminal offence. During his evidence he received further warnings. As is evident from my summary of his evidence, M66 answered all of the questions asked of him up to this point. However, whilst he had confirmed that he knew the identity of Soldier D, he was not prepared to provide me with Soldier D’s name. I subsequently imposed a fine for failure to answer a relevant question.

[545] M66 did inform me that he understood from speaking with another former soldier that Soldier D was now deceased.

[546] M66 recalled that the crowd advanced towards the body and that they tried to take the body away. M66 did not think he assisted in recovering the deceased’s body.

[547] He recalled that a medic also attempted to treat the person who had fallen. M66 recalled a medic in D Company, who has been ciphered in this inquest as M81.

[548] M66 told the inquest he believed that Soldier D would have been ordered to fire, although he did not hear any such order. He stated that Soldier D was not the type of individual to take it upon himself to fire at someone without being so ordered. M66 added that, although he believed they had been given adequate training to deal with riot situations, at times during the riot that day, he did feel his life was in danger.

[549] M66 confirmed that he did not know the identity of the deceased at the time.

[550] M66 said he was not Soldier D, and he did not fire the fatal round at the deceased.

[551] M66 said that he did not see crates of petrol bombs in the area but added that there were numerous projectiles thrown at the soldiers throughout the riot and new material was brought to the riot, by rioters or members of the public throughout the day.

[552] He was not aware of any incoming fire (live rounds) towards the soldiers, as described in the written accounts provided by the soldiers in 1971.

[553] He had no recollection of bottles of sauce being thrown, or the smell of sauce in the air.

[554] He had no recollection of a bus.

[555] M66 had reviewed the 1971 statements of Soldiers A to D and said he was certain that none of these statements were made by him.

[556] He stated that either Sergeant Walmsley or M63 (the Corporal who was on the arrest operation with him earlier that morning) could be Soldier A.

[557] When asked about Major Kingston, he described him as a fair officer, who was a stickler for discipline and matters being carried out properly.

[558] He was referred to the witness statement from Deirdre Draffin (nee McDonald), which suggested that the soldier who shot the deceased was Black. M66 said that he was the only Black soldier in D Company at the time and believed he was the only Black soldier on Lenadoon Avenue that day. He again confirmed that he was not Soldier D and did not fire a live round at the deceased. He had no recollection of any further live rounds fired on Lenadoon Avenue that day.

[559] When referred to the allegation that a Black soldier had lifted the body of the deceased above his head like it was a trophy, M66 refuted this suggestion and stated he would not have had the physical ability to lift a body above his head. He stated that at no time during his army career would he have disrespected the dead or injured in this way, and he was sickened by the allegation. He later confirmed he was certain he did not handle the deceased's body at all and could not provide any information as to how the body was treated after the event.

[560] M66 told the inquest that he presumed the Black soldier seen with the rubber bullet/baton gun in photograph VP2 was him, but he could not be certain. He did not recall the scene in VP2, but he was able to identify the scenes shown in VP3 and VP4 as Lenadoon Avenue, particularly recalling the crowd and the flats as distinctive.

[561] M66 confirmed that he was the Black soldier in the photograph of D company taken at Palace Barracks. He believed at this time the Company Sergeant Major was called Hammonds, but he did not wish to name any other soldier in D Company.

[562] M66 described how, from the information provided to him, that he thought both Sergeant Walmsley and M23 were present on Lenadoon Avenue that day, although he was not certain. Whilst he thought M23 was present, he did not think M23 was in his section. Of the two, Sergeant Walmsley would have been the senior Sergeant in service, but if present, the Company Sergeant Major (Hammonds), would have been senior to Sergeant Walmsley.

[563] After carefully considering all the evidence, not just that given by M66, on balance I do not believe M66 was Soldier D ie I do not believe he fired the fatal shot.

Soldier E

[564] Soldier E provided a statement to SIB/RMP on 9 September 1971 and a deposition to the original inquest. The deposition is marked at the top with the name 'Kingston'. Major Kingston was the only soldier to give evidence to the original inquest. He did so as the Officer Commanding of D Company 1 Para. He is now deceased. His evidence was admitted under Rule 17.

[565] Major Kingston's written account described how, on the morning of 9 August 1971, he was ordered to go to Lenadoon Avenue to investigate two things, firstly, whether there was a barricade in the area and secondly to substantiate reports of gunmen in the north of the Avenue. Major Kingston said that at 11.30 hours two sections went to Lenadoon Avenue. He described that rioters had blocked Lenadoon Avenue with an Ulsterbus at the junction with Glenveagh Drive; he said the bus was soaked in petrol and prepared for fire. He said the soldiers rushed to the bus and came under intense stoning and bottling about thirty yards north of the bus on Lenadoon Avenue. They used snatch squads to charge the rioters and simultaneously dragged the bus south. Major Kingston stated that they recovered four and a half crates of petrol bombs (nine dozen) at the same time.

[566] The rioters continued to bombard them with stones and bottles.

[567] He said that, at approximately 12.45 hours, two gunmen opened fire on the soldiers with a machine gun and revolver shots from the western end of Creeslough Park. Major Kingston stated that fire was returned.

[568] He described how the next attack was by a rioter who drove a heavy lorry at the snatch squads on the corner of Creeslough Park/ Lenadoon Avenue. The vehicle just missed his men and crashed into a corner house of this junction. Bottling and stoning continued. One civilian witness, Mr Oliver Gillen, refers to this lorry attack.

[569] Major Kingston described, how, at approximately 13.25 hours, two youths among the rioters were seen to be carrying two crates of bottles. They then started to throw petrol bombs at the snatch squads from the middle of the Lenadoon Avenue about 30 metres south of Glenveagh Drive.

[570] Major Kingston described how, after this attack, Soldier A asked him if he could warn the petrol bombers that they would be shot if they continued their attack. Major Kingston told him that he could. He stated that Soldier A warned the petrol bombers that if they continued to throw petrol bombs, they may be shot. A further attack by petrol bombers was made and Soldier A ordered Soldier D to open fire at one of them. The result was that one youth was shot dead and the other wounded.

M63

[571] M63 provided a written statement to my investigator dated 23 January 2023 and he gave oral evidence to the inquest, attending via video link. I am aware of his identity and granted his application for anonymity.

[572] He previously provided a statement in relation to Operation Demetrius dated 10 September 1971, which was admitted into evidence.

[573] Prior to his evidence, I gave M63 a warning under Rule 9 advising that he did not have to answer any questions which may tend to incriminate him in a criminal offence. In light of the evidence from M66, I had to consider the possibility of M63 being Soldier A who gave the order to fire, or potentially even Soldier D, who fired the fatal shot.

[574] In 1971, M63 was a 24-year-old corporal in D Company 1st Battalion of the Parachute Regiment and was on a two-year tour of Northern Ireland. He had previously served in Northern Ireland in 1969 when the Parachute Regiment was one of the first to be sent into Belfast at the start of the Troubles. During his first tour, M63 received training based on the Yellow Card. He explained:

“We spent two days getting used to the equipment we were to use (batons, shields and helmets) and learning about the Rules of Engagement. Everyone had to carry a yellow card with them when on patrol and training was given when updates were issued.”

[575] M63 told the inquest that D Company was a specialist company. He said that a patrol consisted of teams of four which included a commander, a signaller, a linguist and a medic.

[576] M63 was a section commander in 1971 and would have travelled in the front of the APC or ‘pig’. He described how a ‘pig’ was different from a Saracen. There was likely one Saracen used by the OC, which had more armour, whereas the armoured personnel carriers, variously called ‘Humbers’ or ‘pigs’, were metal shells and did not have as much protection.

[577] He told the inquest that he would likely have had two snatch squads operating under his command. He explained that there were twelve soldiers under his command in his section, two patrols of four, making eight, a driver, vehicle protector, section TIC and himself, totalling twelve.

[578] He recalled that one armoured personnel carrier could accommodate ten in the back and two in the front.

[579] M63 recalled being “on the go” for four solid days, beginning on 9 August 1971. He effected an arrest on the first morning of internment at around 04.00 hours in the Divis flats area and took the individual to Girdwood Barracks. He believed that he was the section commander of all the other soldiers who gave statements

regarding this arrest. M63 recalled M66 operating as one of the arrestors or one of the runners in the snatch squad:

“he was a Black lad who I worked alongside frequently. I admired him as he had to withstand a remarkable amount of racist abuse from the public when on patrol in Belfast. I recall him having bananas and pennies thrown at him by civilians and abusive comments shouted at him. But I remember he just ignored the abuse, and he got on quietly with the task in hand.”

[580] M63 acknowledged that M66 would also have received abuse from other soldiers as well as civilians.

[581] After reading the 1971 statements of Soldiers A to E indicating that an individual was shot and soldiers moved forward to prevent the crowd taking him from the area, M63 believed that he was present on Lenadoon Avenue when the deceased was shot:

“It was the only time I can recall this happening when I was in Northern Ireland, where we moved forward and set up a barrier between the injured person and the rioting crowd to prevent them taking him away.”

[582] M63 confirmed that he would not have known that the injured person was the deceased or the specific location.

[583] Having viewed photographs VP1-VP4, M63 discussed the striking memory he had of how difficult it was to carry out their mission of dispersing or arresting rioters in Lenadoon given the openness of the area:

“We were used to operating in the narrow streets of the Ardoyne, Shankill and Falls Road, and in Lenadoon we could not sneak up on the rioters because of the open plan layout of the housing estate. When operating as an arrest or snatch squad, we were always looking for someone who had tripped or got hit by a baton round, to give us a chance to arrest them. But the openness of this area made our job exceedingly difficult.”

[584] M63 stated that he was not the author of any of the statements made by Soldiers A to E. He believed that Soldier E was Major Kingston, the commanding officer of 1 Para D Company, but he said he could not identify any of the other soldiers, save that he did think he may be able to identify Soldier A based on the contents of his statement. He said that he was “85% certain” that it was Sergeant James Walmsley. He was a senior sergeant at the time and Soldier A would have been a platoon commander “speaking to his boss to get permission”.

[585] M63 was certain he did not discharge an SLR on 9 August 1971.

[586] M63 did not believe that he was working directly alongside soldiers A to E that day, as they described events in their statements that he did not recall. However, by his own admission he was at the scene and involved in some of the events described therein.

[587] M63 described coming forward to act as a barrier and prevent the injured person being taken away. M63 said he could remember a strong smell of petrol when they moved up to arrest the rioters but could not definitively state that he saw petrol bombs or petrol bombs being recovered or thrown. He added, "it was like the whole area had been doused in petrol".

[588] M63 stated that a warning was given to the crowd that petrol bombers would be shot, not that they may be shot; "This is how I recall the warning being given to petrol bombers in Northern Ireland at the time." He noted that the warning was not only given by Soldier A but that he, M63, repeated it and was certain it would have been repeated by other soldiers as was practice at the time: "The warning was always given three times and repeated down the line. I am certain of this because that is how we operated."

[589] M63 told the inquest that he was definitely in the vicinity when one shot was fired. He recalled that, after a clear warning was given that petrol bombers would be shot, a shot was fired by a member of D Company. He could not recall the position of the shooter. A short time after the shot was fired, M63 noticed a group of rioters trying to help an injured male. M63 did not think the injured male had been shot at that stage and felt it was an opportunity to move forward and arrest some of the rioters. He ordered his group forward and had a clear memory of some soldiers running in front of him. He stated, "it would have been eight men, nine men, and we went forward". As he moved forward, M63 saw the rioters drop the injured man. When M63 and his group arrived at the injured man, another soldier was already with him, and the injured man was not making any sound. M63 was "85% certain" that a soldier ciphered in this inquest as M81 was present and with the deceased and that M81 was a medic, however he did not believe M81 was Soldier C as Soldier C moved up in the vehicle that took the deceased away.

[590] As the rioters had dispersed and could no longer be arrested, M63 said he stopped his group to form a barrier between the injured man, and the rioters. A short time later, the army personnel carrier came forward and M63 gathered his section and returned to his original position. M63 described this interaction as seeming to take minutes rather than hours.

[591] M63 confirmed that he did not know who shot the deceased and that if he did, he would say. Furthermore, he did not believe that any of the soldiers under his command were Soldiers A to D, as he would have known if they had fired live rounds and shot someone.

[592] M63 identified Major Kingston in VP1 (the photograph of a soldier standing guard over a young male lying on a pavement) due to “his shape and the fact he’s got all his equipment on”.

[593] He stated that the soldier with the SLR in VP2 (the photograph showing the three-armed soldiers at the corner of the maisonettes building) may be either M23 or Sergeant Timwell (now deceased), but it was more likely to be M23, and this view was based on M63 “looking at the photograph and recognising the man in the photograph.”

[594] He identified the vehicle in VP4 (the photograph showing a soldier standing at the rear of an army vehicle on Lenadoon Avenue) as an APC or ‘pig’ and not a Saracen. He stated that a Saracen would be the OC’s vehicle, and it would need to be near the front as it had the radio to communicate with headquarters.

[595] M63 did not recall seeing a bus or bottles of sauce in that he couldn’t remember exactly what was being thrown by the crowd. He did not recall CS gas being used either.

[596] He confirmed that he knew the character of M66 and disputed that he would have lifted the body of the deceased above his head in the manner of a trophy, as suggested by other witnesses.

[597] After carefully considering all the evidence, on balance, I do not believe M63 was Soldier D.

M58

[598] M58 provided a written statement to my investigator on 23 September 2022 and gave oral evidence to the inquest. He previously made a statement in relation to Operation Demetrius dated 10 September 1971. I am aware of his identity and granted his application for anonymity.

[599] On the 9 August 1971, M58 was a corporal serving in 1 Para D Company. He explained that 1 Para were on a two-year tour in Northern Ireland and were the resident battalion based at Palace Barracks, Holywood from 1970 to 1972. M58 served for 40 years, and he retired as a Lieutenant Colonel.

[600] Prior to 1 Para’s deployment in 1970, M58 opined that none of the training he received up to that point had been specific or relevant to the type of duties they undertook in Northern Ireland, which meant that they were “woefully ill-prepared” to meet the challenges of rioting and insurrection.

[601] M58 recounted how they had very little by way of protection for their duties, just their normal army uniform and a standard SLR rifle. He said they could wear a flak jacket under their camouflage smocks, as well as a steel helmet and boots. Batons were available and lightweight shields. They also had some baton guns.

[602] M58 detailed how the army faced riots frequently, and their task in the main was to act in support of the units who were ground holding in a particular area, at the direction of headquarters, 39 Brigade.

[603] M58 stated that by 9 August 1971, 1 Para had seen quite a lot of riots, varying in intensity, involving adults and children. He confirmed that he did not recall having any special training regarding minors involved in rioting. "I mean, common sense tells you how to react and as I said ... minimum force was always the principle that was followed", using live ammunition would have been the last resort. He said that the rules of engagement were set out in the Yellow Card and were enforced at the time.

[604] In relation to the rules of engagement, he explained that officers or senior non-commissioned officers were responsible for ensuring soldiers under their command understood the Yellow Card's content. M58 described how the one basic rule which they followed throughout, was:

"... we use minimum force commensurate to the threat and that's the message that I, as a section commander or a patrol commander, would be passing down to my soldiers but the interpretation of the legalities of it and so on would definitely have rested with the officer and senior NCOs to make sure that that side of it was clearly understood."

[605] M58 told the inquest that 1 Para consisted of approximately 750 men organised into three rifle companies, titled A, B and C, each of which consisted of about 120 personnel. M58 was part of D Company, the smallest company, which consisted of about 65 men. He said D Company was led by two officers, a major and a captain, a warrant officer, two company sergeants and three sergeants who acted as platoon commanders to each of the three 16-man platoons. He helpfully explained that each 16-man platoon was made up of four patrols, that each patrol consisted of 4 men; the commander (normally a corporal), a signaller (who could be a lance corporal or private), a medic (a private who would have received more advanced first aid training), and dependent on the theatre of operation, a private trained as a linguist. Each platoon also included a senior non-commissioned officer who was the platoon commander. M58 explained that his platoon commander was Sergeant Timwell.

[606] As a corporal, M58 would normally have led a four-man patrol but, dependent on the task, he may have led two patrols formed into a section of eight men. M58 would normally have had a lance corporal or several privates in his section. He could not now recall who fulfilled these roles or if the other soldiers mentioned in his Operation Demetrius statement remained in his section or under his command throughout the day on 9 August 1971.

[607] On 9 August 1971, M58 recalled that he started the day leading a team of 4, but may have commanded up to 8 men later, although he could not recall any names.

[608] In the early hours of the morning on 9 August 1971, M58's patrol was attached to the Royal Green Jackets based in Albert Street Mill, and later in the day, C Company and D Company of 1 Para came under the command of 2 Para.

[609] In relation to Operation Demetrius, M58 indicated that under the command of the Royal Green Jackets, his 4-man patrol made arrests of people early that morning in Divis Flats.

[610] The prisoners were brought to Girdwood Park and handed over to the Royal Military Police at approximately 09.00/09.30 hours.

[611] M58 read the ciphered statements of Soldiers A to E and said that he was not any of these soldiers, and he was not involved in the events mentioned on Lenadoon Avenue. He believed he must have been elsewhere.

[612] M58 confirmed that, whilst he could not identify Soldier A, he believed Soldier A would have been above the level of private: "I believe that that individual is either a senior non-commissioned officer or a junior non-commissioned officer. Almost certainly, if he is a junior non-commissioned officer ... more likely to be a corporal ... Or a Lance Corporal." M58 confirmed that a senior non-commissioned officer would be a sergeant.

[613] M58 explained that when Major Kingston, mentioned in his 1971 statement that two sections went north up Lenadoon Avenue, which would have meant a total of 3 APC's and up to 16 men. M58 did not feel comfortable confirming whether M23 would have been the commanding sergeant of this platoon, as he did not know for definite. M58 said he was not one of those men and his section was not one of those sections.

[614] M58 said he had no recollection of a youth being shot. He said he did not return, nor open fire as described in the statements from Soldiers A to E.

[615] M58 stated that there were Black soldiers in many units across the army but only a handful served with 1 Para. In a photograph of D company taken at Palace Barracks M58 identified Private M66, who he recognised. He said M66 was not a member of M58's arrest team on the morning of 9 August 1971.

[616] In relation to the allegations that a Black soldier mistreated the body of the deceased, M58 stated that M66 would have been physically incapable of lifting a man over his head: "It would be physically impossible and knowing the individual as I did, I just couldn't see it being the case."

M10

[617] M10 provided a written statement to my investigator on 3 September 2022 and gave oral evidence to the inquest. I am aware of his identity and granted his application for anonymity.

[618] M10 told the inquest that, to the best of his recollection he was not involved in the events surrounding the death of the deceased and had no recollection of being in Lenadoon Avenue on 9 August 1971.

[619] M10 outlined that in August 1971 he was a member of 1 Para D Company of the Parachute Regiment and went on a two-year tour of Northern Ireland. He explained that this was his second tour of Northern Ireland (his first was in 1969). He further explained that he was the acting captain of D Company, second in command to Major Kingston, and was posted to D Company after having previously been in C Company.

[620] M10 read the statements of Soldiers A to E and stated that he was positive he was not at Lenadoon Avenue when the deceased was shot.

[621] Having reviewed the military logs made available to the inquest, he stated he was likely dealing with another incident at Finaghy Road North. M10 believed he was tasked to attend Finaghy Road North to clear barricades.

[622] M10 believed he was 'Soldier A' in the statements recorded by soldiers in connection with the death of Francis McGuinness at Finaghy Road North, Suffolk, a short time before Desmond Healey was killed. For the avoidance of doubt, that is a different statement to the one provided by a Soldier A in connection with the death of Desmond Healey, which I have referred to several times earlier in these findings. M10 said he was in charge of a single section of men at Finaghy Road North.

[623] Later entries in the military logs recorded that other elements from 1 Para were deployed to Lenadoon Avenue.

[624] M10 said he did not discharge an SLR at any time on 9 August 1971 and did not recall being fired upon that day. He was able to identify himself in BBC video footage taken at Finaghy Road North on 9 August 1971, around the time Francis McGuinness was killed. The footage is titled 'BBC Rewind News "Northern Ireland Violence: Internment for Attackers" Monday 9 August 1971' and was played during the inquest.

[625] M10 was shown photographs VP1 to VP4 and said he did not believe he appeared in any of them, nor did he recognise any of the locations. He was able to recognise the soldier carrying the rifle in VP2, who he said was also present in the D Company photograph taken at Palace Barracks (which he was also shown), although M10 said he could not recall this individual's name. (This soldier was named by some others as M23)

[626] Commenting on the crates shown in VP2, M10 stated they were typical of the containers used by those involved in riots to carry "Molotov cocktails", adding that 1 Para was, "frequently deployed to riot situations in Belfast by August 1971 and it was a common sight to see Molotov cocktails being carried in this manner." M10 confirmed that Molotov cocktail was another name for a petrol bomb.

[627] M10 confirmed that each soldier was issued with an SLR rifle and two to three magazines of 20 rounds. He explained that when operating as part of a snatch squad, the soldier would only have his baton gun with him, while the soldier's SLR was secured in the armoured vehicle.

[628] M10 told the inquest that during his original tour in 1969, there was no formal training provided. He said there was no specific training for Northern Ireland until around 1972 or 1973, although there was an element of riot training as part of basic army training. He said regular, detailed training was given at company level on the Yellow Card and M10 had a clear recollection of this as he was responsible for providing that training when a platoon commander at C Company. He said every soldier carried a copy of the Yellow Card in his pocket. Updates and further training were given when the Yellow Card was revised.

[629] In relation to paragraphs 8 and 12 of the Yellow Card, which deal with firing with or without warning against a person throwing a petrol bomb, M10 said,

“If the commander at the scene of an incident has decided that the situation is so serious that he needs to give a warning that if the crowd don't stop doing whatever they're doing, live rounds may be used, and having given that warning, soldiers under his command would expect to open fire if and when it became appropriate ... They would not expect to make their own decision after a warning had been given.”

[630] M10 believed that Major Kingston was ciphered Soldier E, being the only (senior) soldier to give evidence at the original inquest. M10 further opined that Major Kingston was likely at Lenadoon Avenue with three armoured vehicles and three sections of men.

[631] M10 was taken through the available radio logs for the afternoon 9 August 1971. He explained the following to the inquest: B49 was the call sign for Major Kingston and, where it appeared in the log, it was Major Kingston radioing messages from his armoured vehicle, “his control vehicle”, from the scene at Lenadoon Avenue. The information in those messages may either have come from sights Major Kingston saw personally or as a result of information provided to him via radio from other sections under his command.

[632] At 14.00 hours, the logs detail the expenditure of 21 SLR rounds, 100 baton rounds and 12 CS gas canisters. He said these may have been company-wide statistics rather than an account of those fired around that time.

[633] M10 was asked about the absence of a reference to the death of the deceased in the logs and if that was surprising. He responded that it would have been reported that shots were fired but, as he did not know what had happened after the deceased was shot, he was unable to comment. He did state that he was unsurprised

that it did not appear in the log and noted a possible reason was that the company commander passed on the information in person.

[634] M10 was subsequently cited in the London Gazette in 1972 and believed it would have been Major Kingston who would have initiated this, although he had no knowledge of whether the citation was a result of his actions on 9 August 1971. He confirmed Major Kingston did not speak with him about the incident in which Desmond Healey was shot, and he was not aware of ever being told about this incident at the time.

M67

[635] M67 provided a statement to my investigator on 24 November 2022 which was read into evidence under Rule 17. There was also a signed statement attributed to M67 in relation to Operation Demetrius, dated 9 August 1971. Both of his statements were admitted into evidence under Rule 17. I am aware of his identity and granted an application for anonymity. He did not give oral evidence at the inquest.

[636] In August 1971, M67 was a Lance Corporal in 1 Para D Company, on a two-year tour of Northern Ireland.

[637] M67 said he felt it is unlikely that he was in Northern Ireland in 1971 when the deceased was shot, as he was in England on block leave, for at least a week before the 9 August 1971. He did not recall making the statement attributed to him regarding the arrests on the morning of the 9 August 1971, nor did he recall making the arrest. I pause to note that if he was in fact making arrests in Northern Ireland on the morning of 9 August 1971, he obviously was not in England.

[638] There were statements from three other soldiers which referred to the same arrest operation that M67's 1971 statement referred to, namely M59 (who I will come to in a moment), M73 and M78. M67 recalled the Warrant Officer Class 2 (WO2), Sergeant Major M73, but only because of his rank, and because he was the only WO2 in the company. M67 said he had a vague recollection of Private M59 and had no memory of M78.

[639] In relation to the 1971 D Company photograph taken at Palace Barracks, he did not believe that he appeared in this photo.

[640] In relation to the photographs VP1 to VP4, he said he did not recognise anyone in these photographs, or the areas depicted in them.

[641] Having read the ciphered 1971 statements of Soldiers A to E, M67 stated that he could not relate to this incident. He said he had no memory of being there and the statements did not assist him. He commented:

"I simply cannot say if I was in Lenadoon Avenue that day as I've no memory of it. I do know that I did not

shoot Desmond Healey, and I am unaware who did shoot him. I know we would've been trained on the yellow card for use in Northern Ireland. I do not recall the details of it now, but it was like the bible at the time."

[642] During his time in D Company, M67 stated that it was possible that Sergeant Walmsley or M23 were his sergeants, but he could not say if either was his sergeant on 9 August 1971.

M59

[643] M59 provided a written statement to my investigator on 4 November 2022, which was read into evidence under Rule 17. A statement is attributed to M59 in relation to Operation Demetrius, dated 10 September 1971. Both of his statements were admitted into evidence under Rule 17. I am aware of his identity and granted his application for anonymity. He did not give oral evidence at the inquest.

[644] In August 1971, M59 was a member of D Company. He joined D Company around two weeks before the deceased was shot.

[645] M59 explained that he was briefed on the Rules of Engagement before leaving for Northern Ireland and he believed he carried a Yellow Card, but he did not recall receiving any further training on any updates to the rules. As he was a new private, M59 said he had not yet been trained in a specific function, and he did not believe that he was trained in baton guns at this time.

[646] M59 was involved in an incident earlier in the day on 9 August 1971 in which an arrest was carried out and he said he was unable to provide any further details.

[647] M59 said that having reviewed the statements of Soldiers A to E, he was not one of the ciphered soldiers. He did not believe he was with Major Kingston when he went to Lenadoon Avenue. He said he did not discharge his weapon in Northern Ireland or have any specialist medical training.

[648] He did not recognise any person in VP1-VP4.

[649] He stated that he did not shoot the deceased, nor could he provide any information as to who did.

M20

[650] M20 provided a statement to my investigator on 24 June 2022 which was read into evidence under Rule 17. He attached 17 documents to his statement, one of which included his statement to the Ballymurphy Inquest. The Ballymurphy events took place between 9 and 11 August 1971, and I will discuss the contents of that statement and his statement to this inquest further below. A statement is attributed to M20 in relation to Operation Demetrius, dated 9 August 1971. Both of his statements were admitted into evidence under Rule 17. I am aware of his identity and granted his application for anonymity. He did not give oral evidence at the inquest.

[651] M20 joined the military as a junior soldier in 1962 and was attached to 1 Para. He attended basic training, which lasted six months. At that time, M20 was trained on the use of the SLR rifle, which used 7.62 ammunition rounds. His statement also referred to basic baton gun training.

[652] M20 recalled that there was Yellow Card training, but he could not remember the content of that training. He said that a Yellow Card would have been issued to all soldiers prior to deployment.

[653] In 1971, M20 said he was on a two-year company tour, living at married quarters in Palace Barracks, Holywood. In August 1971, M20 held the rank of Sergeant in D Company. During his time in Northern Ireland, M20 said he was not required to discharge his SLR.

[654] M20 described how patrols were on foot or in APC's, a six wheeled armoured personnel carrier, or an armoured Land Rover which had four wheels, although more likely an APC would be used if they had to deal with crowd control and the possibility of making arrests. He said there would be approximately eight soldiers in the APC, a driver and section commander at the front and at least six soldiers in the rear. One of these would have been a radio operator, a baton gunner and where possible, a section medic.

[655] Each soldier would typically have been dressed in combat fatigues, a beret or helmet, and a belt with a bottle and a pouch for field dressing and spare magazine, as shown in photographs VP1 to VP4. Each soldier would carry an SLR, loaded with their other magazine. Each of their two magazines could hold up to 20 rounds. The SLRs were personal issue, but the ammunition was issued daily from the armoury so records could be kept, and rounds had to be accounted for. He said only the baton gunner would have an extra weapon and the ammunition for it.

[656] M20 was on duty on 9 August 1971 during Operation Demetrius. In his statement, M20 referred to a lance corporal, M64, and a private, M65. He believed that both men were under his command at 02.30 hours on the 9 August 1971, but he could not be sure if they remained with him throughout that day or at the time of the deceased's death. He said it was common in the Parachute Regiment to train together and stay together.

[657] In relation to the death of the deceased, M20 said he had no recollection whatsoever of the incident, or of being in Lenadoon that day. He viewed footage from 'BBC Rewind News, Northern Ireland Violence: Internment for Attackers Monday 9 August 1971' which showed 1 Para D Company on patrol at Finaghy Road at the junction of Suffolk Road that day. He said he did not see himself in that footage, and he did not recognise anyone else. M20 had no recollection of disposing of bottles or petrol bombs in crates as shown in the footage.

[658] In relation to the ciphered statements of Soldiers A to E, M20 said he was not any of these soldiers. M20 also said that he had no memory of his section being one of the sections that accompanied Major Kingston.

[659] M20 claimed he did not know Sergeant Walmsley nor had he any knowledge of the events on Lenadoon Avenue.

[660] As with all the soldiers who made statements with the coroner's investigator for this inquest, he was shown both the D Company photograph taken at Palace Barracks and photographs VP1 to VP4. M20 recognised some of the faces in the D Company photograph but he could not pick himself out. M20 said he did not recognise himself or any of the soldiers in photographs VP1 to VP4.

M60

[661] M60 provided a written statement to my investigator on 14 November 2022, which was read into evidence under Rule 17. A statement is attributed to M60 in relation to Operation Demetrius. Both statements were admitted into evidence under Rule 17. I am aware of his identity and granted his application for anonymity. He did not give oral evidence at the inquest.

[662] In August 1971, M60 was a private in 1 Para D Company. This was M60's second tour in Northern Ireland and he had been trained in the Rules of Engagement prior to his initial deployment in Northern Ireland. M60 had general training in first aid and baton gunning.

[663] M60 said he had no memory of being at Divis flats effecting an arrest on 9 August 1971, despite his statement stating that he had. He stated he believed he was back and forth to several different addresses, making or assisting with a number of different arrests.

[664] M60 stated that, had he been involved in the incident in which the deceased was shot, he would likely have had some recollection of this, but he did not.

[665] He stated he was not any of the ciphered Soldiers A to E, having reviewed their statements. He told the inquest that he did not discharge his weapon whilst in Northern Ireland therefore he was certain he did not shoot the deceased.

[666] Having viewed photographs VP1 to VP4, M60 identified the sergeant standing with an SLR in VP2 to be M23, noting that M23 had French wings on his chest which was not that common. M60 confirmed he was not in any of the photographs himself.

[667] Having reviewed the ciphered statements, M60 thought that Soldier A was likely a non-commissioned officer, a sergeant of some rank, or a full corporal at minimum, given that he issued the order to fire. He thought Soldier B was likely a member of a snatch squad and therefore a private or lance corporal at most. Soldier D was likely to be ranked between a lance corporal and a sergeant as he was giving cover to the snatch squad and not trying to make the arrest. M60 said this was usually the section commander's role. He noted the handwriting resembling 'Kingston' at the top of Soldier E's statement.

[668] Commenting on M66, M60 stated he would hold him in high regard. He stated he was a quiet, well-respected soldier who had to go through a lot to get into the regiment because of his colour. Commenting on the allegations made by some of

the spectators in respect of the Black soldier present at Lenadoon, M60 noted that M66 was a teenager and of “stick thin build” at the time. Given his size and build, M66 would not have been capable of lifting anyone above his head.

M70

[669] M70 provided a written statement to my investigator on 30 January 2023 which was read into evidence under Rule 17. A statement attributed to M70 in relation to Operation Demetrius, was also admitted into evidence under Rule 17. I am aware of his identity and granted his application for anonymity. He did not give oral evidence at the inquest.

[670] M70 detailed that in the summer of 1971 he joined 1 Para D Company. During basic training, he was trained as a radio operator and was taught to drive the APC. He was trained in the SLR and general-purpose machine gun.

[671] M70 reviewed the D Company photograph taken at Palace Barracks and identified M66 and M65, as well as tentatively identifying Sergeant Walmsley and M23. He stated he was not in the photograph himself.

[672] M70 was shown his statement in relation to the arrest operation on the morning of 9 August 1971, and he stated he had no memory of the incident.

[673] M70 stated he did not believe he was on Lenadoon Avenue on 9 August 1971, having reviewed the available logs. He reviewed photographs VP1 to VP4 and said he was unable to identify himself.

[674] M70 stated that, having attended so many riots in Belfast on his first tour, it was now difficult to distinguish one incident from the other. Having reviewed the ciphered statements of Soldiers A to E, he said he was not one of these soldiers. He recalled being fired at by terrorists but did not believe it was during this incident. He did operate as part of a snatch squad whilst in Belfast with D Company but again, did not believe he did so during this incident.

[675] In relation to Sergeant Walmsley, M70 had a recollection of Walmsley shooting a man whilst on tour but he did not believe the person was as young as the deceased.

M71

[676] M71 provided a written statement to my investigator on 14 December 2022 which was read into evidence under Rule 17. In August 1971, M71 was a private in D Company. I am aware of his identity and granted his application for anonymity.

[677] Having reviewed the company photograph, M71 identified himself in it and confirmed the location as Palace Barracks.

[678] M71 recalled being deployed to Finaghy Road North on 9 August 1971 and was able to positively identify the armoured vehicle in the 'BBC Rewind News: "Northern Ireland Violence: Internment for Attackers" Monday 9 August 1971' footage of that day, as well as the location. He identified his section commander as Corporal Jack Fowler in this footage. He further stated that he did not believe his section made it as far as Lenadoon that day.

[679] M71 reviewed photographs VP1 to VP4 and did not recognise the locations. He believed the sergeant standing up in VP2 to be M23 and noted either the French or POW parachute wings on his chest area. He further noted these wings on M23 in the company photograph, as well as on Sergeant Walmsley's chest in the same photograph.

[680] M71 stated he did not make any of the ciphered statements made in relation to either the Finaghy Road North incident or the death of the deceased. He stated he did not make any statements in the entirety of his time at Palace Barracks and did not discharge an SLR.

RUC logs

[681] PSNI provided the RUC 'Duty Officers Report for 24 hours ending at 8.00am on Friday 13 August 1971'. It contained relatively little evidence which assisted me. However, there was one relevant entry in relation to the identification of the deceased:

"With reference to Duty Officer's report for the period ending at 8.00am on the 10th instant (No 4 killed and injured list). The body has been identified as that of Desmond Healey, approximately 15 years, of 8 Bunbeg Park, Suffolk, Belfast".

1971 Investigation

[682] In the present case, as previously outlined, the statements of military personnel following the death of the deceased were obtained by the RMP, rather than the RUC. This arrangement was in accordance with an inter-agency protocol then in force, namely 'RUC Force Order 148/70'. Pursuant to that agreement, the RUC did not have direct access to military witnesses. Responsibility for obtaining and reviewing the accounts of such witnesses was, in effect, delegated to the RMP. The RUC retained responsibility for all other aspects of the investigation and for the preparation of the inquest file. It is understood that the coroner would have received a sealed envelope containing the names of the relevant military personnel and their ciphers.

[683] I have received into evidence the material generated by the RMP investigation, and I have evaluated it alongside all other evidence adduced during this inquest, in accordance with the appropriate evidential standards.

RMP/SIB

[684] The HET Report into the deceased's death noted that Corporal Croft (deceased) of the RMP/SIB carried out the investigation into the deceased's death and recorded the statements from Soldiers A to E. The investigation file was handed to the RUC, namely, Detective Constable Farr, for preparation of an inquest hearing.

RUC

William Farr

[685] Detective Constable (DC) William Farr was the Investigating Officer, and his evidence consisted of a draft deposition, a police report dated 5 October 1971 addressed to the Chief Inspector of Lisburn, and notes in relation to his engagement with the HET in 2006. DC Farr is deceased, and his evidence was admitted under Rule 17.

[686] DC Farr was stationed at Lisburn Police Station. At 2.15pm on 9 August 1971, accompanied by Constable George Johnston, he went to the mortuary at the Lagan Valley Hospital. There, Constable Johnston identified the body of a youth to him which had earlier been brought in by the army from Lenadoon Avenue. He examined the body and found a small hole in the right side of the chest, which, to him, appeared to have been caused by a bullet entering the body. On examination of the back of the body he found another hole, which to him appeared to have been caused by a bullet leaving the body.

[687] At this time the body was clothed as follows: a fawn-coloured corduroy Wrangler jacket, brown hipster type trousers, yellow shirt with button down collar, grey patterned socks and brown shoes with gold clip fasteners.

[688] Later that afternoon DC Farr identified the body to Constable Murray, Scenes of Crime Officer, who took swabs and removed the clothing which had been on the body, and sent it to the Forensic Science Laboratory for expert examination. He also identified the body to Constable Sinclair, Photography Branch of the RUC, who took a number of photographs.

[689] At 7.30pm on 10 August 1971, at Lagan Valley Hospital, he identified the body to the State Pathologist, Dr Marshall, who carried out the post mortem examination. Dr Marshall gave a provisional cause of death as gunshot wound of the chest.

[690] An identikit picture of the youth was built up by the RUC Headquarters staff, and it was issued to the press, along with a description of the clothes worn by the deceased and the following description of the body, in an effort to have the young male identified:

“Unknown male person, 16 to 17 years, 5 foot 11 inches, slim build, blue eyes, triangular face, light brown hair, long and curly.”

[691] The fact that the deceased had an appendix scar was also mentioned. An appeal was issued through the media of television and radio.

[692] An extract from the Newsletter, dated 11 August 1971, was read into evidence under Rule 17. The article showed the photofit made by police and it read,

“photograph of youth shot, believed by army, at top of Lenadoon Avenue, Dunmurry at about 1.00pm on Monday. Police at Lisburn ... (and it gives their telephone number) request that anyone who may know him to get in touch with them immediately.”

[693] As the result of the media appeal, Patrick David Downey, the deceased's uncle, 33 years, accompanied DC Farr to the mortuary at the Lagan Valley Hospital at 9.00pm on 12 August 1971 where he identified the body as that of his nephew, Desmond Christopher Healey, date of birth 19 December 1956, student, of 8 Bunbeg Park, Suffolk.

[694] DC Farr had photographs prepared from an Ordinance Survey map of the Suffolk Estate on which is marked the position “of the troops and also that of the bombers”, marked ‘exhibit A’. Unfortunately, despite exhaustive searches, the photographs referred to in this draft deposition could not be found. The only contemporaneous photographs that could be found were those taken by Constable Sinclair during the post mortem examination.

[695] Whilst the Forensic Science report was not available at the time of DC Farr writing his report, he stated that the Police Liaison Officer had indicated that the report would be negative as regards inflammable substances being found on the body.

[696] DC Farr's report detailed the summary of evidence available to him which included statements from the Soldiers 'A' to 'E', police statements, and a doctor's statement. His report also detailed his discussions with Mrs Healey, the mother of the deceased. He stated,

“... at the time I was speaking to Mrs Healey she informed me that at least 20 people had told her that her son wasn't involved in the riots or throwing petrol bombs. She also stated that a number of these people had made statements to this effect to her solicitor, James T Johnston & Company, 134 Donegall Street, Belfast. Mrs Healey declined to give me any of the names of these persons, but she did undertake to speak to them and ask

them to get in touch with me with a view to making a statement about the incident. To date, none of them have been in touch with me and I am unable to obtain any of their names.”

[697] DC Farr’s report referred to the inquest into the death of the deceased being scheduled to take place on 15 October 1971.

[698] When DC Farr spoke to the HET in 2006, then retired, he said he could not recall specific details, he did not possess any records from that time, and he “... could not recall any details which may have provided investigative opportunities.” This note also details that; “... given the internment situation two detectives were available to carry out all enquiries for all the incidents over approximately a week period.” The point being made was that there was a lack of police resource to deal with the investigation.

George Johnston

[699] Constable George Johnston of the RUC provided a statement dated 15 October 1971, which was admitted into evidence under Rule 17, as he is deceased. He was on duty at the junction of Stewartstown Road and Lenadoon Avenue at 1.25pm on 9 August 1971. He was instructed to accompany an army vehicle to Lagan Valley Hospital, Lisburn, which contained the body of a youth, whom he later found out was the deceased. His statement records that on arrival at the hospital, Dr Elisha Brown pronounced life extinct.

Eric Murray

[700] Constable Eric Murray was a Scenes of Crime Officer in the RUC, who provided a deposition to the original inquest in 1971 and a statement to my investigator on 23 June 2022. His evidence was read into evidence under Rule 17.

[701] Constable Murray was attached to the RUC Fingerprint Branch. On the afternoon of 9 August 1971, he went to the mortuary at Lagan Valley Hospital, and he took swabs from the deceased’s hands, both sides of chin and neck. He removed the deceased’s clothing.

[702] Whilst removing the clothing, Constable Murray stated that he “detected a strong smell of a petrol/oil substance, which appeared to come from the bottom of the trouser legs and also the shoes”. He handed all items of clothing, along with the swabs, to Mr Victor Beavis, Forensic Science Department, Belfast.

[703] Constable Murray did recall the case when he spoke to HET in 2012. He recalled taking possession of the deceased’s clothing, which smelt strongly of petrol. He could not recall being made aware of the forensic results.

[704] The only reference to the results of the swabs, in the papers before me, was in a report to the Chief Crown Solicitor from the RUC, dated 12 October 1971, which outlined:

“Report from the Department of Industrial and Forensic science has not yet been received, but a verbal report indicates that examination of the clothing and swabs from the hands and neck of the deceased did not reveal signs of inflammable substances.”

[705] I note that a newspaper report of the original inquest reported in the Evening Herald on 5 November 1971 summarised the evidence produced to the inquest. This included a reference to Mr Beavis, who told the original inquest, “that when he examined the clothes and the body two days later there was no presence of petrol”. I recognise that this is not first-hand evidence, and I have treated it with appropriate caution.

Constable Norman Sinclair

[706] Constable Sinclair provided a deposition to the original inquest in 1971 and provided a statement to my investigator in April 2022. His evidence was read into evidence under Rule 17.

[707] Constable Sinclair was attached to the Photography Branch in 1971. At 4.00pm on 9 August 1971 he went to the mortuary at Lagan Valley Hospital and on the direction of Dr Carson, State Pathologist, he took six photographs of the body. He later processed the film and prepared copies of the photographs in album form. He said the case was unusual in that the postmortem did not go ahead when photography, scenes of crime and the pathology initially examined the body. The postmortem instead was scheduled for the next day by Dr Carson. Constable Sinclair had no memory of any smell of petrol or similar substance of the deceased’s clothing.

Intelligence

[708] I was provided with a small amount of sensitive material by the PSNI and therefore I conducted a Public Interest Immunity exercise in relation to it. The sensitive material contained references to the deceased’s death and various reports about possible membership of three different unlawful organisations, the Provisional IRA, Official IRA and Provisional Na Fianna Éireann.

[709] A memo to the Assistant Chief Constable, Special Branch HQ, from a Detective Inspector in Lisburn RUC Station, stamped 22 September 1971, read:

“Youth shot by military at Lenadoon Avenue, Suffolk at 1.25pm on 9th August 1971.

The Youth shot in this connection was Desmond Christopher HEALEY, 8 Bunbeg Drive, Suffolk, who was found by the military throwing “petrol bombs” at their positions. He died as a result of the wound sustained.

[redacted] Healey was a member of the IRA (Official Wing) in the Upper Lenadoon area. The deceased held the rank of volunteer.”

[710] A report from Special Branch Lisburn to the Superintendent at Special Branch HQ, dated 3 November 1971, stated that a Detective Constable, stated:

“[Redacted] Desmond Healey was named as being a member of the Provisional Fianna na Éireann in the Suffolk area. [Redacted] Healey was a member of the Provisional IRA. It is understood that during August 1969, Healey was one of a number of people detained at a school in Raglan Street, Belfast, when a quantity of arms and ammunition were found. Charges were preferred against all concerned in this connection, but I understand were subsequently withdrawn as far as Healey was concerned. Perhaps these facts could be verified by Special Branch at Springfield Road.”

[711] A handwritten note appeared to record information from a Detective Sergeant and read: “Desmond Healey given as a member of Suffolk Provisional Fianna Na Éireann by [Redacted].”

[712] Another reference to the deceased in Special Branch sensitive material dated 10 February 1972 read:

“[Redacted] Desmond HEALY when he was shot. [Redacted] HEALY and everyone else there were throwing stones and other things at the Army. [Redacted] there was a crate of sauce looted, and HEALY was throwing them.”

[713] The above information was intelligence from unknown provenance, which is untested and must be treated with caution when it comes to assessing what if any weight to attach to it. The deceased did not have a criminal record. I also note that the HET stated in its Report that “There is no intelligence to indicate that Dessie was involved with any paramilitary group or other form of criminality.”

Life pronounced extinct

Dr Elisha Francis Brown

[714] Dr Elisha Francis Brown was a Casualty Officer (doctor) at Lagan Valley Hospital, Lisburn. The doctor provided a statement to the RUC in 1971 and a statement to my investigator on 27 April 2022, both of which were entered into evidence under Rule 17.

[715] At 1.35pm on the 9 August 1971 the body of a youth was brought in by the army. Dr Brown examined the body and found a small bullet entry hole in the right side of his chest and a large exit wound in the centre of his back. Dr Brown pronounced life extinct.

[716] When he spoke to my investigator in 2022, Dr Brown had no recollection of this incident nor of seeing the body of the deceased. Having read the statement of Dr Carson and Constable Murray, which detailed a smell of petrol from the clothing of the deceased, he had no recollection and could not comment on this.

Pathology Evidence

Dr Derek Carson

[717] Dr Derek Carson (deceased), the then Deputy State Pathologist for Northern Ireland, provided a statement to the RUC in 1971 which was read into evidence under Rule 17. He stated that, at 4.00pm on 9 August 1971, he went to the mortuary at Lagan Valley Hospital to carry out a post-mortem examination. On arrival he found that another body had been admitted, and he was informed that the identity of the body was not yet established. He stated,

"To save time later, and to have photographs available as an aid to identification I decided the clothing should be removed and photographs taken. I detected a strong smell of a volatile substance resembling petrol or oil, from the clothing, particularly the trousers and more especially the shoes. I noted what seemed to be an entrance gunshot wound on the front of the chest, and an exit wound on the back. I indicated to Constable Sinclair which photographs I thought should be taken. I then decided that a more detailed examination should be deferred until the following day."

Dr Thomas Marshall

[718] State Pathologist, Dr Thomas K Marshall (deceased), conducted the post mortem examination the following day, on 10 August 1971, at Lagan Valley Hospital mortuary, and thereafter he produced an autopsy report. The name of the deceased was not known at the time of the examination. The report was entered into evidence under Rule 17.

[719] Dr Marshall gave the cause of death as 1a. bullet wound of chest.

[720] In relation to the deceased's injuries, Dr Marshall's report detailed the following:

"External examination:

...

Gunshot wounds were present in the following situations:

(1) an entrance wound on the front of the chest three centimetres to the right of the midline and one centimetre below the level of the nipples. It was forty-nine and a half inches above the soles of the feet. It consisted of a central hole four millimetres diameter, surrounded by a regular zone of dark red abrasion two millimetres broad. The abrasion bore some fine tags of white tissue. The hole led directly into the chest.

(2) a ragged, oval exit hole, twenty-six by eighteen millimetres on the left side of the back, centred two and a half centimetres from the spine and five centimetres below the lower angle of the shoulder blade. It was forty-eight and a half inches above the soles of the feet. From its lowest point a subsidiary laceration extended vertically downwards for eight millimetres, and this gave the wound a somewhat pear-shaped appearance. The left half of the wound had muscle in its base. The right half led directly into the chest cavity."

[721] A surgical scar mark in the abdomen was noted. Dr Marshall described the body as that of a youth who was healthy. There was no natural disease to cause or accelerate death, or to cause collapse.

[722] Dr Marshall stated that death was due to a bullet wound of the chest:

"A bullet had entered the front of the chest just to the right of the middle of the breastbone, had traversed the upper chambers of the heart and had transected the aorta, the principal artery of the body, before passing through the left side of the spine and the lower lobe of the left lung. The wounds of the heart caused his rapid death. The injuries were of a type caused by a high velocity bullet. The track of the bullet through the body was directly from front to back, forty-eight and a half inches above the soles of the feet, with only the slightest deviation on left towards the feet. There were no other

injuries. The report of the Forensic Science Laboratory shows that at the time of his death there was no alcohol in his body."

Professor Jack Crane

[723] Professor Jack Crane, former State Pathologist for Northern Ireland, was instructed on my behalf to review the pathology evidence. He produced a report dated 24 November 2022 and he gave oral evidence to the inquest.

[724] Professor Crane was asked to comment upon the following: whether the wounds suffered by the deceased were caused by a direct shot ie the bullet did not strike any intermediate object/person before it struck him; the type of weapon/ammunition that caused his wounds; the relative locations of the deceased and the shooter/weapon from which the shot was fired; and the deceased's position when he sustained the wounds.

[725] Professor Crane's opined;

"This youth died as a result of a single high velocity gunshot wound to the chest. The bullet responsible for his death had struck him on the centre of the front of the chest and had passed backwards through the chest to make its exit through a fairly large, ragged hole on the back of the chest. Internally the bullet had gone through the upper chambers of the heart and had completely transected the aorta, the principle artery of the body. The bullet had also passed through the bony spine in the chest. The injuries caused by the passage of this bullet would have caused his immediate collapse and very rapid death."

[726] Professor Crane told the inquest that the injuries were those caused by a high velocity bullet, such as the 7.62 millimetre, from a self-loading rifle (SLR). The entrance wound was a neat circular hole consistent with a direct shot. The bullet had not struck an intermediate target before striking his body (it was not a ricochet). He said there was nothing to indicate that the bullet had been fired at close range.

[727] Professor Crane explained that the location of the entrance and exit wounds were consistent with him having been in an upright position when he was shot. He stated he could not indicate from a pathology perspective whether or not the deceased may have had his arm above his head, about to throw something.

[728] Professor Crane addressed the allegation that the bullet which struck the deceased was a soft nosed or hollow point bullet, known colloquially as a "dum-dum" bullet. Such bullets expand and deform on impact and as a result will often be retained within the body because of loss of their kinetic energy. They are designed

to attempt to cause greater damage. He explained that there was nothing to support the contention that the deceased was struck by such a bullet. He went on to say, "It had also been asserted that he had been running away when a soldier shot him in the back, this is factually incorrect. Desmond Healey must have been facing the shooter when shot in the chest."

[729] I stated earlier that both a Scenes of Crime officer and the Deputy State Pathologist Dr Carson commented on there being a strong smell of a volatile substance resembling petrol or oil on the deceased's clothing, particularly his trousers and shoes. Professor Crane told the inquest that one possible explanation for this finding is that if he had been holding a petrol bomb when shot, the bottle could have dropped from his hand and smashed on the ground causing the contents of the bottle to contaminate his trousers and shoes. There was no report from the Forensic Science Laboratory regarding examination of the deceased's clothing for volatile materials. Professor Crane stated that his view was one based on common-sense in some respects, rather than pathology, but he felt that it was not unreasonable for Dr Carson to comment upon this. He highlighted, however, that this was only one explanation and there may be others. He did not feel that he could comment upon the verbal report provided by the police liaison officer at the time that findings regarding inflammable substances were negative. He agreed with one of the examples put to him as an alternative possibility, namely that a substance from the floor of the army vehicle in which he was transported could have contaminated his clothing, if present.

[730] In relation to the allegation that the deceased had been dragged across a roadway/footpath, possibly over debris such as broken glass, stones and bottles, as had been described by a number of civilian witnesses, Professor Crane commented that one would have expected to find abrasions on the body or marks on the clothing, but he did not feel that he could comment about this other than to note that Dr Marshall, who carried out the postmortem examination, did not note any such injuries (I would have expected Dr Marshall to record such injuries if they were present). Similarly, if a person was thrown into the back of a vehicle, one might see injuries as a result, but no such injuries were noted by Dr Marshall. Professor Crane stated that one may have expected to see scuff marks, particularly on the shoes, if he is being dragged and similarly, tears in the clothing particularly if there were sharp glass and/or other debris on the ground. He stated that the clothing would protect the skin, so you may not necessarily see the streaky linear abrasions that are associated with dragging on the skin surface. There was nothing, however, to indicate that the deceased's head or hands were covered, and if a body were dragged, one would have expected the hands to "make contact with the ground and in those circumstances, you might expect to find linear streaky abrasions." Professor Crane confirmed this would have been the case whether life was extinct or not.

[731] No injuries associated with collapse were reported within the autopsy report and Professor Crane agreed that there were no other external injuries beyond a scar

from an earlier operation, despite the deceased having been described by some as collapsing and falling to the ground.

[732] In relation to whether the delay in carrying out the postmortem would have impacted upon Dr Marshall's ability to distinguish between minor injuries such as abrasions and bruising, Professor Crane commented,

"hypostasis, which is the purple discolouration usually found on the back of the body, can sometimes be quite difficult to differentiate between bruising, so there is always that possibility that you may not see bruising, or you may not be able to tell whether it's simply post mortem hypostasis or whether it's bruising, that is possible. As for abrasions, abrasions are abrasions, they should still be apparent."

Conclusions on the evidence

[733] The applicable standard of proof is the balance of probabilities.

[734] I am prohibited by Rule 16 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 from making any findings on criminal or civil liability.

[735] I have carefully considered the totality of the evidence presented in this inquest, including all oral testimony and the material admitted pursuant to Rule 17.

[736] I have also carefully considered the written and oral submissions advanced by counsel.

[737] In assessing the evidence, I have borne in mind the issues that may arise in the context of a historical inquiry, particularly the potential effect of the passage of time on memory, and the potential for inadvertent contamination.

[738] This inquest concerns events that occurred during a large-scale episode of public disorder. The disorder took place over a significant period, and events were, by the nature of what was happening, dynamic throughout, rather than static. That can also make it more difficult to discern what happened, even if it were not for the passage of time.

[739] The broader historical and societal context in which these events took place is a relevant consideration in the analysis of the evidence. This includes potential bias, which is something I have taken into account.

[740] Having examined the evidence in its entirety, I make the following findings of fact, on the balance of probabilities.

The riot

[741] On the morning of 9 August 1971, the Lenadoon area was the scene of significant civil unrest, prompted by the introduction of internment. Barricades were put in place by some civilians with the aim of preventing the entry of the army or at least limiting or delaying their entry and movement.

[742] Whilst not all witnesses refer to an Ulsterbus, they were not all present at the same time, and I am satisfied that an Ulsterbus was hijacked and positioned across Lenadoon Avenue in and around the junction with Creeslough Park, thereby forming a makeshift barricade. Around 12 noon, this obstruction was removed by members of D Company, 1 Para.

[743] I find that the civil unrest in the Lenadoon area developed following the removal of the Ulsterbus and the increased presence of the army. I further find that the ensuing riot was volatile and chaotic in nature. There was a general escalation in the level of violence, albeit punctuated by periods of more intense disorder followed by relative lulls. Such lulls appear to have occurred both to enable rioters to re-arm and in the aftermath of snatch squad operations.

[744] The number of civilians involved in the disturbances fluctuated throughout the incident, though the general trend was one of increasing numbers. Many simply observed, but a significant number actively took part in the disorder.

[745] A variety of missiles - predominantly stones and bottles - were directed towards army personnel, the nature of which reflected the materials readily available to those engaged in the disorder.

[746] In response to the escalation, the army deployed military vehicles across Lenadoon Avenue at its junction with Creeslough Park, where the Ulsterbus barricade was previously positioned. Although there were various accounts about the number and type of military vehicles that were on Lenadoon Avenue that day, and again this would not necessarily have been static, based on the evidence, I am satisfied, that there were two armoured personnel carriers, or 'pigs', and one Saracen, to restrict civilian movement and manage the disorder.

[747] I am satisfied that the photographs VP1 to VP4 were taken in the area of Lenadoon Avenue on 9 August 1971 and I am satisfied that the initial stages of the rioting bore visual similarity to the scene captured in Photograph VP3.

[748] I am satisfied that the army fired multiple rounds of rubber bullets in the direction of the rioters, prior to discharging the live round which struck and killed the deceased (hereafter referred to as 'Desmond Healey' or 'Desmond'). The soldiers and the majority of civilian witnesses refer to the discharge of rubber bullets from baton guns, as do the military logs.

[749] I am satisfied that CS gas was also used by the soldiers in an attempt to deal with the rioters. There were two explicit references to the use of CS gas in the

military logs. It was also mentioned by several civilians and soldiers, although not by all.

[750] I find that a hijacked lorry was driven at the soldiers located at corner of the maisonettes at 99 Lenadoon Avenue, which ultimately missed the soldiers and crashed into the garden of 2 Creeslough Park. This was described by Major Kingston and a civilian.

[751] I am satisfied on the evidence that live rounds were fired at the army from a car situated on Creeslough Park at some stage prior to Desmond Healey being shot; and that a number of soldiers returned fire with live ammunition. This exchange of fire was mentioned by the soldiers and some, but not all civilians. The military logs contain a number of references, in the early afternoon, to live rounds being fired at them, including, in particular, a reference to an "MG" (machine gun) on Lenadoon. I have taken into account that not all civilians were present the entire time, it would have been noisy, and the main area of attention was in and around the bend of Lenadoon Avenue, in particular, the area between the junctions at Glenveagh Drive and Creeslough Park.

[752] I am satisfied that at least one vehicle was hijacked in order to supply the crowd with missiles to throw at the army. In the evidence, there was reference to a Lyle and Kinahan lorry, while others referred to a NAAFI lorry being hijacked. I am unable to reach a conclusion on the number of vehicles hijacked, but there was at least one.

[753] I am satisfied that crates of bottles from Lyle & Kinahan were used in the rioting. I am satisfied of this because of the civilian evidence and, to some degree, the photographs. Some of these bottles were distributed among the rioters and used as projectiles against the soldiers.

[754] I am also satisfied that some sauce bottles were used in the rioting, as mentioned by a number of civilian witnesses, and in sensitive material, although not mentioned by any soldiers. However, I do not think the use of sauce bottles as missiles was as prevalent as was described to me by a number of the civilian witnesses. I think it is likely this issue has grown in notoriety in people's recollections over the years as the matter has been discussed and considered.

[755] Desmond Healey was observed by a number of civilians among a group of rioters - largely composed of young males - and he was amongst the rioters shortly before he was shot. I am satisfied that Desmond Healey was actively participating in the rioting by throwing missiles at soldiers.

[756] There is some intelligence material which suggests Desmond Healey may have been a member of an unlawful organisation. However, I can place only very limited weight on that material in the circumstances. There was no witness evidence to support the suggestion that he was a member. Mr Martin Livingstone accepted that he was, at the material time, a member of an unlawful organisation, namely, Na

Fianna Éireann, but stated that Desmond was not. Desmond's presence at, or participation in the riot, does not, of itself, constitute evidence of membership of any unlawful organisation. I have also taken into account a statement attributed to Mr Ted Healey, namely that Desmond's mother is said to have approached an unlawful organisation to complain that her son was not afforded an IRA funeral. That assertion, even if accurate, does not provide reliable or probative evidence of membership. On balance, I am not satisfied that Desmond was a member of any unlawful organisation.

Petrol bombs

[757] Determining whether petrol bombs were in use at the relevant time has presented a significant evidential challenge. No civilian witness reported the use of petrol bombs in or around the time when Desmond Healey was shot. Conversely, the statements of Soldiers A to E refer to petrol bombs being present and deployed, and M63's oral evidence was to the same effect. M66 did not recall petrol bombs being used, although he was unable to state definitively that none were present. Petrol bombs were also referred to on a number of occasions in the contemporaneous military logs as being present in the area. They were recorded in connection with the incident at Suffolk, during which Francis McGuinness was shot, as well as with the disorder at Lenadoon. These entries include references predating the time of the shooting of Desmond Healey. I further note that petrol bombs were a common feature of rioting and civil disorder at that time and remained so in the years that followed. I have taken into account the potential for bias or distortion on both sides of this issue: civilians may have wished to portray Desmond Healey in the most favourable light and/or the soldiers in an unfavourable one, while the soldiers may have had an incentive to falsely assert the use of petrol bombs in order to justify the use of live ammunition. Having considered all of the evidence in the round, and notwithstanding the weight of the civilian evidence on this point, I am satisfied, on the balance of probabilities, that petrol bombs were present in the area and that they were brought to the scene of the riot on Lenadoon Avenue.

Military presence and activity at the time and location of the shooting

[758] I am satisfied, based on the accounts of some soldiers and the military logs, that around 11.30am/12 noon on 9 August 1971, D Company 1 Para came under the command of 2 Para, whose Territorial Area of Responsibility included Andersonstown and Suffolk, including Lenadoon Avenue. I find that D Company 1 Para were sent to Finaghy Road North and Lenadoon. After arriving, they were required to deal with the escalating public disorder.

[759] I find that around the time Desmond Healey sustained his fatal injury, there were three army vehicles stationed across Lenadoon Avenue, aligned approximately with number 142 Lenadoon Avenue and extending across the roadway to the entrance of Creeslough Park. The vehicles were positioned such that the front of the vehicles faced the direction of the rioters, with the rear of the vehicles oriented down Lenadoon Avenue in the direction of the Stewartstown Road junction.

[760] I find, on the basis of the evidence from a number of soldiers, including the statement of Soldier E, that two sections were present on Lenadoon Avenue, comprising of approximately 16 soldiers on the ground.

[761] I find that soldiers were deployed at a number of positions in the immediate vicinity around the junction with Creeslough Park, including the garden of 142 Lenadoon Avenue, the corner of 99 Lenadoon Avenue, the garden of 2 Creeslough Park, and in and around the army vehicles previously referred to. I am satisfied that, given the dynamic and evolving nature of the disorder and the duration of the events, there would have been some movement by soldiers between positions at various times.

[762] I find that, following the discharge of live rounds from a car situated on Creeslough Park in the direction of the army, there was a material escalation in the level of civilian disorder. This escalation was evident both in the increased number of individuals participating and in the nature of the projectiles directed towards the army, which included stones and bottles. I further find that a number of petrol bombs were introduced into the area and had begun to be thrown towards the army.

The shooter

[763] I find that the soldier who fired the fatal shot was Soldier D of D Company 1 Para. I base that on the evidence contained in the statements of the soldiers recorded in 1971, namely Soldiers A to D.

[764] In terms of his position at the time of the shooting, I find that Soldier D was near the junction of Creeslough Park and Lenadoon Avenue. Soldier D was approximately 41 metres from Desmond Healey at the time of the shooting.

[765] I find that Soldier M66 and Soldier D were both located opposite number 142 Lenadoon Avenue, which aligns roughly with the entrance to Creeslough Park. I find that M66 and Soldier D were separated by a distance of approximately 10 to 15 feet. I find that M66 was closer to number 142 than Soldier D, with Soldier D situated to the left of M66. I make the findings about Soldier D's location based on M66's evidence, which I accept on this issue.

[766] I find that Soldier D, was positioned in the vicinity of the armoured personnel carriers stationed across Lenadoon Avenue at the junction with Creeslough Park. I find that Soldier A was close by, to enable them to communicate with one another.

[767] Having given the matter the most careful consideration, I am unable to reach any conclusion as to the identity of Soldier D. There was, in substance, no evidential basis upon which I could reliably make such a determination, and the only evidence that might have assisted in this regard was withheld by M66.

The shooting

[768] In respect of the position of Desmond Healey, the evidence of the witnesses varied as to the precise location on Lenadoon Avenue at which Desmond Healey was when he was shot, and as to whether he was situated on the footpath or on the roadway. Having carefully considered the totality of the evidence, I find that Desmond was on Lenadoon Avenue in the vicinity of the car park serving the maisonettes at or near number 146 Lenadoon Avenue, and that he was positioned on, or in close proximity to, the pavement on the eastern side of the road.

[769] I find that, at the time he was shot, Desmond Healey was engaged in the act of throwing an object in the direction of the soldiers. This conclusion is supported by a substantial body of evidence. A number of civilian witnesses described Desmond as participating in the disorder, with several expressly stating that he was in the process of throwing an object when he was shot. Correspondingly, a number of military witnesses stated that Desmond was involved in the rioting and was in the act of throwing an item towards the soldiers at the moment the shot was fired.

[770] I find that Desmond was facing south, down Lenadoon Avenue, towards the soldiers when he was shot. I reach this conclusion on the basis of the pathology evidence, which clearly indicates that the bullet entered the front of his chest, together with the weight of both civilian and military evidence that he was engaged in rioting at the relevant time.

[771] I find that Desmond Healey was not engaged in the act of throwing a petrol bomb when he was shot. Rather, I am satisfied that he was engaged in the act of throwing a glass bottle. This issue was not straightforward to resolve. I am satisfied that petrol bombs were present in the area that afternoon, that a number had been thrown in the direction of the army, and that the use of petrol bombs would not have been unusual in the context of the disorder of the nature experienced on Lenadoon Avenue that day. However, no civilian witness observed Desmond in possession of a petrol bomb. Even taking account of potential bias, I cannot be satisfied, on the balance of probabilities, that he was in the act of throwing a petrol bomb. In reaching this conclusion, I have taken into account the competing evidence, namely: the observations of the soldiers; the accounts of a police officer and Dr Carson that there was a smell emanating from Desmond's clothing and footwear consistent with petrol; and a verbal report of forensic results which indicated that examination of the clothing and swabs taken from the hands and neck of Desmond did not reveal signs of inflammable substances. Having considered all of the evidence in the round, together with the other evidential material discussed above, I therefore find that Desmond Healey was not throwing a petrol bomb at the time he was shot.

[772] I will come to the relevant soldiers' perceptions and honest beliefs shortly.

[773] I find that Soldier D was directed to fire by Soldier A, as described in both of their respective 1971 statements, and by other soldiers.

[774] I find that Desmond Healey was struck by a single high-velocity 7.62mm bullet, discharged from a standard-issue Self-Loading Rifle (SLR).

[775] The round which struck Desmond Healey did not make contact with any intervening object prior to impact. It was a direct hit, not a ricochet.

[776] I find that, upon being shot, Desmond Healey collapsed to the ground, and civilians in the immediate vicinity tried to render assistance by attempting to lift him. I cannot say with sufficient confidence who those individuals were, save that I am satisfied Mr McArdle, who was also shot, was one of them.

[777] Whilst I cannot state with certainty the precise time at which the shooting occurred, I consider the time recorded in the statement of Dr Elisha Brown - namely, the time at which life was pronounced extinct - to be a reliable reference point. The time therein provided is likely to be accurate. Dr Brown pronounced life extinct at 1.35pm. By that time, Desmond Healey had sustained the fatal gunshot injury, had been removed from the scene, transported to hospital, and examined by the

attending doctor on arrival. On that basis, the shooting is likely to have occurred approximately 30 minutes before 1.35pm, namely in the vicinity of 1.05pm.

[778] I also found it noteworthy - and indeed unusual - that there was no reference within the military logs to the shooting of a youth on Lenadoon Avenue, involving the discharge of live ammunition, until 9.30pm on 9 August 1971. This omission is striking given that the injured youth was removed to hospital in a military vehicle and that police officers also appear to have had some involvement in the incident.

The use of lethal force by Soldier D

[779] I have found that Desmond Healey was not engaged in the act of throwing a petrol bomb at the time he was shot. I am satisfied, however, that he was engaged in the act of throwing a glass bottle.

[780] Force can potentially be used in self defence or the defence of another. It is also potentially lawful to use force for the prevention of crime or to assist with a lawful arrest of an offender pursuant to section 3 of the Criminal Law Act (Northern Ireland) 1967. The law in this area is helpfully set out by Humphreys J in Chapter 2 of his findings in the Coagh Inquest [2024] NICoroner 22. When considering the use of lethal force by Soldier D in this inquest, I have to consider both a subjective element, concerning the soldier's honest and genuine belief, and then an objective element in respect of the degree of force used. I have to consider what his honest and genuine belief was at the time he used that force and whether it was necessary to use force, and if so, whether the level/degree of force used was objectively reasonable in the circumstances.

[781] This issue is further complicated by the fact that Soldier D was ordered to fire by Soldier A. However, the use of force was by Soldier D and therefore it is his honest and genuine belief of the circumstances which is most relevant.

[782] The task of determining this issue is rendered more difficult by the very limited evidence available to me as to what Soldiers A and D observed and believed at the relevant time.

[783] The soldiers deployed on Lenadoon Avenue had earlier that day come under fire from live ammunition discharged from the direction of Creeslough Park. They had also been subjected to sustained attack from rioters. Their operational circumstances were, accordingly, highly challenging.

[784] It is reasonable to conclude that the soldiers would have anticipated the possible use of petrol bombs in the context of public disorder of this nature, given their prevalence in such circumstances. Petrol bombs were referred to in contemporaneous logs, and some were recovered by the army in the vicinity. Additionally, I find that some petrol bombs had in fact been thrown prior to the time at which Desmond Healey was shot.

[785] Against the backdrop of the tumultuous events of the riot, I find that Soldier A held an honest and genuine belief that his unit was about to come under increasing attack from petrol bombs, and that he spoke with Major Kingston regarding the issuing of a warning as a consequence.

[786] I find that a warning was issued by Soldier A. However, I do not accept that it was repeated three times, as has been suggested, nor do I accept that it was echoed by other soldiers. Further, I consider it highly unlikely that any such warning would have been heard by those engaged in the rioting, given the absence of electronic amplification, the distance of approximately 41 metres or more, and the inevitable ambient noise associated with the disorder.

[787] I find that Desmond Healey threw a glass bottle in the direction of the soldiers before he was shot, but that the bottle was not lit.

[788] I find that Soldier D did not hold an honest and genuine belief that he or his fellow soldiers were about to be attacked with a petrol bomb by Desmond Healey when the latter prepared to throw the next missile, which was also a glass bottle. Soldier D fired because he had been ordered to do so. He did believe that he was under attack from glass bottles thrown by Desmond Healey, but not from petrol bombs. I do not accept his assertion that he observed Desmond Healey throw a lit petrol bomb before the shot was fired, nor do I accept his assertion that Desmond Healey was about to throw a second petrol bomb at the time he was shot.

[789] I next turn to consider the use of force. I find that some degree of force would have been necessary to deal with the attack by Desmond Healey, based on Soldier D's honest belief at the time.

[790] The question whether the level of force employed was reasonable or excessive is to be assessed objectively, having regard to the circumstances as Soldier D honestly and genuinely perceived them. Allowances can be made for decisions taken in the heat of the moment, albeit soldiers had received training to operate in combat situations.

[791] I find that the use of a live round was not reasonable, in the circumstances, as Soldier D believed them to be, having regard to the nature and level of threat posed by Desmond Healey. It was not a reasonable response, in my view, to the throwing of a glass bottle by a 14 year old boy from an estimated distance of approximately 41 metres, and which ultimately landed some 12 to 15 feet short according to Soldier D. Even when considered within the broader context of earlier attacks by other rioters and the anticipated possibility of further disorder, the discharge of a live round did not constitute a reasonable level of force.

[792] Moreover, less forceful alternatives were available. Baton rounds had been deployed, and CS gas had been used. While these measures may not have been immediately accessible to Soldier D, they were available to other soldiers present at the scene.

[793] Further, even if I were to assume, contrary to my findings, that Soldier D had believed that Desmond Healey was in the act of throwing a petrol bomb from that distance, I would nonetheless conclude that the use of live ammunition would have been unreasonable and therefore excessive in the circumstances. This conclusion is not intended to diminish the serious nature of the use of petrol bombs against soldiers or any other individual or group. Petrol bombs are capable of causing serious injury, significant damage, and potentially death. Nevertheless, the use of live ammunition in response would have been excessive, even in those circumstances.

The Yellow Card

[794] The Yellow Card instructs that soldiers should never use more force than is the minimum necessary to enable them to carry out their duties. In this case, I find that this requirement was breached.

[795] The Yellow Card reminds soldiers to try to handle situations by means other than opening fire.

[796] The Yellow card states that a soldier may fire after a warning has issued “**Against a person throwing a petrol bomb**, if petrol bomb attacks continue in your area against troops and civilians or against property, if his action **likely to endanger life**”. I have found that Desmond Healey was not throwing a petrol bomb at the time he was shot.

[797] Moreover, even if he had been, at a distance of approximately 41 metres, it is unlikely that 14 year old Desmond Healey would have posed an immediate danger to life. This assessment takes into account the potentially serious consequences of a petrol bomb, and allowances are made for decisions made in the heat of the moment.

[798] I find that the soldiers involved had received training in the Yellow Card, which was adequate to enable them to understand its content and requirements.

Events following the shooting of the deceased

[799] I find that, following the shooting, an armoured personnel carrier advanced towards the location of Desmond’s body, accompanied by soldiers. The rioters had left Desmond and retreated following the first shot fired by Soldier D and the second shot fired by Soldier B. The vehicle was oriented with its front facing the rioters and its rear positioned down Lenadoon Avenue. I make this finding on the basis of accepting the accounts of those witnesses who stated that an army vehicle moved towards Desmond. It is, in any event, highly unlikely that a vehicle already facing the rioters would have turned and reversed in their direction.

[800] I find that, once the army reached the position of Desmond, two soldiers lifted Desmond Healey’s body and placed it into the rear compartment of the vehicle.

[801] I find that Desmond Healey's body was not subjected to mistreatment by military personnel, as suggested by some civilian witnesses in the form of dragging through debris. However, in the context of a riot, I am satisfied that the body may have been placed into the rear of the vehicle in a rough manner.

[802] I find that the vehicle then reversed down Lenadoon Avenue, returning to the army line.

[803] I find that Desmond was subsequently transported to Lagan Valley Hospital in the army vehicle, accompanied by police, and was pronounced dead at 1.35pm on 9 August 1971.

[804] I further find that the identity of Desmond was not formally established until three days after his death. At 9.00pm on 12 August 1971, he was identified by his uncle, Patrick Downey.

Photographic evidence

[805] As stated, I find that photographs marked VP1 to VP4 were taken by Mr Donnelly during the morning of 9 August 1971. I find that it is likely that Mr Donnelly had departed the scene prior to the shooting of Desmond Healey. I accepted his evidence when he said he did not recall any live rounds or petrol bombs at Lenadoon Avenue that day and that he would have left if he was aware of any live rounds being fired.

[806] I find that photograph VP1 depicts James Doone laying on the pavement, along Lenadoon Avenue.

[807] I find that photograph VP2 shows soldier M23 holding a self-loading rifle (SLR) and soldier M66 holding a baton gun, positioned at the corner of the maisonettes at 99 Lenadoon Avenue.

[808] I find that photograph VP3 captures the scene on Lenadoon Avenue shortly before Desmond was shot. Among those visible in the image include Patrick Livingstone, Kathleen Brennan, and Catherine Aldridge.

[809] I find that photograph VP4 similarly depicts the scene on Lenadoon Avenue shortly prior to the shooting.

Identification of soldiers

[810] As stated above, there were a number of possible candidates who may have been Soldier A, with particular reference to Sergeant Walmsley and M23. M63 stated that he was "85 per cent certain" that Soldier A was Sergeant James Walmsley, although this opinion was based on Sergeant Walmsley's seniority on the day rather than on direct observation of his actions on Lenadoon Avenue. There is, however, other evidence suggesting that Soldier A may have been M23. This includes the fact that he was present on Lenadoon Avenue that day, his rank at the time, and the

contents of his Regimental Conduct Sheet, which is partially consistent with the events occurring around the time Desmond was shot. I find this issue difficult to determine. On the evidence available to me, I am unable, on the balance of probabilities, to identify Soldier A.

[811] I am also unable to identify Soldier B, the soldier whose shot struck Mr McArdle.

[812] I am unable to identify Soldier C, the soldier who was called upon to examine Desmond following the shooting and who subsequently accompanied him to hospital.

[813] I am unable to identify Soldier D, the individual who discharged the fatal shot.

[814] There is no doubt that Major Kingston was Soldier E. His name appears on a deposition; he was the senior officer present and the only soldier to give evidence at the original inquest, and the evidence of other soldiers supports the conclusion that Soldier E was Major Kingston

Scope questions

[815] I now address each question posed in the scope document and provide my determination thereon, which is to be read together with the narrative findings set out above.

- What the deceased was doing in the period immediately before his death.
 - He was rioting. In particular, he was throwing a glass bottle at the soldiers.
- Did he have a petrol bomb in his hand immediately prior to being shot.
 - No.
- If not, did he have anything else in his hand(s) and if so, what.
 - Yes, he had a glass bottle (missile) in his hand.
- Did anyone else in the vicinity of Lenadoon Avenue have petrol bombs on 9/8/71 prior to the deceased being shot.
 - Yes.
- What threat was posed to the soldiers present on and around Lenadoon Avenue at that time.
 - There was a threat from the missiles being thrown by the rioters. Some petrol bombs had been thrown. The soldiers had also been shot at prior to the incident during which Desmond Healey was shot. At the moment that Desmond Healey was shot, the risk to the shooter, posed by Desmond Healey, was of injury which was not serious or likely to endanger life.

- Were any warnings shouted by a soldier before a live round(s) was fired.
 - Yes, one warning was shouted by Soldier A.
- Who shot Desmond Healey.
 - Soldier D. I know him only by that cipher. I have been unable to identify him.
- If the person who shot Desmond Healey was a soldier, what did the Yellow Card Rules say about the discharge of a firearm in the circumstances the soldier was in?
 - I refer to paragraphs 794 to 798 above. Soldier D's actions were in contravention of the Yellow Card Rules.
- The training and experience of the soldiers concerned, including any previous or subsequent occasions when lethal force was deployed.
 - The soldiers concerned received training on the Yellow Card, which was adequate. The soldiers received a degree of training in public order duties prior to their deployment to Northern Ireland; however, this training did not sufficiently equip them for the particular circumstances they encountered on the date in question.
 - I am aware of only one prior incident on the same date involving the use of lethal force, namely the fatal shooting of Francis McGuinness at Suffolk on the morning of 9 August 1971. I am satisfied that Soldier D did not discharge his weapon during that earlier incident.
- If the person who shot Desmond Healey was a soldier, was the use of force unjustified by reference to Article 2 of the ECHR?
 - Desmond Healey was shot by Soldier D. I find that the degree/level of force was not justified. This finding has been reached in accordance with my duties under common law.

Tribute to the deceased's family

[816] Desmond Healey's family have endured a prolonged wait for these proceedings, during which both Mr and Mrs Healey have sadly passed away. I commend the surviving family members for the dignity and composure they have shown in attending this inquest. It is my hope that today's findings bring some measure of clarity. Desmond was a much-loved son and brother who lost his life in tragic and deeply troubling circumstances at a young age.

Verdict

[817] I therefore find that the verdict on inquest is:

- (a) The deceased was Desmond Christopher Healey, a 14-year-old male of 8 Bunbeg Park, Belfast.
- (b) He was born on 19 December 1956 at the Royal Victoria Hospital in Belfast.
- (c) He was a pupil at St Peter's Secondary School, Belfast.
- (d) His parents were Daniel and Margaret Healey.
- (e) On 9 August 1971 he was among a group of rioters on Lenadoon Avenue.
- (f) He was positioned on or in close proximity to, the pavement at or near number 146 Lenadoon Avenue.
- (g) He was throwing a missile, a glass bottle, at the army when he was shot, not a petrol bomb.
- (h) He was struck by a high velocity bullet.
- (i) The cause of death was a bullet wound of the heart.
- (j) The round which killed the deceased was fired by Soldier D, of D Company, 1st Battalion, the Parachute Regiment.
- (k) Soldier D fired from a position close to the junction of Creeslough Park and Lenadoon Avenue.
- (l) The use of lethal force by Soldier D was not justified in the circumstances.
- (m) He was pronounced dead at 1.35 p.m on 9 August 1971 in Lagan Valley Hospital, Lisburn.