

# Judicial Communications Office

6 September 2022

## **CORONER FINDS DISCHARGE OF BATON ROUND WAS NOT JUSTIFIED IN DEATH OF STEPHEN GEDDIS**

### Summary of Findings

The Coroner, His Honour Judge McGurgan, today delivered his findings into the death of 10 year old Stephen Geddis who died on 30 August 1975 as a result of a head injury he sustained in the Divis area of Belfast on the evening of 28 August 1975. The Coroner was satisfied that Stephen Geddis posed no threat to the soldiers immediately prior to the discharge of the baton round that struck him. He did not accept that the discharge of the baton round was justified or justifiable on the evidence presented to the inquest. The Coroner did not consider, however, that the soldier intended to kill or cause serious injury to anyone or that he foresaw the risk of fatal injury occurring. He said it was more likely that SGM15 discharged the baton round into the ground in accordance with the Rules of Engagement at the time and it then ricocheted, striking Stephen Geddis on the head.

The circumstances of Stephen Geddis' death were the subject of a number of previous investigations. An RUC investigation was conducted at the time of Stephen Geddis' death which did not result in any criminal proceedings. An inquest was conducted on 8 January 1976 and closed with a verdict of misadventure being recorded. In 1995-96, a police investigation was conducted following disclosures made by a former serving soldier, John Patrick Ward. That investigation did not lead to any criminal or other proceedings. In 2014, the Attorney General for Northern Ireland directed that a fresh inquest be held and it was that inquest that concluded today.

The scope of the inquest is set out in para [20] of the findings. At inquest, the Coroner heard oral evidence from civilian and military witnesses and statements were read into evidence under rule 17 of the Coroners Practice and Procedure Rules (NI) 1963. The Coroner also heard from a Senior Principal Engineer employed by the Ministry of Defence ('MOD') about the development and use of baton rounds. Finally, the Coroner heard from three pathologists and two ballistics experts.

In paras [417] – [423], the Coroner set out his consideration of the evidence:

“At the outset of these findings, I alluded to the difficulties presented by the lapse of time from the tragedy until this inquest and that view has been reinforced after listening to 4 weeks of evidence. The lapse of time can give rise to the creation of false memories.

With one exception, I do not believe that any witness, civilian or military, attempted to mislead me deliberately as to what their level of recall was or as to what they remembered. Clearly, however, the recollections of the witnesses, both civilian and military, are lacking at this time to the extent that some of the recollections are very unreliable indeed.

The one exception is SGM15. I do not accept he has as poor a recollection of this incident as he claimed in his oral evidence. Why he maintained during this inquest he had little or no recollection is a matter for him. It may be that in seeking to assert his privilege he has decided for his own reasons to present to me that he has little or no recall but I do not accept this. In his evidence to this inquest, SGM15 said that he wanted to assist the family

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as far as he could but I am satisfied that he did not. I consider that he has a better memory of the event than he represented in his oral evidence before me.

I am also conscious that as far as written accounts of relevant events recorded in writing by the soldiers are concerned, they are versions given by soldiers who, at that time, were young (in some instances mere teenagers) and who were called to account and to justify their actions. The statements do appear to have been written out for them at their dictation, whether by the RMP or others. When the soldiers giving evidence to this inquest told me that they rely on these statements not merely to jog their memory but as the basis of their oral evidence I have no difficulty in accepting this to be so. The content of the written statements cannot be accepted, however, as the unquestionable truth of what occurred that evening.

Though SGM15's historic statements and the transcript of his 1995 RUC interview were received into evidence by me, SGM15 did not seek to adopt his statements as his evidence or to give oral evidence having refreshed his memory from those statements. Instead, his oral evidence was to the effect that he had little or no recall of relevant events and when his recall of events was tested in questioning, he asserted his privilege against self-incrimination. While he has a right of course to do so, he was a potentially extremely important witness for it was after his discharge of a baton round a person was seen lying on the ground. Only two other soldiers (SGM1 and SGM12) were eyewitnesses to what was occurring in the Courtyard immediately prior to the round being discharged. Only SGM15 could have told me (or my investigator) why he decided to discharge the baton round, the manner in which he did so and his intention when doing so. By asserting his right against self-incrimination, I have been denied a significant evidential source.

Accordingly, in making my findings as to what occurred in this matter I wish to make it clear that while I have taken into account the content of SGM15's historic statements and his RUC interview, I have not had the benefit of hearing substantive oral testimony from this witness as to the full extent of his actual recollection. To the extent that any of my findings are expressly or impliedly critical of SGM15 I wish to make it clear that I am not making any finding as a means of punishing the witness for asserting his privilege against self-incrimination. Nor am I drawing any inference adverse to SGM15 from the fact that he claimed to have little or no recollection of relevant events.

In reaching my findings of fact I have sought to identify facts which are not largely in dispute between civilian and military witnesses. I have examined all of the evidence, both written and oral which has been presented. I have reached the following findings of fact on the balance of probabilities."

In paras [424] - [463], the Coroner delivered his findings of fact as to the full circumstances of the death of Stephen Geddis:

"On the evening of 28 August 1975, a barricade had been erected across Albert Street proximate to its junction with the Cullingtree Road.

A group of teenage and pre-teenage children had gathered in the area adjacent to the lift-shaft that lay between the St. Jude's and Cullingtree blocks of the Divis complex. From that general area, they threw stones or other objects at the Army vehicle commanded by

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SGM3<sup>1</sup> as it passed while patrolling the area. The vehicle passed on a number of occasions prior to the events that led to the discharge of baton rounds.

The patrol commanded by SGM3 was ordered by Lieutenant Badger to dismantle the barricade shortly before 9.00pm on that evening.

The patrol returned to Albert Street and rammed the barricade at least once before stopping in a position proximate to the barricade at the end of St. Jude's block nearest to the lift-shaft, at which point its members debussed and began to dismantle the barricade by hand.

The group continued to stone the soldiers to the extent that SGM3, who was one of two of the patrol armed with a baton gun (the other being SGM15<sup>2</sup>), warned the group verbally by shouting that if they did not disperse that a baton round or rounds would be discharged.

The group did not disperse from the area of the lift shaft until SGM3 discharged one baton round in the general direction of the group, causing the group to flee back to the Courtyard area via the lift-shaft area that lay between the St. Jude's and Cullingtree blocks.

Shortly thereafter, SGM3 ordered three of the members of the patrol, SGM1, SGM12 and SGM15, to go to the north side of St. Jude's Block. When ordering them to go there SGM3 was aware that SGM15 was carrying a baton gun.

While there is some evidence to suggest that the group that was stoning the soldiers from the lift shaft area had taken up a position on the north side of St. Jude's in order to continue its attack, I am not satisfied that this is so. Had this been the case, I would have expected a further baton round to have been discharged in the direction of that group by SGM3 or SGM15 while they were on Albert Street in the vicinity of the barricade. No such event occurred.

It is possible, of course, that some of the group, much smaller in number, had made their way to the north side and either started to, or threatened to, continue to throw missiles at the soldiers. If that occurred, and I remain far from satisfied that this is so, it was so small in scale that operationally SGM3 considered it appropriate to direct his three soldiers to run towards the northern end of St. Jude's and to take up a position there. I consider that if some of the group had started throwing stones from the northern end, they quickly retreated from that position when the three armed soldiers began running directly in their direction. There was no evidence of a confrontation occurring before the three soldiers gained the strategic position of the gable end of the northern side of St. Jude's block (the stairwell end).

I consider that the most likely reason for instructing the three soldiers as he did was to ensure, having dispersed the group away from Albert Street and back towards the Courtyard area by having discharged the first baton round, that the group did not get the

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<sup>1</sup> SGM3 was the Corporal in charge of the patrol on the evening of 28 August 1975.

<sup>2</sup> SGM15 was the Private who, on his own account, had discharged a baton round that struck Stephen Geddis.

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opportunity to re-group in the Courtyard area and to launch a further attack upon the soldiers from the north side of St. Jude's block.

I am satisfied that the three soldiers took up a position at the northern end of St. Jude's block (the stairwell end). I am satisfied that they will have been able to do this within a matter of seconds.

I am satisfied that SGM15 then stepped forward so that he was visible as a single soldier for a very short period of time and that, in that time, he discharged one baton round without issuing any verbal warning of his intention to do so into the Courtyard area before retreating immediately to a place of safety behind the gable end wall of the northern end of St. Jude's block.

I am not satisfied that SGM1, SGM12 and SGM15 came under any sustained attack from missiles thrown from the Courtyard area by the group towards the northern end of St. Jude's block. The main group that had been responsible for stone throwing on Albert Street had fled Albert Street. The three soldiers had taken up essentially covert positions at the northern end of St. Jude's, using the corner of the building to protect themselves. They were not an obvious target to the general grouping. I consider that the three soldiers were in this location for a relatively short period of time prior to the discharge of the second baton round, following which they then left that location very quickly, if not immediately. In those circumstances I cannot accept that the three soldiers were the subject of a sustained attack by the group while members of the group were in the Courtyard area.

I am not satisfied that any, or any sufficient, assessment of the risks to others lawfully in the Courtyard by the discharge of the baton round was made by SGM15 or anyone else prior to the discharge of the baton round. I do not accept that the behaviour generally in the Courtyard, or of Stephen Geddis specifically, justified the discharge of a baton round at a time and in the way executed by SGM15.

While it would be naïve and, indeed, contrary to the evidence of the designer of the Divis Complex to reject the possibility that public disorder did occur within the Courtyard area, it is also trite to observe that the Courtyard area was used by occupants of the Divis Complex, including young children, for entirely legitimate purposes. It was known to the children as "Old Trafford" as it was an area where they played football. I am certain that most of those families who lived in the Divis Complex, while facing all sorts of challenges, conducted themselves in an entirely law abiding manner.

Stephen Geddis was a resident within the Divis Complex. He was ten years old at the time when he was struck by the baton round discharged by SGM15 into the Courtyard area.

No military witness has described Stephen Geddis as having committed any unlawful act at any time, whether in Albert Street or in the Courtyard.

There is some evidence, but it is of an altogether unconvincing nature, that Stephen Geddis may have been involved in events on Albert Street during the course of the early evening of the 28 August 1975. That evidence I find to be far from persuasive and I can

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make no finding that he was involved either as part of the stone throwing group at the lift-shaft or that he was involved directly with the barricade on Albert Street.

Further, the fact that Stephen Geddis was present in the Courtyard when members of the grouping that were throwing stones on Albert Street were also present in the Courtyard, does not allow me to infer that he was part of that grouping and that his presence in the Courtyard is explained by his membership of that grouping. This was an area where children did play. It was still during the school summer holidays. I have received evidence from civilian witnesses who tell me that Stephen Geddis' presence in the Courtyard was entirely unconnected to the group that were throwing stones at the Army.

From all of the evidence, I am satisfied that immediately prior to the discharge of the baton round, Stephen Geddis was in the Courtyard with or in the presence of some of his friends and posed no threat to the soldiers.

I am satisfied SGM15 discharged a baton round from a position on the other side of the curved wall at a range of about 50 metres from where Stephen Geddis and others were standing or congregated. On balance, I favour to the view from all of the evidence that the baton round was probably discharged into the ground and that it bounced prior to striking Stephen Geddis. Though I am critical of SGM15 in deciding to discharge the baton round and I do not consider it to have been a necessary or justified discharge at all, I tend to the view that it is more likely that SGM15 discharged the baton round in accordance with the Rules of Engagement at the time, which only permitted a direct strike of a target in very limited circumstances. Indeed, SGM15 in his statements asserted that he had discharged the round into the ground and that seems to me, on balance, to be more likely.

In doing so, I find that SGM15 probably failed to appreciate fully the lethality of employing such a technique because the Ministry of Defence had failed to tell its soldiers of information that it had as to the lethality of employing such a technique. The failure to instruct the soldiers properly on this issue prior to August 1975 is a matter about which the Ministry of Defence in my opinion bears significant responsibility in the context of Stephen Geddis' death. A proper instruction to the soldiers would have led to a very significant reduction in the risk of civilians, particularly young children such as Stephen Geddis, being struck with fatal consequences by a ricocheting baton round.

It follows that I am not satisfied that SGM15 discharged the weapon with the intention of causing death or serious injury to anyone, though he will have discharged the weapon appreciating that there was a risk of injury being suffered in the event that someone was struck by a ricocheting baton round. I do not consider that SGM15 deliberately aimed at Stephen Geddis or that he singled him out before firing.

As to his actual intention, I find that he discharged the baton round probably with the intention of dispersing the remnants of the group that had been stoning the army on Albert Street and who had sought refuge within the Courtyard area of the Complex. SGM15 was very young at the time of this incident. He was still a teenager. He had just run from an area on Albert Street where his patrol had come under a sustained attack that justified the discharge of a baton round. He may well have been "hyped up" by the events that had occurred on Albert Street. However, on the evidence available to me and on the facts as found by me I do not consider that SGM1, SGM12 or SGM15 were under

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the same type of attack by the time they gained their position at the northern end of the St Jude's block. Nor do I consider that SGM15 honestly believed that he was under attack from that position.

I find that the circumstances in which the two baton rounds were discharged that evening were materially different. In Albert Street, the members of the army patrol who were on foot engaged in the entirely legitimate task of trying to dismantle a barricade and were in danger of suffering significant injury from being struck by missiles thrown onto the public highway by a sizeable grouping. An audible warning was issued to the group by the Corporal in charge of that patrol, SGM3, and the warning was ignored. One baton round was discharged by SGM3 and the group dispersed.

In the Courtyard, the three soldiers, SGM15, SGM1 and SGM12 positioned behind the gable wall at the northern end of St. Jude's, were not under any equivalent or even similar attack.

I find that no warning was issued by the soldiers or ignored by civilians in the Courtyard immediately prior to the discharge of the baton round. On the issue of the warning, I find that I can place weight on the content of the statements made by SGM15 in the aftermath of the incident in 1975. Nowhere in these statements does he claim to have issued a warning. Had he issued such a warning, I am certain that it would have been in the statement. The fact that SGM12 said in his statement that a warning was issued I find to be completely unpersuasive when set against such an important omission in the statement of SGM15.

Further, such was the separation in time and space as between the discharge of the first and the second baton rounds that the justification for discharging the second baton round required proper consideration independent from the circumstances that justified the firing of the first baton round. It cannot follow that because SGM3 was justified in discharging the first baton round that SGM15 was equally justified in discharging the second baton round. The second baton round was discharged a number of minutes after the first baton round. It was fired from a completely different location. The direction of fire of the second baton round was within a much more enclosed area of the Divis Complex itself with an increased risk of ricochet or innocent persons being struck. The decision to discharge the second baton round at some who may have formed part of the stone throwing group that had sought refuge within the Courtyard area has to be viewed in light of those facts and cannot be justified because, a number of minutes earlier, the circumstances on Albert Street justified the firing of a baton round at that time.

While SGM15 must have been aware of the risk to others caused by discharging the baton round in the way that he did, I find that he failed to assess or evaluate the risk or simply ignored it prior to firing. I find that he simply stepped out from his covert position, moved forward and fired. It could not have been possible for him to assess the risk of his actions in that time. Further, he gave no evidence as to the assessment or evaluation of risk undertaken.

As stated, I do not find that these three soldiers, SGM15, SGM1 and SGM12, were under attack at the time that the second baton round was fired. It may be that they anticipated being the subject of an attack once their position was discovered and decided to act on their anticipation but that was never put forward as the justification for firing and I have

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no evidence to support such a finding. Their case is that they were under attack at their new position and I expressly reject that account for the reasons I have stated.

I am conscious of the unusual factual matrix presented by the evidence to the court to the extent that SGM3 gave evidence that he issued an instruction to SGM15 to fire the second round but SGM15 said that he never heard or acted upon an instruction from SGM3 to that effect. It might be argued that the fact that SGM3 issued the instruction supports an argument that the firing was objectively justifiable. I have considered such an argument. I regard SGM3's claim that he did issue the instruction with the greatest of scepticism but even if the instruction was issued as claimed, it cannot be used to support any argument seeking to justify SGM15's decision. SGM3, on his own case, issued the instruction at a time when he remained on Albert Street. While he could see into the Cullingtree Block end of the Courtyard through the area of the lift shaft, his substantive view of the Courtyard was completely obstructed by St. Jude's block. He was in no position to assess the need or justification to fire a further baton round in my opinion. SGM3 in his evidence claimed to be able to see missiles raining down on the three soldiers and out onto Albert Street at or about the time he issued the instruction. It is axiomatic from my findings of fact that I have expressly rejected the probability that this evidence is correct.

I find also that the three soldiers were aware that they had hit a person and that he was injured. I find that they retreated hastily and their knowledge that someone had been struck was material to their decision to do so.

I find that the fact that a person was struck was communicated to SGM3 who communicated this fact by radio to his Company's Operations Room.

For the above reasons I do not accept that the discharge of the baton gun by SGM15 was justified or justifiable on the evidence presented to this inquest. Equally, I do not consider that SGM15 intended to kill or to cause serious injury to anyone. I believe that he gave insufficient consideration to the risk caused by discharging the baton round in the way and in the location that he did. Had he given proper consideration to the risk he would have foreseen the risk of a child suffering injury. I am not satisfied, however, on the evidence, that SGM15 foresaw the risk of fatal injury occurring.

I find that the baton round which SGM15 discharged struck Stephen Geddis, an innocent child, to the right side of his head and that this use of force was neither necessary nor justified in the circumstances.

I find that prior to the death of Stephen Geddis, the MOD were aware that significant injuries could be caused by ricocheting or bouncing PVC baton rounds.

In their own material, written both before and after the death of Stephen Geddis, the MOD recognised that baton rounds should not be used against children.

I find that as early as mid-1974, and prior to the issue of the Rules of Engagement in January 1975, the MOD were aware that the CDE (the MOD's scientific body), ITDU (the army's operational testing body) and MO4 (a division within the MOD dealing with Northern Ireland) all took the view that the 25 grain PVC baton round should be fired directly at particular points of aim on the target's body and not ricocheted or bounced off the ground, which increased the chance of significant injury. Despite these advices, the

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MOD maintained the PVC baton round was to be ricocheted.

The change to the Rules of Engagement (the White Card) in December 1975 was, at least in part, due to the death of Stephen Geddis following a strike to the head by a baton round which had been ricocheted.

I find SGM15's use and firing of the PVC baton round was not sufficiently or appropriately planned, controlled or regulated in order to minimise to the greatest extent possible the risk to life.

## Verdict

To conclude I find as follows:

- i. The deceased was Stephen Geddis of 5 St. Comgall's Row, Divis, Belfast;
- ii. He was born on 25 February 1965 at Belfast City Hospital;
- iii. His father was William Geddis, unemployed Driver, and his mother is Teresa Geddis, a widow;
- iv. He died on 30 August 1975 at 12.45pm at the Royal Victoria Hospital, Belfast;
- v. The cause of death was:
  - (a) Bruising and Odema of Brain, Extradural and Subdural Haemorrhage
    - i. Associated with
    - ii. Comminuted, Depressed Fracture of Skull
    - iii. Due To:
  - (b) A Blow on the Right Side of The Head;
- vi. He was struck by a 25 grain PVC baton round to the right side of his head between 9.00pm – 9.15pm on 28 August 1975;
- vii. At the time he was struck he was located within the area known as the Courtyard, the Square or Old Trafford in the Divis Complex. This describes an area that lay between the Milford, Cullingtree and St. Jude's Blocks within the Divis Complex;
- viii. The baton round was fired by SGM15;
- ix. The baton round was probably aimed at the ground;
- x. SGM15 was unjustified in discharging the baton round as the force used was more than absolutely necessary when it was discharged;
- xi. SGM15 did not "target" the deceased;
- xii. The matter was discussed by members of the patrol amongst themselves in the aftermath of the incident;
- xiii. The operation in which SGM15 was involved and the use of PVC baton rounds therein was not planned, controlled or regulated in order to minimise to the greatest extent possible the risk to life."

## NOTES TO EDITORS

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



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ENDS

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