

<p><b>Neutral Citation No:</b> [2022] NICoroner 2</p> <p><i>Judgment: approved by the Court for handing down (subject to editorial corrections)*</i></p>	<p><b>Ref:</b> [2022] NICoroner 2</p> <p><b>Delivered:</b> 06/09/2022</p>
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**IN THE MATTER OF THE CORONERS ACT (NORTHERN IRELAND) 1959**

**IN THE MATTER OF AN INQUEST INTO THE DEATH OF  
MASTER STEPHEN GEDDIS**

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**BEFORE HIS HONOUR JUDGE McGURGAN,  
SITTING AS A CORONER**

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***Appearances***

Mr Frank O'Donoghue QC with Ms Laura McMahon BL appeared on my behalf, instructed by Sinéad Mallon, Legacy Inquest Unit (LIU);

Ms Fiona Doherty QC with Mr Michael Mulvenna BL appeared on behalf of the Next of Kin, instructed by Pdraig Ó Muirigh, Ó Muirigh Solicitors;  
Mr Mark Robinson QC with Ms Leona Gillen BL and Mr John Rafferty BL appeared on behalf of the Ministry of Defence (MOD) and Police Service for Northern Ireland (PSNI), instructed by the Charlene Mullin and Kristina Davidson, Crown Solicitor's Office (CSO);  
Mr Ian Skelt QC with Mr Andrew McGuinness BL appeared on behalf of SGM3 instructed by Stephen Clarke and Brian Turkington, McCartan Turkington Breen Solicitors;  
Mr Joseph Aiken QC with Mr David Russell BL appeared on behalf of SGM15, instructed by James Dunn, Devonshires Solicitors.

### *Introduction*

[1] This inquest concerns the death of Master Stephen Geddis, who was born on the 25 February 1965 and who died at the Royal Victoria Hospital, Belfast on the 30 August 1975 as a result of a head injury he sustained in the Divis area of Belfast on the evening of the 28 August 1975.

[2] The circumstances of Stephen Geddis' death were the subject of a number of previous investigations. Following the police and military investigation that immediately followed Stephen Geddis' death in August/September 1975, an inquest into his death was conducted on 8 January 1976. A verdict of misadventure was recorded.

[3] In 1995-96 a further 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.

[4] The Attorney-General for Northern Ireland directed on 12 June 2014 that this fresh inquest be held pursuant to section 14(1) of the Coroners Act (Northern Ireland) 1959 ("the Act"). In preparation for this Inquest statements from most of the potential witnesses were taken by a coroner's investigator assigned by me for that purpose. The inquest commenced on the 23 August 2021 at Banbridge Courthouse and received oral and written evidence from Mr Brian Murphy, Consulting Engineer, and all of the civilian witnesses between 23 August 2021 and 1 September 2021. It received further evidence from the remaining witnesses between 1 February 2022 and 10 February 2022. No objection having been raised by any of the Interested Persons, I exercised my power under section 18 of the Act not to summon a jury. I would like to place on record my sincere thanks to all Counsel and their instructing solicitors for the way in which this very sensitive and traumatic event was approached. I wish to pay particular thanks to the solicitor to the inquest, Ms Sinéad Mallon from the LIU whose work throughout has been invaluable.

### *The law relating to the holding of inquests*

[5] Rule 15 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 (“the 1963 Rules”) provides that the proceedings and evidence of an inquest shall be directed to ascertaining:

- (i) Who the deceased was;
- (ii) How, when and where the deceased came by his death;
- (iii) The particulars for the time being required by the Births and Deaths Registration (Northern Ireland) Order 1976 to be registered concerning the death.

[6] Previous State investigations into the circumstances surrounding the death of Stephen Geddis established that a possible cause of the head injury from which he died was a plastic baton round discharged by a serving soldier. I have accordingly applied the procedural requirements of Article 2 ECHR and it is therefore necessary for me to consider, without attributing civil or criminal liability, the broad circumstances in which the death occurred including, whether or not the force used was justified. See *Jordan* [2014] NIQB 11 at para [121] and *Re Deery* [2017] NI Coroner 1 at paras [8] and [9].

[7] As to the onus and burden of proof justifying the use of force, it is for the State (in this case the MOD) to justify the force used to the civil standard of proof (the balance of probabilities). See *Re Deery* supra at paras [11] and [12]. See also *R (On the application of Maughan) v Her Majesty’s Senior Coroner for Oxfordshire* [2020] UKSC 46. In applying the civil standard of proof, I remain cognisant of the fact that the more serious the allegation or the more serious the consequences if the allegation were proved, the stronger must be the evidence before a court will find the allegation proved on the balance of probabilities. See *R(N) v Mental Health Review Tribunal Northern Region* [2005] EWCA Civ 1605 para [62]; *Re CD’s application* [2008] UKHL 33 (opinion of Lord Carswell at para [28], adopted expressly by the Northern Ireland Court of Appeal in *Steponaviciene, An application for judicial review* [2020] NICA 61 at para [60]).

### *Effect of delay on evidence*

[8] I should also say something as to the effect that a delay of approximately 46 years has had on the quality of the evidence that I heard during this inquest. I can fully appreciate that the passage of time has diminished the quality of witnesses’ memories. This is because some will have actively tried to put the events of that evening from their minds; others will have relived those events constantly but recollections may have become distorted over time. In the course of this hearing I have been impressed by the efforts of the witnesses (with one exception to which I shall make reference later) to give as honest and open an account as was possible within the limitations inevitably caused by the delay that has occurred. Where I have rejected a witness’ account, either expressly or by implication, it is not to be

interpreted as a finding that the witness has in any way tried to mislead me in the course of his or her evidence (with the one exception).

### *Case management*

#### *Approach adopted*

[9] In late 2020, I listed this inquest to commence on the 23 August 2021. I continued to case manage this inquest to ensure it would be ready to proceed to hearing as listed.

[10] A number of military witnesses were represented by the Crown Solicitor's Office (CSO). At a preliminary hearing on 29 June 2021 the CSO informed me that they might no longer be able to represent two of the military witnesses, SGM3 and SGM15. This was subsequently confirmed on the 7 July 2021. I granted Properly Interested Person (PIP) status to both SGM3, the Corporal in charge of the patrol on the evening of this tragedy who, on his own account, had discharged a baton round, and SGM15, a Private soldier who, according to statements attributed to him in 1975 was responsible for the discharge of the second baton round which was considered by previous investigations to be the cause of the death of Master Geddis. SGM3 thereafter was represented by McCartan Turkington Breen Solicitors and SGM15 by Devonshires Solicitors.

[11] On 9 and 18 August 2021, I received representations from those instructed on behalf of SGM15, in summary stating that despite their best efforts, SGM15's legal representatives were unable to properly prepare to be ready to commence oral hearings on 23 August 2021. On the first morning of the inquest, 23 August 2021, I received written submissions on behalf of the MOD that the inquest should not proceed as scheduled.

[12] After considering the matters raised on behalf of SGM15 and the MOD, and offering the representatives of the NOK and SGM3 the opportunity to make submissions on these issues, I decided that given the vintage of this case it was appropriate to commence the inquest and to receive as much of the civilian and expert evidence that I could without creating unfairness to either SGM3, SGM15 or the MOD. Accordingly, I directed that Brian Murphy, the engineer retained on behalf of the Coroner, and all civilians would be examined by counsel to the inquest. I permitted the representatives of the PIPs to withhold their questioning of Mr Murphy and the civilian witnesses until a later date, when the witnesses could be recalled if necessary. I also acceded to an application that transcripts of the oral evidence of each of these witnesses would be provided to assist the legal representatives. In the end, none of the representatives required the recall of any of the civilian witnesses so that 19 civilian witnesses gave their full oral evidence to this inquest between 23 August 2021 and 1 September 2021. Statements of a further nine

civilian witnesses were admitted into evidence pursuant to rule 17 of the 1963 Rules in this period also.

#### *Covid-19*

[13] The inquest was heard during the Covid-19 pandemic. The matter proceeded in hybrid form, in that witnesses gave evidence via both remote video technology and live courtroom attendance. Due to social distancing requirements some attendees, including the media, followed proceedings via remote technology. I issued a Video-Link Protocol to ensure the rules associated with remote hearings were understood and followed by all.

#### *Witness applications*

[14] During the course of the management of this matter I received various applications for anonymity, screening and remote evidence from a number of military witnesses, two police witnesses and one civilian. Written submissions were also received from the PIPs. I do not intend to rehearse my decisions but suffice to say anonymity was granted for all and screening for one. In addition, remote evidence applications were granted for a number of witnesses who consequently gave their oral evidence by via sightlink from remote locations.

#### *Witness Statements of SGM3 and SGM15*

[15] In accordance with the Presiding Coroner for Northern Ireland's Witness Protocol<sup>1</sup>, witnesses were interviewed by my investigator and statements recorded, reflecting the fact that witnesses in the inquest are witnesses of the Coroner. Two witnesses, SGM3 and SGM15 who were also PIPs in this inquest, declined to be interviewed and advised me that they intended to submit statements prepared by them in consultation with their legal representatives.

[16] I requested submissions setting out the reasons why both refused to be interviewed by my investigator and any submissions on their giving of evidence to the Coroner via the approach adopted by Keegan J in *Re McElhone* [2021] NI Coroner 1 (see paras [11]-[12]), often referred to as the "McElhone approach". I also invited submissions from the other PIP's legal representatives on this issue.

[17] In considering this issue, the first matter to be determined was the admissibility of statements prepared by the witnesses, in conjunction with their legal representatives. Having considered the relevant legislative provisions, I determined such statements were admissible.

[18] While the preferred process is as set out in the Witness Protocol, and

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<sup>1</sup> <https://www.judiciaryni.uk/sites/judiciary/files/media-files/Presiding%20Coroner%27s%20Witness%20Protocol%20-%206%20October%202020.pdf>

cognisant there is no statutory power requiring a witness to provide a statement through an interview with a coroner's investigator, as with all matters of evidence it is for me to consider what weight could be attached to a pre-prepared statement submitted through the witness' solicitors. I took the view that unless and until the witness answered questions posed either by my investigator or my counsel, having due and proper regard to the witness's right to privilege against self-incrimination, it may not have been possible for me to place as much weight on the content of the statement as might have been the case if the answers were the product of direct questioning by my investigator.

### *Applications*

[19] SGM3, a PIP and witness, 'attended' the inquest remotely via video technology. SGM3 therefore listened to the evidence of other witnesses during the first sitting before he had provided a statement to the inquest and during the second sitting before he gave his oral evidence. Senior counsel for the NOK made separate applications during both sittings to have SGM3 excluded from listening to the evidence of other witnesses before he provided his statement, and later, before he gave his oral evidence. Submissions were received from other PIPs, including SGM3's legal representatives. Both applications were refused.

### *Scope*

[20] The scope of this Inquest was set out in a document, drafted by counsel to the inquest and approved by me, as follows:

"The following is a definition of the scope of the inquest proceedings:

1. This inquest will examine the death of Stephen Geddis on 30<sup>th</sup> August 1975 as a result of a head injury suffered on the 28<sup>th</sup> August 1975.
2. The inquest proceedings will consider the four basic factual questions, as required by Rule 15 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963, concerning: (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. Related to the "how" question, and in addressing "in what circumstances" the deceased suffered the injuries from which he died, question, the Coroner will receive evidence addressing the following:
  - (i) Relevant to the ultimate discharge of baton

rounds by soldiers then serving in the 2<sup>nd</sup> Anglian Regiment, the events that occurred on the evening of the 28<sup>th</sup> August 1975 in the vicinity of Albert Street and the Divis Complex including, but not limited to, the area known as The Square which lay between the St Jude's Block, Cullingtree Block and Milford Block.

(ii) The nature of the operation being conducted by the 2<sup>nd</sup> Anglian Regiment and any other Regiment of the British Army on the afternoon and evening of the 28<sup>th</sup> August 1975 relevant and leading to the discharge of the aforesaid baton rounds.

(iii) The extent to which the British Army had identified the risk to life generally, and to children in particular, by the discharge of plastic baton rounds.

(iv) The extent to which the British Army had assessed that risk with particular reference to:

- The topography of areas into which the plastic baton rounds may or may not be fired.
- The effect upon the issue of risk to life by reason of the presence of children.
- The effect upon the issue of risk to life of directly hitting a target when compared to the risk created by deflecting a baton round off the ground.

(v) The steps that had been taken by the British Army to minimise or avoid the risk to life by the discharge of plastic baton rounds generally, with particular regard to the matters set out at iv above.

(vi) The circumstances identified by the British Army in which it considered it lawful for one of its soldiers to authorise or to discharge a plastic baton round.

(vii) The instruction and training that each

soldier had received by the 28<sup>th</sup> August 1975. Without prejudice to the generality of this matter, the primary focus of the Inquest shall be on the following matters of instruction and training:

i. The removal, disruption or destruction of barricades at or about the Albert Street/Cullingtree Road/Divis Complex area.

ii. The training and instruction that British Soldiers generally, and SGM3 and SGM15 in particular received in relation to the circumstances and manner by which plastic baton rounds could be lawfully discharged.

iii. The extent to which the British Army had trained and instructed its soldiers, in particular SGM3 and SGM15, as to the existence of any identified risk to life and how that risk was to be minimised or avoided.

(viii) How the assessment of risk and the instruction and training impacted on the execution of any military operation conducted on the 28<sup>th</sup> August 1975 leading ultimately to the discharge of two plastic baton rounds in the area of Albert Street/Divis Complex.

(ix) The reasons set out by the British Army and its soldiers justifying the firing of two plastic baton rounds in and around the Albert Street/Divis Complex on the evening of the 28<sup>th</sup> August 1975.

(x) Whether or not the plastic baton round fired by SGM15 struck Stephen Geddis and the circumstances by which it was aimed and discharged.

(xi) The extent to which any facts relevant to the death of Stephen Geddis may not have been disclosed to the family of Stephen Geddis in the aftermath of Stephen Geddis' death and the reason for any such non-disclosure.



4. In considering the matters referred to at paragraph 3 the Inquest shall receive evidence from any relevant source and without prejudice to the generality of this paragraph the Inquest shall consider the following evidence:

(i) Evidence from Civilians who were present at Divis Complex/Albert Street on the 28<sup>th</sup> August 1975.

(ii) Evidence from Military Personnel who were present also at Divis Complex/Albert Street on the 28<sup>th</sup> August 1975 or who were otherwise responsible for that personnel on that date.

(iii) Medical evidence as to the treatment of Stephen Geddis and the circumstances of his death.

(iv) Evidence relating to the development and deployment of plastic baton rounds by the British Army.

(v) Opinion evidence including the following disciplines:

- Pathology and any other relevant medical discipline;
- Ballistics;
- Engineering;

5. It is acknowledged that the definition of scope is subject to amendment, if required, on the basis of further material received by the Coroner and/ or on the basis of evidence given at the hearing."

[20] I trust that in this written decision I have covered all issues addressed in the Scope document.

### *The scene*

[21] Brian Murphy, Consulting Engineer, who was retained by me, gave evidence to the inquest on 23 August 2021 and 1 February 2022. In advance of his evidence on 1 February 2022 he met with Mr Frank Robertson, the architect who had designed the Divis complex. Mr Murphy and Mr Robertson prepared a minute of that meeting

and both gave evidence together to the inquest when it resumed on 1 February 2022. I will return to that evidence in due course.

[22] Mr Murphy initially took photographs of the roadways and buildings surrounding the former Divis Flats complex as it is now (with only the Divis Tower Block now standing) and thereafter examined historic Ordnance Survey maps and archived police maps and photographs. He prepared an initial report and, thereafter, two addendum reports.

[23] A major difficulty encountered by Mr Murphy in the preparation of his first report was the absence of any plan or photograph of the area as it was in August 1975. In addition to the various maps, plans and sketches provided by the PSNI and MOD from previous investigations, Mr Murphy was able to source Ordnance Survey plans dated 1958-59 and 1985. However, there were none for the intervening years. An example of how the passage of time compromises the quality of evidence ultimately available.

[24] In light of the difficulties encountered by Mr Murphy, efforts were undertaken to source additional maps, plans and photographs from the relevant time. My investigator was able to obtain plans from the Northern Ireland Housing Executive, Belfast City Council, photographs from the National Museum, BBC and witnesses, as well as video footage. Assistance was also sought from the MOD who were able to provide aerial photographs of the area dated May 1974. Helpfully, the MOD also provided marked versions of these photographs.

[25] In addition to his reports, Mr Murphy provided a number of helpful plans: TBM1, TBM2, TBM3, TBM3.1 and TBM 3.2. He outlined the topographical changes that had taken place over time prior to and after 1975 through to the present day. He also provided evidence as to relevant measurements within the Courtyard area and elsewhere.

[26] Mr Robertson was employed as an architect by the Northern Ireland Housing Trust, which later became the Northern Ireland Housing Executive, from 1965. He gave evidence that in or around 1967 he designed the Divis Complex and he completed plans of the complex dated 1972. The complex was completed in phases as follows:

- (i) Phase 1: Divis Tower.
- (ii) Phase 2: St Comgalls, Gilford, St Brendan's and Whitehall Blocks.
- (iii) Phase 3: Farset, Pound and the beginning of Cullingtree block.
- (iv) Phase 4: St Peter's, Church, Massereene and a further part of Cullingtree.

(v) Final Phase: Cullingtree completed, Milford and St Jude's.

[27] For the purposes of this inquest, attention was focused on the area around the St Jude's, Cullingtree and Milford blocks of the Divis complex. St Jude's block ran parallel to Albert Street while the Cullingtree block ran alongside Cullingtree Road. The two blocks met at a point proximate to the Albert Street/Cullingtree Road junction where there was a lift shaft. Milford lay within the Divis Complex running almost opposite to St Jude's block commencing from a point further along the Cullingtree block. The three blocks, when constructed, bordered an 'enclosed' courtyard area where residents undertook a variety of activities, including local children playing football. It seems to have acquired the name "Old Trafford" as a result. Other witnesses referred to the same area as the Courtyard or the Square. For ease of reference I shall hereafter refer to this area as the Courtyard.

[28] I use the term 'enclosed' advisedly in that though the three blocks created an enclosed space, this area could be accessed reasonably easily through a variety of apertures for both vehicular and pedestrian traffic. For example, access could be gained by walking around the bottom of the St Jude's Block, where there was a stairwell, at its end closest to the Falls Road. Access could also be gained off the Albert Street/Cullingtree Road junction by pedestrian traffic through the area at the lift shaft. Vehicular and pedestrian access to the area could be gained via access points running through the Cullingtree block. These access points allowed pedestrians easy access between the roadways surrounding the Divis Complex and the Courtyard area within the Complex.

[29] All of the blocks in the complex were of three storey construction including the ground floor. The addresses of each flat located on the ground floor were known by the name of their block followed by "Path". The first floor flats were similarly known by their block name followed by "Walk". Second floor flats were known by the suffix "Row" to the name of their block.

[30] The front doors of the properties in St Jude's and Cullingtree faced into the rest of the complex (i.e. the Courtyard) and not out towards the respective roads of Albert Street and Cullingtree Road. It would appear that the front doors in the Milford block faced towards Massareene and Church rather than towards the Courtyard formed by St Jude's, Cullingtree and Milford blocks.

*Evidence relating to topography within the courtyard*

[31] The meeting between Mr Murphy and Mr Robertson on 31 January 2022 was to seek to describe as clearly as possible the layout of the Courtyard. Mr Robertson pointed out that the topography of the Courtyard changed periodically as surfaces were regularly broken up as a result of vandalism and had to be replaced and reconfigured.

[32] To assist in setting the scene I have appended the following to these findings:

- (i) TBM3 - a plan produced by Mr Murphy showing Albert Street and the St Judes, Cullingtree and Milford blocks of the Divis complex. (Annex 1)
- (ii) TBMP1 - a screenshot from a BBC documentary entitled 'Internment at Divis'. In the closing titles the year is noted in roman numerals as 1977. The screenshot shows the view from inside the Courtyard. A lamppost, the wall and the stairwell side of the St Jude's block can be seen. Another version of this screenshot (BMF3) which shows the lamppost more clearly is also included in this annex. (Annex 2)
- (iii) TBMP4A - an aerial photograph provided by the MOD, dated May 1974, showing the Divis complex and the Courtyard between the St Judes, Cullingtree and Milford blocks. (Annex 3)
- (iv) Appendix 2 - an aerial photograph provided by the National Museum believed to be dated 1980 showing the Divis complex and the courtyard between the St Judes, Cullingtree and Milford blocks. (Annex 4)
- (v) FR6 - an aerial photograph of the Divis flats from the BBC from the 1970s showing the Courtyard and wall. (Annex 5)
- (vi) BMV6 - a NIHE plan, dated April 1987, showing the structure of the Courtyard in more detail. The two lozenges, one in the shape of a backwards 'D', are marked by broken lines. The lamppost was on the lozenge furthest from the St Jude's block. The wall in the Courtyard is marked by a curved line. (Annex 6)

[33] The following extract from the joint minute from Mr Murphy and Mr Robertson is of assistance in interpreting the above materials:

“We are satisfied that the BMV6 substantially depicts the area that can be seen in BMF3 and TBMP1.

We have marked on BMV6 a point “A”. At this point on the plan is shown a short section of what looks like a wall return at right angles to the main curved wall. We have looked at BMV6 and at BMF3 and TBMP1 and we do not believe that there is a return wall shown in the screenshots. FR does not believe that there ever was a return wall.

The broken line extending from the curved wall as shown in BMV6 represents kerbing. It would have been 150mm in height and as can be seen in the plan extends across the front of Cullingtree block.

The D shape shown in the plan BMV6 which lies adjacent to the curved wall and the start of the broken line is a lozenge which is a raised area bordered by kerbing. The kerbing of the lozenge is shown by a broken line in the shape of a D.

The area was designed in this way to allow car drivers to enter the courtyard by coming off the Cullingtree Road, turning left going underneath the Cullingtree block and then turning left and follow the designated roadway created by kerblines and park in front of the Milford block with the cars facing towards the Milford block. In practice, it is unlikely that any cars ever used this space because of anti-social behaviour in the area. A car was not safe to be left there.

The wall was built to prevent cars being driven through the courtyard and out beyond St Jude's block. The wall is at its most shallow adjacent to St Judes and gets increasingly deep as one approaches Milford.

It is difficult to be definitive on this issue but it appears that the wall as drawn in BMV6 is not replicated in the screenshots. In the screenshots it looks as though the wall stops running in the curve. However, it may be that there is simply a change in elevation. Neither FR nor BM can reach any concluded view on this issue from an examination of the photographs.

FR confirms that the height of the wall at its most shallow was 3 feet. Looking at the screenshots, adjacent to the wall in the foreground lies a footpath. On the far side of the wall would lie another footpath. As a matter of high probability, because of the absence of single steps, the two footpaths would be at the same level to the wall. The lozenge would be at approximately the same level as the footpath.

We have examined TBMP2. This a poor quality photograph taken from an area within the courtyard. The shallow part of the wall would be behind the photographer and the deeper part of the wall to the photographer's left. The view is of the junction between Milford and Cullingtree blocks. What can be seen is the second of the two lozenges shown in BMV6 which is

adjacent to the D Lozenge. That lozenge would be raised a similar height to the D lozenge.

The area of the courtyard running between Cullingtree down to the wall is to all intents and purposes level.

We have examined TBMP3. This shows the area outside Cullingtree within the courtyard. The kerbline can be clearly seen in front of the Landrover.

In BMF3 and (to a lesser extent) in TBMP3 can be seen a lamppost in the foreground. We understand that some evidence has been given placing the deceased close to or at the lamppost. We believe that the location of the lamppost is on the second lozenge. It would have been designed to have been placed on a lozenge. It is not on the D lozenge. It is shown in a location consistent with it being on the second of the two lozenges. FR believes that within TBMP2 can be seen the remnants of the base of the lamppost but he accepts that the photograph is of very poor quality and makes this point as an observation only.”

[34] A number of civilian witnesses, who lived in the area in August 1975, were able to describe the scene as it would have been at that time. I found the evidence of Mr Martin Voyle, Mr Anthony Sloan, Mr Domenico Lo Nigro, Mr Brendan McFadden and Mr Robert McVarnock helpful in this respect. Mr Voyle, Mr Lo Nigro, Mr McFadden and Mr McVarnock all described the wall that lay within the Courtyard.

[35] In addition to this witness evidence, I have considered imagery showing the Divis complex and the Courtyard between the St Jude’s, Cullingtree and Milford blocks pre-August 1975 (for example the aerial photograph provided by the MOD, dated May 1974, [TBMP4A at Annex 3]) and post-August 1975 (such as an aerial photograph provided by the National Museum believed to be dated 1980 [Appendix 2 at Annex 4] and a NIHE plan, dated April 1987 [BMV6 at Annex 6]).

[36] Consequently, notwithstanding the absence of plans or photographs showing the area conclusively as of 28 August 1975, it is clear to me and so I find that on that date there was a curved wall which commenced approximately 11.5 feet from the front of St Jude’s block running towards Milford Block and rising as it went towards Milford as it formed a retaining wall. The 11.5 feet gap allowed for pedestrian access to St Jude’s and also into the Courtyard. This wall was for an initial section around 3 feet in height rising gradually to approximately 12 feet. This wall is perhaps best viewed in the two exhibits at Annex 2 - TBMP1 and BMF3, though it is also marked/visible in TBMP4A (Annex 3), Appendix 2 (Annex 4), FR6 (Annex 5) and

BMV6 (Annex 6).

[37] I am also satisfied that as of 28 August 1975 the Courtyard area was comprised of a tarmacadam surface with curved kerbs which created car parking and allowed for cars to drive around it. More into the centre of this Courtyard were two lozenges, one of which was a D shape. A lozenge is a raised area bordered by kerbing. There was a further lozenge close to the D-shaped lozenge but it was a different shape. Within this lozenge, furthest from the St Jude's block, stood a lamppost. Mr Robertson confirmed that this would have been the only lamppost in the Courtyard. The lozenges are best viewed in exhibit BMV6 (Annex 6) while the lamppost can be seen in TBMP1 and BMF3 (Annex 2) and when Appendix 2 (Annex 4) is enlarged. Apart from the two raised lozenges the area within the Courtyard would have been flat.

[38] I am further satisfied from the evidence of Mr Murphy and the civilian witnesses that the gradient of the area behind St Jude's block rises as one proceeds away from the Cullingtree block, in the same way as the gradient of Albert Street.

### *Medical evidence*

#### *Mr Mudd*

[39] In his statement to the inquest, dated 2 July 2021, admitted under rule 17 of the 1963 Rules, Mr David Mudd, stated that from 1 August 1975 to 31 October 1975 he was a trainee surgeon in the Neurosurgery Department at the Royal Victoria Hospital, Belfast. He recalled that at that time the Consultants in neurosurgery were Mr Derek Gordon, Mr Ian Bailie and Mr Colin Gleadhill. Mr Mudd worked under their direction. He stated that Derek Gordon performed the surgery on Stephen Geddis.

[40] Mr Mudd stated that he had read his deposition to the initial inquest dated 8 January 1976. He had no recall of making this deposition. Mr Mudd confirmed that as regards the type-written part of the deposition there is nothing that he would add or change.

[41] Mr Mudd did state however that he had some concern regarding a handwritten annotation at the end of his deposition statement which concerned the possibility the injury could have been caused by a stone fired from a catapult. The handwriting in pen was not his handwriting. Mr Mudd suggested that the handwriting in pen was perhaps added when he made his statement but he had no recall of that happening.

[42] He stated that the section that was added in pen at the end of the deposition was not an opinion that he or another medical person would be likely to offer, given the findings of the surgical operation. In his opinion he stated that it was unlikely that the injury was caused by a stone fired by a catapult. He did

opine that it may be possible that a stone of a certain shape could cause this injury but it is only one of several possible reasons to explain this rectangular bruise. In his opinion it was not highly likely but it could be a possibility.

[43] Mr Mudd continued that in reviewing the deposition he considered that it was significant that there was a rectangular bruise on the right side of the scalp as not all objects on impact with the head would make a rectangular bruise.

[44] Mr Mudd confirmed in his statement to the inquest that he had read the witness statement he made on 4 October 1995 to the Royal Ulster Constabulary (RUC). He explained that after reading the statement he would comment that it was an unusual injury. He explained that there was considerable damage to the brain and yet the skin was not broken. Usually with this type of injury there would be a wound of the scalp but this did not occur in this case. From his previous experience, rubber bullet injuries exhibited bruising in the area of the body struck by the rubber bullet without breakage of the skin. He opined that it was one possibility that Stephen Geddis' injury was caused by a rubber bullet but he added that he would not deem himself to be an expert in Neurosurgery or ballistics.

[45] Mr Mudd believed that it was unlikely that Stephen's injury would have been caused by a stone.

C1

[46] A deposition of C1 to the original Inquest dated 8 January 1976 and statements to the RUC, dated 5 October 1995, and to this inquest, dated 9 July 2021, were admitted under rule 17 also. C1 stated that she commenced nurse training in 1968 at the Ulster Hospital and in 1975 took up a Staff Nurse post at the Royal Children's Hospital Intensive Care Unit, where she remained until 1986. She has since retired. In her deposition and RUC statement, C1 confirmed that Stephen Geddis was admitted to her ward on the night of 28 August 1975 from the surgical ward. She checked on him every 15 minutes. At about 3.15am on 29 August 2021 she spoke with Stephen Geddis and he was able to answer. She asked what had happened to his head and he replied that he had been with some boys and had been hit by a catapult. In her 2021 statement C1 stated that she has treated many children over the years and now had no recollection of Stephen Geddis. She explained that whilst she did not recall having the conversation with Stephen about a catapult at this remove, if it was in the original statement, it happened.

[47] In her evidence, admitted under rule 17, Dr Elaine Hicks stated that life was pronounced extinct at 12.45pm on 30 August 1975 at the Royal Victoria Hospital, Belfast.



## *Evidence from the Geddis family*

### *William Geddis*

[48] I admitted in evidence under rule 17 the deposition of the late William Geddis, Stephen's father, to the original inquest, dated 8 January 1976. Therein he confirmed that he had identified Stephen's body at the Royal Victoria Mortuary on 30 August 1975. He further confirmed he had last seen Stephen at 5.30pm on 28 August 1975. In a handwritten annotation at the end of his deposition, which is difficult to read, it is stated that Stephen was eating a lollipop when he was struck.

### *Teresa Geddis*

[49] In her statement of evidence, also admitted under rule 17, Mrs Teresa Geddis, Stephen's mother, stated that on the night of the 28 August 1975 she was at a neighbour's flat. Her husband spoke with her and told her that Stephen had been shot, hit on the head, with a plastic bullet. At that stage she did not think that it was that serious.

[50] She stated that earlier, about 7.00pm, Stephen, had come home to the family home at 5 St Comgall's Row and asked her for permission to go out and play with friends. She gave him permission. She described how at one stage her husband, William, asked her if he should he go and get Stephen but she said to let him stay out until about 9.00pm. Mrs Geddis explained that this was because Stephen hadn't been out much as he had developed an accent following his recent trip to America and people were making fun of him. A fact confirmed later by her son Kieran in evidence that he gave to the inquest also.

[51] Mrs Geddis described in her statement that a local woman, Eileen McCrystal who lived on St Jude's Path, called to the Geddis home in the aftermath of the incident and was able to inform her that she had gone with Stephen in the ambulance up to the hospital after he was shot. Mrs McCrystal told her that she had lifted the plastic bullet that had hit Stephen but she (Mrs Geddis) did not want to see it. Mrs Geddis stated Mrs McCrystal told her that when Stephen was lying on the ground unconscious the soldiers had gone over and kicked him in the face.

[52] Mrs Geddis described Stephen as being a nice child and that he wouldn't have been involved in any rioting. She said that if rioting had started he would have been scared and come home. She stated that he used to like the soldiers and that he would have talked to them.

[53] Mrs Geddis recalled that when Stephen's body came back to the house an army officer called to the house and came in. She was sitting by the coffin and didn't speak. The officer, whom she thought was a Major, said something to the effect that they were very sorry for what had happened, although she could not remember the exact words. Mrs Geddis did not recall the police either in uniform or plain clothes

ever calling to the house.

*Kieran Geddis*

[54] Mr Kieran Geddis, a brother of the deceased, stated that in August 1975 there were four brothers in the Geddis family - James (Jim) was the oldest at 18 years of age; Kieran was aged 14 years; Stephen was aged 10 years; and Joseph (Joe) was 4 years old. Kieran described Stephen, as a kind, caring, happy child who was quite sensitive.

[55] He stated that at around 6.45pm on Thursday 28 August 1975 he had been helping deliver lemonade within the Divis Complex and had a clear view of Stephen, in the company of his friend Martin Voyle, walking along Massarene Way. He believed that Stephen and Martin may have been accompanied by a few other children. He stated that he was not aware of any disturbances in the area at that time and that had there been he would have been able to shout to Stephen to tell him not to go any further.

[56] Mr Geddis stated that he finished his delivery rounds around 8.30pm and that he heard what happened Stephen when he arrived home around 9.00pm. He recalled that his father had said that Stephen may have said that he thought that he had been hit by a catapult.

*James (Jim) Geddis*

[57] The statement of James (Jim) Geddis was admitted into evidence under rule 17 of the 1963 Rules. On the evening in question, he had been to the cinema and on the way home someone had told him that Stephen had been hit by a plastic bullet.

[58] He recalled that after Stephen died one or two soldiers came to his house and while he did not know what exactly was said he believed that it was a form of a statement of regret that the incident had happened. He further stated that the hearsay at the time was that Stephen was not involved in any rioting. He understood that Stephen had been hanging out with his friends and had gone over to see what he (James Geddis) believed was a mattress that had been set on fire. He also recalled hearing that Stephen was sucking on a lollipop at the time he was struck by the plastic bullet.

*Joseph (Joe) Geddis*

[59] Unsurprisingly, because of his tender years at the time of the incident, Joseph (Joe) Geddis did not have many memories of August 1975 or of what may have happened to Stephen. He did recall that Stephen had gone to America.

[60] He stated that he had one memory of the army and police coming to his

home and apologising about what happened to Stephen. He believed that the people that came into the house on this occasion were one Army Officer, as he was dressed in normal army camouflage uniform, and one Police Officer, as he was dressed in a normal police uniform. The image he had in his mind was of his father sitting in a chair at the window, his mother sitting on the settee beside him crying and the Army Officer saying he was sorry for what had happened. What stuck in his memory he stated was the Army Officer saying he was the officer in charge and that he gave the order to fire the shot that killed Stephen. He further stated that he remembered the Officers standing in the home and speaking, his mother crying, and his father rejecting the apology, saying he didn't want any apology because "that was no good to us now".

[61] Mr Geddis also stated that he remembered his father telling him that it was clear Stephen was not involved in stone throwing or rioting. His father told him that he asked the nursing staff if they had cleaned Stephen's hands as they were clean. The nursing staff said they had not cleaned Stephen's hands so it was clear to his father that Stephen was not involved in stone throwing or rioting.

#### *Civilian witnesses*

##### *Mr Anthony (Tony) Sloan*

[62] Mr Tony Sloan gave his account of events to my investigator on 11 March 2020 and thereafter gave oral evidence to the inquest. He stated that in 1975 he was 14 years old and he resided with his siblings and parents at 24 Cullingtree Walk which was part of the Divis complex in Belfast.

[63] Kieran Geddis (his friend) and he assisted the lemonade men with deliveries within the complex, usually between approximately 4.30pm and 8.30 to 8.50pm. He gave evidence that they had completed their round to the top row of Divis complex.

[64] He stated that on the evening Stephen Geddis was injured he returned to his home but that his father sent him back down to collect his younger brother Jim in order to bring him back home. He described how he jumped up onto the balcony on Cullingtree Walk to afford a full view of the Courtyard below and to shout out for his younger brother. While he did not, at that time, see his brother, he did recall seeing around 25-30 young children, all around 10-14 years old in the Courtyard between Milford and St Jude's. He stated that the children were using catapults to hit cans or something lined up against a wall under Milford. He could also see into a portion of Albert Street.

[65] Mr Sloan then described seeing a Saracen drive along Albert Street with its rear towards St Jude's. He saw it stop and as soon as it did so the rear doors opened and either two or three soldiers jumped out of the back. He was not absolutely sure if there was a third soldier.

[66] The soldiers ran across to the end of St Jude's Path. He marked on a map where he saw the soldiers run to, that being the stairwell end of St Jude's block, at the Courtyard side. He stated that one soldier stood beside another to his left, whilst he thought a third stood behind them. One of the soldiers who was standing shoulder to shoulder raised his baton gun and fired a single plastic bullet. Mr Sloan stated that he could clearly recall the muzzle flash from the gun. The soldier was right at the corner of St Jude's Path when he fired what the witness described as an "aimed shot".

[67] Mr Sloan stated that he was sure that one of the other two were holding an SLR rifle and he believed that it was all over within about a minute. He saw the soldiers return to the Saracen and watched it drive off up Albert Street.

[68] After seeing the soldier fire he leapt down from his vantage point on the balcony but was able to see, through the grilles on the balcony, the children disperse running through the arches of the housing blocks. He ran straight home, a journey he estimated that took him some 30 to 40 seconds, and told his father what he had seen occur. He said that a short time later, which he estimated at 8 or 9 minutes later, his father told him to go back down and look for his brothers Jim and Patrick. He went back down to the same vantage point on the balcony. He described seeing an ambulance. He walked down to where the ambulance was parked. He saw Stephen Geddis, Kieran's younger brother. A man was carrying Stephen over to the ambulance. Stephen was crying. The man was saying to Stephen "stay awake, stay awake". He was carried into the ambulance. He stated that people there were ushering the children away in order for the ambulance to leave the area.

[69] Mr Sloan further stated that he never saw any rioting in the area at the time nor did he see anything burning.

*Robert (Bobby) McVarnock*

[70] Robert (Bobby) McVarnock made a statement to the RUC in the course of its 1995 investigation. He made two further statements to my investigator and thereafter gave oral evidence to the inquest. He was 10 years old in 1975. Stephen Geddis was his friend and they both attended the same school.

[71] While Mr McVarnock provided a statement to the police in 1995 he explained that he took issue with some of its contents. He further explained that he did sign that statement but that he had not read it over himself but rather it had been read to him.

[72] Mr McVarnock explained that on the day in question he was playing in the area at the start of St Jude's Path at the McDonnell Street (stairwell) end. He and 12-15 others had placed a small barricade across Albert Street at the stairwell end of St Jude's Path. It was about 1 foot tall and was made of blocks, wood and bricks. Mr

McVarnock stated the barricade was made up of bricks on either side with planks of wood across them. There was a mattress in the middle and he recalled that it was smouldering. They had been building the same small barricade in the same place for the previous 3-4 nights.

[73] He stated that he remembered that Joe McCabe and Martin Voyle were there.

[74] A Saracen came down Albert Street past McDonnell Street. He explained that the first time the Saracen drove through the barricade a couple of stones would have been thrown at it. The Saracen doors were closed. The Saracen circled back around for a third time. It stopped right in front of the small barricade. He estimated that the age range of the children there was 8-12 years. He saw one soldier get out of the Saracen and they (the children) all immediately ran around the back of St Jude's Path, passed the stairwell and into the Courtyard.

[75] Mr McVarnock described how he took up a position behind the small wall when he saw the soldier standing at the end of St Jude's Path. He described the soldier as holding a baton gun up to his shoulder in the aim position pointing it across the Square. According to Mr McVarnock, nobody thought he would fire as nothing was going on at that time and no stones were being thrown.

[76] Mr McVarnock had seen Stephen Geddis standing in the Courtyard with Domenico Lo Nigro. He said that Stephen was not with his group but that he was simply standing there. Mr McVarnock estimated that there were some 27-30 people in total in the Courtyard. He did not see any catapults.

[77] Mr McVarnock stated he saw the soldier fire the baton gun, he saw the flash and heard the loud bang. He stated the soldier fired directly at Stephen. Mr McVarnock believed that the round must have hit Stephen direct to the head.

[78] He stated that they were all ducked down behind the "wee wall" and that the soldier was in front of the wall, about 3-4 car lengths away from it.

[79] Mr McVarnock stated it was after 9.00pm at that stage, it was dark but the area was very well lit by streetlights. According to the witness the soldier had a very clear view of the area and everything in it, including Stephen.

[80] The soldier left immediately after firing and the witness heard the Saracen drive off immediately afterwards. He saw Stephen lying with blood coming from his head. He called Stephen's name but he did not respond. He then grabbed Stephen's legs and Joe McCabe carried Stephen by the shoulders. He thought that someone else helped them but he could not recall whom. He explained that Mrs Eileen McCrystal came over and told them to bring Stephen to her house. Mrs McCrystal lived in the second house on St Jude's Path. He described how Mary Kennedy shouted up to her daughter Carol Byrne to call an ambulance (Carol was up at her house on St Jude's Walk). He carried Stephen into the hallway of Mrs McCrystal's

house and an ambulance arrived shortly afterwards and took Stephen away.

*Joseph McCabe*

[81] Mr Joseph McCabe provided two statements, one dated 5 August 2021 made to my investigator and an earlier statement dated 2 August 1995 made to the RUC investigation, both of which I admitted under rule 17.

[82] He recalled that when Stephen Geddis was shot he was surrounded by up to 50 other children and opined that Stephen Geddis was very unlucky to have been the one that was hit with the plastic baton round. After Stephen was hit Mr McCabe stated that he and Bobby McVarnock lifted him and took him to Mrs McCrystal's house. He marked on a location map appended to his Coroner's statement where he recalled standing when Stephen Geddis was struck and he had placed Stephen and another sitting on a wall in the Courtyard at the relevant time.

[83] He stated that he recalled a Saracen driving up Cullingtree Road, turning left onto Albert Street and continuing on past St Jude's.

[84] He described hearing two bangs but did not see any soldier. He knew from the sound that it was a baton gun that had been fired. He described looking around and seeing a young fella lying on the ground near the middle of the Courtyard. He did not know that he was called Stephen Geddis at the time.

*Martin Voyle*

[85] Mr Martin Voyle provided two statements to my investigator and gave evidence to the inquest. He had previously made a statement to the RUC in 1995 and he believed that he had made another statement to a solicitor (whose identity he could not remember) in 1975 or 1976.

[86] He stated that Stephen Geddis and he were friends, both having lived beside each other prior to moving into the Divis Complex. On the evening in question, he was 12 years old. He met Stephen Geddis at approximately 7.45pm at St Peter's Block. They walked down through the flats into Cullingtree Road, then into Quadrant Street, which led into Albert Street. In Albert Street they observed a small barricade located at the junction of Albert Street and Cullingtree Road.

[87] He described the barricade as spanning the roadway and as being no more than one foot high. He thought that the barricade may have been made up of an old lemonade crates, some planks and stones. The barricade was placed there by a small group of boys, no more than twenty in number, aged between 8-13 years.

[88] According to Mr Voyle, the group of boys were throwing stones at an Army Saracen. The boys would wait for the Saracen to come along, run out from the lift entrance which linked St Jude's and Cullingtree blocks of flats, throw stones at the

Saracen and then retreat back into the Divis Complex. The Saracen, in turn, would disrupt the barricade by driving through it. When it left, the boys would rebuild it. The process would then repeat itself.

[89] Mr Voyle recounted how he and Stephen Geddis made their way over into the Courtyard. He heard shouting that the Saracen was coming again. At that time he described Stephen as standing immediately to his left. The group of boys were also in the Courtyard, though they were a number of feet away and some of the group were making their way back over towards the lift shaft between the St Jude's and Cullingtree blocks.

[90] Mr Voyle then described hearing a bang which he recognised as a shot from an army baton gun. He looked around and saw a soldier standing at the corner of St Jude's block beside the stairwell adjacent to number 6. He said that this soldier was standing holding a baton gun up against his shoulder, although he could not recall which shoulder. He also confirmed later in his evidence that he did not see the shot being fired. He estimated that the soldier was approximately 30 yards away from Stephen Geddis and him, leaning against the wall of the stairwell, when he took aim and fired. He considered that Stephen and he would have been the easiest targets as they would have been closer to the soldier than anyone from the group of boys. He denied that Stephen and he were part of the group of boys throwing stones and denied that either of them had been responsible for throwing stones at the army.

[91] On hearing the bang he turned to run away and tripped over a small kerb. As he got up and looked back he saw Stephen Geddis lying on the ground. He saw a few people running over towards where Stephen Geddis was lying. He said that this incident happened while it was still bright.

[92] He recalled Mrs Eileen McCrystal coming out of her home at 2 St Jude's Path and shouting at the children to bring Stephen Geddis over to her house. The group carried Stephen Geddis to Mrs McCrystal's house. An ambulance arrived shortly afterwards and took Stephen Geddis away.

[93] According to Mr Voyle, the soldier who discharged the baton round would have had a clear view of the area and would have known that the young people were only children.

[94] Mr Voyle explained the layout of the Courtyard. He described a small wall running in a semi-circular fashion around part of it. There were also some steps down into the Courtyard the effect of which, to his recollection, meant that the soldier would have been positioned about one step higher than them.

[95] He could not recall anything about what the soldier looked like as it all happened so quickly, He thought that the soldier must have got quickly into the Saracen and left the area.

[96] Mr Voyle stated that there was no stone throwing in the Courtyard at the time and that the Courtyard was effectively the children's den.

[97] Mr Voyle stated that Stephen Geddis was not involved in any rioting in any way. He opined it was not in his nature and that Stephen Geddis was simply in the wrong place at the wrong time.

*Domenico Lo Nigro*

[98] Domenico Lo Nigro gave 2 statements to my investigator and provided oral evidence to the inquest. He confirmed that he had also made a statement to the police in 1995.

[99] In 1975 he was aged 11 years old and lived with his family at 14 St Comgall's Row, within the Divis Complex.

[100] He believed that Stephen Geddis and he had been playing football at St Comgall's pitch at around 7.30pm. It was bright at that time. According to Mr Lo Nigro, Martin Voyle was also playing football with them.

[101] He recalled seeing smoke and hearing a commotion and then a number of the children, including Stephen Geddis, left the football game to go in the direction of the commotion. He followed soon after and although on a plan appended to his statement to my investigator he had marked out his direction of travel, he corrected this in his evidence by explaining that he initially went towards Cullingtree but on seeing soldiers on the balcony of Cullingtree Walk, he turned back, thinking to himself that he needed to be careful. He ended up in the Courtyard.

[102] Mr Lo Nigro then explained that Stephen Geddis was also there but was closer to the stairwell at 6 St Jude's Path than he was. He described Stephen Geddis as being in the middle of the Courtyard close to the small wall whilst he was on the grass area. He also recalled seeing Damien Kennedy there.

[103] He denied being on Albert Street or Cullingtree Road at any time that evening, though he did see an army vehicle on Albert Street.

[104] He described hearing a screech and then he heard a bang. He said that it sounded like an army baton round. As soon as he heard the bang he turned and ran the whole way home without looking back. He believed that they would not have been in the area for more than 10 minutes prior to hearing the bang. There may have been a few stones thrown at the army through the lift-shafts and he recalled the smoke they had seen which had drawn them down to the area but he said that this was nothing that one wouldn't see every day.

*Damien Kennedy*



[105] Mr Damien Kennedy (deceased) provided a statement to the RUC dated 30 August 1995 which was admitted under rule 17. He was 11 years old in August 1975 and lived at 12 St Jude's Walk.

[106] He stated that on the evening in question he was standing with Stephen Geddis at the side of St Jude's block looking out onto Albert Street. He recalled seeing an Army 6 wheeler (Saracen) coming along Albert Street towards Cullingtree Road. He said that Stephen Geddis and he walked back behind St Jude's block into the Courtyard. He did not see the Saracen stop. As they walked towards the centre of the Courtyard he heard the clanking of the doors of the Saracen. Stephen Geddis and he continued to walk towards the centre and then he recalled hearing a loud bang and Stephen Geddis fell to the ground.

[107] He looked over his shoulder in the direction of the bang and saw a soldier standing with a plastic bullet gun up to his shoulder. He stated that he remembered that the gun was aimed straight at them with the soldier standing no more than 30-35 yards away at the end of St Jude's block near to a long wall. He stated that there was no rioting in the area at the time nor could he recall any other children in the area.

[108] Mr Kennedy had also drawn a sketch of the scene indicating Stephen's location when shot. Mr Kennedy had positioned Stephen within the D shaped lozenge in the Courtyard.

*Brendan McFadden*

[109] Brendan McFadden made a statement to my investigator and gave oral evidence to this inquest. He stated that he had not previously been asked to provide an account regarding this matter. He said that he tended to keep information to himself and that he had been afraid to speak up previously about the circumstances of the incident. He was 10 years old in 1975. He stated that Stephen Geddis was a friend and that they had been in the same class in St Comgall's Primary School.

[110] Mr McFadden stated that he and his friends went to the youth club which was in their school and he saw Stephen Geddis in the yard of the youth club that evening around 7.45pm. He said that Stephen Geddis and he left the club sometime later and walked down towards the Courtyard. It was slightly dark although there was light from a lamppost in the Courtyard. Mr McFadden described a wall at the area with two steps down into the Courtyard.

[111] He recalled about twenty children throwing stones at the Army on Albert Street. The children were congregated in the area of the lift shaft. The children were in the 10-14 age range. He believed that two army jeeps had come from the direction of Cullingtree Road. He believed that he had heard the distinctive sound of the jeeps braking and doors opening. He said he had a clear view from where he was standing and the doors opened of the second jeep and he believed that two soldiers

jumped out. The soldiers ran towards the stairwell at St Jude's block and the first soldier had a plastic bullet gun. At the corner of the stairwell one soldier crouched over slightly and fired his plastic bullet gun from shoulder height into the Courtyard area.

[112] Mr McFadden stated that the soldier couldn't have been aiming at anyone as there would have been about twenty to thirty children in the Courtyard area and that they were just milling around. He said that Stephen Geddis was close to the lamppost in the Courtyard when he was shot. He saw the shot being fired and then he saw one of the children drop immediately to the ground but did not know at the time that it was Stephen Geddis. He estimated the distance from where the soldier fired to where Stephen Geddis was standing to be about 200 yards and he believed that the soldier would have been standing higher up than Stephen Geddis.

[113] He said that Stephen Geddis was not doing anything at the time and there was no stone throwing when the soldiers came to the corner at the stairwell. He described seeing a general commotion and of hearing people shouting "It's Stephen. It's Stephen". He described how adults came out to help Stephen. He saw Stephen lying on the ground. People were around him and some were saying "He's dead." He thought that Stephen may have had a lump on his head, although he did not see any blood. On seeing Stephen Geddis he panicked and ran straight home.

*Robert (Rory) Russell*

[114] Robert (Rory) Russell gave his first statement relaying his recollection of events to my investigator on the 3 March 2020 and thereafter gave oral evidence to this inquest. He was 14 years old in August 1975 and he lived with his family at 4 St Brendan's Path within the Divis Complex.

[115] He recalled how, on the day in question, he saw Stephen Geddis standing at the bottom of the stairs at the back of Cullingtree Path. He remembered it was daylight but was uncertain as to the time. He described that he was standing outside 1 St Jude's Path (Mr Hughes' home) and he saw a soldier standing at the end of St Jude's Path at the stairwell. He was the only soldier that he saw. He estimated the distance between the soldier's position and to where Stephen Geddis was standing to have been approximately 100 yards. He remembered nothing of significance going on. He thought that there may have been about a half dozen children in the area but he could not recall for sure.

[116] He stated that he clearly recalled the soldier standing aiming a weapon in the direction where Stephen Geddis was standing but from his position he only saw the soldier's upper body. He did not see the soldier discharge a weapon and he could not recall what had diverted his attention. He could not now recall hearing the shot though he stated "if I was there I would have heard it". He stated that when he witnessed the soldier aiming the gun he did not know anything was going to happen as soldiers always stood like that at a corner. He did not know where he

went next but he did not gather around Stephen Geddis.

*Kevin Burns*

[117] Kevin Burns provided his first account of events in a statement to my investigator on 5 March 2020 and gave oral evidence to the inquest. He stated that he was 9 years old during August 1975 and he lived with his family at Milford Row in the Divis Complex.

[118] He stated that immediately prior to the index incident he was standing about ten feet from Stephen Geddis in front of St Jude's Path. He recalled seeing perhaps 8-9 soldiers running across the Green between Christian Place and Jude Street (upon which buildings were later constructed). According to Mr Burns there was no rioting in the Courtyard however he could hear noise in the form of banging and screeching coming from the area of Albert Street. He could see 1 or 2 army vehicles head in the Divis direction from the Servia Street area of Albert Street. He described the noise from Albert Street as was coming through the lift shaft at St Jude's Path. He described what he heard as "some kind of disturbance".

[119] Mr Burns described hearing a bang. When he heard the bang he believed that the soldiers on the Green were around 100 feet away. After hearing the bang he saw Stephen lying on his side on the ground, unconscious and not moving. Eileen McCrystal came out of her house and told the children to move away and he believed she directed some men to carry Stephen into her house.

[120] Mr Burns described being in the same area the following day and finding a tooth 10-15 feet from where Stephen had been lying. He picked up the tooth and was then approached by a soldier who took it from him. There is no evidence, however, to suggest that this tooth belonged to Stephen Geddis and I cannot draw an inference from this evidence that the tooth apparently found by Mr Burns belonged to the deceased.

*Thomas McAreavey*

[121] In his evidence to the inquest, Mr Thomas McAreavey stated that he had not made any previous statements regarding this matter prior to speaking to my investigator. In 1975, he was 14 years old and lived with his family at 16 Ardmoulin Street, Belfast. He recalled Stephen Geddis being shot as he was standing beside him at the time. He did not know the exact date but the weather was nice and it was August. He could not remember the time of day.

[122] Mr McAreavey stated that on the day in question he met his school friends and Stephen Geddis was tagging along with them as he usually did. He explained that he knew Stephen because he was in the same class as Kieran Geddis, Stephen's brother.

[123] Mr McAreavey described how he had been having tin fights with his friends on the waste ground behind the Foresters Club which was at the bottom of Albert Street (just before College Street West). He explained that tin fights were simply throwing tins at each other, for example lemonade tins. Stephen was not with him or his group at that stage. Sometimes the army would stop and check what they were doing.

[124] After the tin fights they then walked down to the junction of Albert Street and Cullingtree Road. There were two barricades in Albert Street – a larger one at the lift shaft end of St Jude’s block and a smaller one at the stairwell end. The larger barricade was comprised of beer barrels, planks, wooden pallets and bricks. He said that a barricade was generally on Albert Street most days and on occasions there could be up to 4 barricades. Everyone erected the barricades. He stated there was also rioting going on within the flats which again occurred most days. Mr McAreavey stated that people would stand on the waste ground beside the stairwell at St Jude’s and the whole way up Albert Street.

[125] He was in the Courtyard a matter of minutes when he heard the sound of baton guns going off as the sound is distinctive and he is familiar with it. He stated that there were at least two Saracens in the area, one on Albert Street and one on Cullingtree near the Massereene block. He could see the Saracen as he looked through the large opening under Cullingtree Block. He recalled hearing a loud thud and assumed it was the Saracen driving through the barricade on Albert Street. Minutes later he heard baton rounds being discharged.

[126] Stephen was beside him in the Courtyard. According to Mr McAreavey no-one in the Courtyard was rioting although he accepted that there could have been rioting at the time he was having tin fights.

[127] Mr McAreavey recalled soldiers being on the balconies in St Jude’s. There were four to six and they were on the middle tier. After the ramming of the barricade and the baton rounds being fired, soldiers ran out of the complex. The soldiers on ground level ran under the balconies from around the St Jude’s stairwell. One soldier stopped and he saw the soldier fire his baton gun straight at Stephen. There were 3-4 soldiers beside this soldier. He was clear that the bullet did not bounce off the ground and it hit Stephen on the head and he dropped to the ground. Stephen was in front of Mr McAreavey and he was of the opinion that the bullet could have hit anyone in the group. He stated that the soldier would have been standing when he fired. The missile that hit Stephen looked more like a battery to him. Stephen didn't move and people were shouting "he is not moving".

[128] He then saw a soldier who appeared in charge, possibly a Sergeant or Officer, approach the soldier who had shot Stephen and grab the gun from him. He heard him ask the soldier why he had fired at a child. There was a scuffle and he heard sirens and thought it was the ambulance. He and others ran off.

[129] Mr McAreavey was not aware of any catapults being used that day although he was aware that they were used from time to time to fire small stones or marbles but not batteries as they would be too big.

*Terence McNally*

[130] Mr Terence McNally responded to my witness appeal and attended the LIU witness surgery at the Maureen Sheehan Centre on Albert Street. He made a statement to my investigator and gave evidence to this inquest.

[131] Mr McNally was 8 years old in 1975 and lived at Collingtree Walk. He stated that he knew Stephen Geddis well. Stephen and he ran about together with other children from the Divis complex. He recalled on the evening of the incident he was walking down the green area towards the end of St Jude's Path when it was getting dark and he saw two soldiers to his right hand side. He believed that they were both around 10 feet away from him and closer to the houses at the end of St Jude's Path at the stairwell end. He described one of the soldiers as leaning with a rifle and the other was upright. He conceded that his memory was hazy around this and he stated that he could "vaguely" see them. He described a soldier as being slightly crouched on his two feet with the butt of the gun being at shoulder height. The second soldier was standing to the right as Mr McNally looked at him. The two soldiers were close together and they were pointing their guns in the Cullingtree Block direction.

[132] Mr McNally stated that he remembered wondering what they were shooting at. He believed that he recalled hearing one bang but conceded that his memory was not good. He did feel sure that only one shot was fired. He did not remember seeing a shot. He did not recall where the soldiers went after the shot was fired and he could not describe either of the soldiers. He did not recall seeing anyone in the area and could not understand why the army were shooting.

[133] He recalled seeing his mother, Catherine McNally and Mrs McCrystal with Stephen Geddis. He did not see Stephen lying on the ground. Stephen was struggling with Mrs McNally and Mrs McCrystal, he was flailing his arms. He was screaming and there was gurgling blood in his mouth. Stephen was calling for his mummy. Mrs McNally was holding Stephen up, trying to support him.

[134] Mr McNally believed that he went straight home. He had not been on Albert Street that day and he was 100% sure that he had not seen any rioting whatsoever in the area at the time.

*Catherine McNally*

[135] In her evidence to the inquest, Mrs Catherine McNally, Terence McNally's mother, stated that at the time she lived with her husband and children at 19

Cullingtree Walk. She was 27 years old in 1975. She could not recall the date of the incident but could recall that prior to hearing a plastic bullet being fired, she was standing on the balcony outside her home. She described it as beginning to get dark but that she could see clearly. She was looking for one of her sons. She stated that she clearly heard one shot and recognised it to be from a plastic bullet gun as used by the army. She described this as being a regular sound in her area and anyone who lived there would have recognised the noise easily.

[136] After hearing the shot she made her way down the stairs, between 20 and 21 Cullingtree Walk and into the circle area. She believed that the shot sounded as if it had come from the Albert Street area but she could not see down Albert Street from where she lived.

[137] As she arrived at the bottom of the stairs she saw a young boy coming staggering out from an area that she described as "The Link" - this being an area that people could walk through between the Cullingtree and St Jude's blocks from Albert Street and into the Courtyard. She described the young boy as being perhaps aged about 8-10 years old. She thought that he had dark hair. He was screaming and hysterical and fell to the ground around 5/6 yards from Mrs McCrystal's house at 2 St Jude's Path.

[138] Mrs McCrystal came out of her house and they both brought the boy into Mrs McCrystal's front room. She did not recall seeing any injuries on the boy. She believed that a girl called an ambulance which arrived shortly afterwards. She could not recall who the girl was but she was aware that Mary Kennedy had a telephone in her home - not many people had telephones in those days. She described how the boy was screaming for his mummy and did not want to get into the ambulance.

*Eileen McCrystal*

[139] Mrs Eileen McCrystal, now deceased, made a statement on 21 August 1995 to the RUC during the course of the 1995 investigation. I admitted this statement into evidence under rule 17 of the 1963 Rules.

[140] Mrs McCrystal stated that in August 1975 she was living at 2 St Jude's Path, Belfast. She recounted how, on an evening in August 1975 she looked out through her kitchen window which overlooked Albert Street. She could see the Army in a big Saracen truck driving around the street. They were traveling at almost walking speed. She recalled seeing 10-15 children, between 7 and 10 years old, playing in the central grass area between the different blocks of flats out the front of her house. She recalled looking out onto Albert Street and seeing an old-fashioned square cushion lying in the middle of Albert Street. It was on fire and smoke was coming from it.

[141] According to Mrs McCrystal there was no rioting going on and the next thing she heard was a loud bang. She remembered her daughter, Mary, running out ahead of her. Mrs McCrystal stated that she went out onto the grassy area near a low wall

where she saw approximately 20 youngsters gathered around Stephen Geddis, who was lying on his back. She stated that Stephen was picked up and brought into her living room and that an ambulance arrived and that she accompanied Stephen to the hospital.

*Mary McCrystal*

[142] Mary McCrystal, one of two daughters of Eileen McCrystal to give evidence to this inquest, provided a statement to police on 1 August 1995 and made a further statement to my investigator on 2 March 2020. In 1975 she was 19 years old and lived with her family at 2 St Jude's Path.

[143] Her recollection of the evening in question was of 3-4 children, aged 5 - 9 years, playing outside St Jude's on Albert Street. They had placed boxes and cushions on the road and were jumping on them. At the time she was in her house having her tea in the living room which had a window overlooking Albert Street. Ms McCrystal stated that she had a clear view onto Albert Street and that the children were playing directly outside her window. She recalled an army Saracen coming up Albert Street in the direction of the Falls Road and a few minutes later coming back again. In her evidence she described how the Saracen was effectively driving in a circle. She was unsure of the exact path taken by the Saracen.

[144] Ms McCrystal stated that there appeared to be a game being played between the children and the army, with the children erecting barriers that the soldiers would then knock down by driving through. Ms McCrystal stated that at the time her two younger brothers, Vincent and Damien, were with her and they were both looking to go out to play with the other children. She described hearing one of her younger brothers saying something to the effect of "they're giving them sweets", meaning the soldiers were giving sweets to the local children. She did not let them out of the house and stated that this was because she had a bad feeling at the time. She stated "it's hard to describe but I just had a sense of something not being right, despite the fact that there had been no trouble in the area at the time".

[145] Later she was standing at the front door to her house (which faced out into the Courtyard), she heard one shot ring out and a child fall. She saw Stephen Geddis lying to the right hand side of the lift shafts at the front of St Jude's Path and Cullingtree Path. Ms McCrystal believed that Stephen may have been coming from Crossey's shop but she could not explain why she thought this. She did not believe that a shot had been fired from the end of St Jude's Path as she had always assumed that the Saracen was on Albert Street and quite close to her home when the shot was fired. She recalled running over and lifting Stephen Geddis and carrying him over to her house. She had a memory of only herself going in the ambulance with Stephen.

[146] Ms McCrystal explained that she and her mother never talked about the incident and she was unaware that her mother had made a statement in relation to the matter in 1995. She could not explain the central grass area nor the grassy area

with a low wall referred to in her mother's statement. She accepted that her mother must have gone to the Royal Victoria Hospital in the ambulance but maintained she went also. Her mother never told her that she had retrieved the plastic bullet and if her mother had, she believed that her mother would have told her so. She further stated that her mother would have told her if she had seen soldiers kick Stephen in the face.

*Brenda Boyce*

[147] In her evidence, admitted under rule 17, Mrs Brenda Boyce, daughter of Eileen McCrystal and sister of Mary McCrystal, stated that in 1975 she was aged 13 years old.

[148] On the day in question she had been out playing and was returning home through the arches of the Cullingtree Block when she saw a large crowd, consisting of neighbours outside the front of her home at 2 St Jude's Path. She remembered the adult members of the crowd comprising mainly women from the local area. Mrs Boyce made her way through the crowd to see what was going on and entered the hallway in her home, which was long and led to the living room.

[149] The house was full of people who were in a state of panic. In the living room she saw a boy younger than herself lying on the settee which was under the window. The boy was unconscious and his head was very swollen and the left side of his face was a dark blue colour. The boy's head was larger than the size of one of the scatter cushions on the settee. She did not know the boy. She stated that the boy was moving his head in circles but he appeared to be unconscious. She could not remember seeing any blood. She recalled that a lot of people in the house were shouting about getting an ambulance. The boy was placed in the ambulance and her sister Mary went with the boy to hospital. The crowd then left. Mrs Boyce could not recall seeing any army in the area that day when she got home.

*Martin Hughes*

[150] Martin Hughes gave a statement to my investigator on 5 February 2020 and thereafter gave oral evidence to the inquest. His written account was the first time that he had ever been asked to make a statement as to what he had seen on the evening in question.

[151] Martin Hughes lived with his family at 1 St Jude's Path and he was 14 at the time of the subject incident. He gave evidence as to how, at the time the incident occurred, which he described as being the late afternoon/early evening, he was standing at the corner of the stairwell end of St Jude's. He could not recall his purpose. He described seeing some rubbish and mattress on fire either on the road or footpath on Albert Street adjacent to St Jude's. He stated that he saw two children



to the rear of 4 St Jude's Path, one of whom he later identified as Stephen Geddis. He did not know who the other boy was but he believed he would have been of a similar age. He thought that they were both messing about with a couple of small sticks at the fire. He stated that there were children all around the area at that time.

[152] Mr Hughes described how an army Saracen came up Albert Street travelling in the direction of the Falls Road. He saw two soldiers standing at the junction of Albert Street and Cullingtree Road and he believed they were to the side of the Saracen but he could not recall which side. He could not recall if the two soldiers were together or apart. He thought that he (Mr Hughes) was standing about 70 feet from the Saracen and perhaps 25 feet away from Stephen and the other boy. He stated that there was no interaction between the soldiers and the children and that he observed the scene for a matter of minutes.

[153] According to Mr Hughes there was no rioting going on whatsoever. He recalled hearing a bang but did not see a weapon being discharged and he could not explain what had distracted him at that moment. He looked over and saw that one of the two soldiers was holding a plastic bullet gun. He was holding the gun in the aim position at mid-level. He then saw Stephen lying on Albert Street, on the road. He ran over and lifted Stephen. A lot of people started coming around and he carried Stephen around the end of St Jude's Path although he was unsure if it was at the corner closest to number 6 or number 1.

[154] He recalled seeing Mrs McCrystal, who lived next door to his family on St Jude's Path, in the area of the stairwell at the end of St Jude's Path. She was shouting at him to bring Stephen down to her house. He recalled that Stephen had been lying lifeless when he lifted him up. He also recalled that the sofa in Mrs McCrystal's house was white and that he saw blood on the white sofa. He stated that he did not know where Stephen had been struck but he had been bleeding. Mr Hughes then went into his own house after leaving Stephen in Mrs McCrystal's house. He knew that an ambulance took Stephen away.

*Thomas McAuley*

[155] Mr Thomas McAuley made a statement to my investigator and gave oral evidence to the inquest. He stated that he was never previously spoken to in respect to the death of Stephen Geddis during the 1970's and he was unaware that there was a police investigation during 1995.

[156] In August 1975 he was 9 years old and he lived within the Divis Complex at Gilford Row. He was a friend of Stephen Geddis. He did not recall that Stephen had been to America earlier that summer. He remembered that the incident leading to Stephen's death occurred during the hours of daylight but could not recall the time of day. He described how he and Stephen were standing in the area of the lift shafts situated between the St Jude's and Cullingtree Blocks on a small area of waste ground. He stated that he was standing about 3 feet behind Stephen Geddis. He

could not recall who else was there.

[157] According to Mr McAuley there was no rioting going on that day, it was just a standard day with children playing and running about. He recalled seeing an army “whippet” driving down Albert Street coming from the direction of the Falls Road. He believed that a shot was fired from the whippet as it passed their position. The whippet drove past the end of St Jude’s Path up along Albert Street. This was identified as being from left to right as one looks at exhibit TMA1. He thought that it was driving slowly. He clearly recalled hearing one bang and he recognised the sound as being a round fired from a baton gun as this was a familiar sound in the area during those times. He then saw Stephen immediately fall to the ground after hearing the bang.

*Robert Lewsley*

[158] Mr Robert Lewsley made a statement to my investigator and gave oral evidence to the inquest. He had never made any previous statements regarding the matter and he was 9 years old in 1975. He recalled the shooting occurred during the summer and he believed it was afternoon time. He further recalled that the army were driving up and down Albert Street in a Saracen. He believed that there had been more than a hundred children there in the age range 9-14 and they were all throwing stones at the Army. They were all at the lift shaft at St Jude’s and Cullingtree Blocks. The Saracen would travel along Albert Street from the Falls Road direction turning into Cullingtree Road and they would stone it. He thought that there might have been a barricade and he thought that there may have been two Saracens, one following the other.

[159] Mr Lewsley believed the Army fired a plastic bullet from one of the Saracens as it drove down Albert Street. He stated that he was fairly sure that the Saracen was in motion when the plastic bullet was fired. He did not see any soldiers out on the ground at the time and he was standing in the Courtyard. He recalled that Stephen Geddis was standing in the same general area. He recalled seeing a lot of people running over to help Stephen. He could not recall who else was present at the time. He described a big crowd all around Stephen. He was not close enough to Stephen Geddis to see what injuries he may have had. He recalled that Stephen Geddis was taken away in an ambulance.

*Joseph McQuade*

[160] Mr Joseph (Joe) McQuade provided a witness statement and gave oral evidence to this inquest. He had initially responded to a Facebook page promoting the witness appeal by stating that he had been very close to Stephen Geddis at the time he had been hit. Mr McQuade was also 10 years old at the time of the incident and he lived at 4 Church Row within the Divis Complex. He stated that he had a clear memory of what happened.

[161] He said that the incident occurred during daylight hours. He recalled seeing at least a dozen "Brits" at the corner of McKernan's house and there may have been army jeeps or Saracens there also, although he could not recall. McKernan's house was located at the corner of the Albert Street and Cullingtree Road junction on the other side of the road from the Divis Complex.

[162] Mr McQuade described the soldiers as all being on foot with two standing at the corner and three kneeling down with more soldiers behind using the corner as cover. The soldiers were all in a line. He stated that he, Stephen and a lot of other children, all around his age, about 50 in total, were throwing stones at the army. He was on the grass below St Jude's Block and the corner of Cullingtree Block while some of the other children were on the grass area to the right-hand side of the lift shafts. He believed that Stephen Geddis threw a stone which hit a soldier after which he did a star jump and there was a lot of laughter from the other children. He described the gathering of children as being about 50-60 yards from the soldiers' position. As 10 year olds they were only able to throw small stones - they would not have caused much physical damage. They ran back through the lift shafts to get away in case the soldiers sent a snatch squad in to get them.

[163] Mr McQuade went on to describe how he and Stephen sought refuge in the Courtyard and how they had ended up in this area after running there from the Albert Street area through the area of the lift shaft, having thrown stones at the soldiers. He described how Stephen stood on one of the islands (described otherwise by Mr Murphy as a lozenge) using the lamppost as cover while he checked to ensure that there was no snatch squad coming to get them. He described how he was standing on another lozenge. They then both headed back towards the lift shaft with the intention to return to the grass area they had come from in order to resume stone-throwing at the soldiers. Mr McQuade was around 20 metres behind Stephen. He described how Stephen had just got to the lamppost when about 12 soldiers came charging around the corner at 6 St Jude's Block, beside the stairwell, screaming their heads off. They stopped in front of a three foot high wall approximately outside 4 St Jude's block. All had weapons and there were two layers of them.

[164] According to Mr McQuade there were four children in the Square to include Stephen and himself. He could not remember how many plastic bullets were fired but he recalled seeing perhaps 3 of the "Brits" with plastic baton guns. He believed it was a soldier who had crouched down at the wall who fired a plastic bullet directly at Stephen. He described how Stephen and he would have been closest to the soldiers at the time, with Stephen being closer than him. He saw the plastic bullet hit Stephen right to the centre of his face. He said that he was certain it was a direct hit. He said that Stephen just dropped to the ground. He believed that an older teenager or young man then ran straight across to Stephen. Seconds later a crowd was around Stephen and pulled him into Hughes' house which was 1 St Jude's Path. He did not see any injuries to Stephen.

[165] The witness described how the soldiers immediately backed out of the area

and he thought that this was probably because they realized that they had hit a child.

[166] Mr McQuade explained further in his oral evidence that as he and Stephen ran through the lift shafts to get away from the soldiers they heard the engines of the army Saracens and expected the army to chase them into the Divis Complex. While he did not see the Saracen or jeeps he could hear at least one, and more likely two, army jeeps or Saracens stop at the end of St Jude's Path. He explained that he and Stephen expected the army to come after them through the area of the lift shaft (between St Jude's and Cullingtree blocks), but that in fact the soldiers, in his opinion, tried to catch them unawares by coming around the stairwell end of St Jude's Path. He did not believe that there were any stones being thrown prior to or at the time that Stephen was shot.

[167] Mr McQuade could not recall what happened after Stephen was hit. He went home and didn't mention it to his parents for fear he would not be allowed out again for six months. He could not recall who else was there at the time and he believed that the army had been in jeeps on that date rather than Saracens. Mr McQuade further explained that there was always a barricade built on Albert Street and it was erected every day from whatever material was about and that the army would drive through it.

*Carol Byrne*

[168] Carol Byrne gave a statement to the RUC in 1995 and a further statement to my investigator before giving oral evidence to the inquest. She was 13 in 1975 and lived with her family at 12 St Jude's Walk.

[169] Her evidence was that on the evening of the incident, which she described as a clear summer's evening, she was standing looking over the balcony outside the front door of her house which afforded her a clear view of the Courtyard. She recalled hearing only one bang though she did not see anyone firing a shot and was unaware of the presence of any soldiers in the area. As soon as she heard the bang she saw a child fall. She said that the child was standing alone in the vicinity of the lift shafts between the St Jude's and Cullingtree blocks. She was aware of other children playing and believed that the child who was shot had also been playing with another child. She was unaware of any rioting ongoing in the area. She said that the young boy who was shot was doing nothing wrong at the time. Her mother was not at home at the time and she did not take any active steps herself. She gave evidence of seeing people go to the young boy's assistance and of seeing Mrs Hughes nearby.

[170] She also testified that she was aware that barricades were regularly erected on Albert Street and that as soon as they were dismantled they were re-erected. She described that the barricade would be erected at the lift shaft end of the St Jude's block and that it was very rare for a barricade to be erected at the stairwell end.

*Sheila Hughes*

[171] Ms Sheila Hughes (deceased) provided a statement to the RUC dated 9 August 1995 which was admitted under rule 17. On the night in question she recalled seeing a group of 7 or 8 children playing at rubble in Albert Street with a small fire lit and they were jumping over this. She saw an army 6 wheeler driving up Albert Street from Cullingtree Road. She heard a bang and she saw a child being brought into Mrs McCrystal's house. She did not see any rioting in Albert Street that evening.

*Mary Kennedy*

[172] Ms Mary Kennedy (deceased) had provided a statement to the RUC dated 9 August 1995 which was admitted under Rule 17. She lived at the time at 12 St Jude's Walk.

[173] She recalled seeing an army Saracen travelling along Albert Street, stopping at St Jude's block. She described 6 or 7 children aged about 7 or 8 years on the street and they had been throwing stones. She stated that the soldiers got out of the six wheeler and she described hearing a soldier shout "Get the bastard in the light or white t-shirt" followed by a bang. At this she ran from her kitchen onto her balcony and saw a child lying on the ground. He was wearing a light coloured T-shirt.

*Stephen Smith*

[174] Stephen Smith made a statement to my investigator and gave oral evidence to the inquest. He was 10 years old at the time of the incident. He explained that he could only speak in general terms about events which took place in 1975. He said that rioting happened regularly at or about the Divis Complex involving people of all ages. There was debris regularly on Albert Street such as prams, rocks, stones and planks of wood. Soldiers would be stoned nearly every day with more serious riots occurring at night time. He described stone throwing as an after-school pastime. After throwing stones they would have run back into the Courtyard, behind the lift shaft, for cover.

[175] He said it was also common place for the army to fire both rubber and plastic bullets at them. He could not recall how many plastic bullets were fired on the day that Stephen Geddis was shot. Stephen Geddis was not part of his group. He did not know where Stephen Geddis was standing when he was shot and he did not see him after he was shot.

*Military witnesses*

*John Patrick Ward*

[176] In the early hours of 8 February 1995, Detective Sergeant McComb was on

duty at Grosvenor Road RUC Station when he received a telephone call from a person who identified himself as John Patrick Ward. In his statement of 26 June 1996 (admitted under rule 17), DS McComb summarised Mr Ward's disclosure as follows:

"he (Ward) witnessed a soldier deliberately kill a child in West Belfast in late August or early September 1975 and that the entire incident had been covered up by the MOD and the Coroner."

[177] Mr Ward (deceased) made a statement to the RUC on 16 February 1995 and was interviewed by police on 27 October 1995. Both his statement and the notes of his interview were admitted by me as evidence to this inquest under rule 17 of the 1963 Rules. In his statement he explained how he had joined the 3<sup>rd</sup> Battalion of the Royal Regiment of Fusiliers in December 1965. He subsequently joined the Royal Anglian Regiment as a Private and in 1972 he carried out his first tour of duty in Northern Ireland, based at the Albert Street Mill in Belfast. A second tour followed in 1973 or 74 and a third tour in 1975, when he was again based at the Albert Street Mill.

[178] He recalled a summer's day, in late August or early September 1975, when he stationed in an observation post on the upper floor of Albert Street Mill, facing towards Divis Flats and Cullingtree Road.

[179] Given the passage of time and the death of Mr Ward, there is uncertainty as to Mr Ward's precise location when he describes being stationed in an observation post. Mr Brian Murphy, the Consulting Engineer gave opinion evidence from an examination of plan marked by Mr Ward and exhibited to his RUC statement (marked 'P2/1'), an aerial photograph dated May 1974 provided by the MOD and a further aerial photograph marked exhibited to the statement of Frank Robertson (marked 'FR5'). He considered that there were possibly two separate observation posts on the roofs of Albert Street Mill although he accepted that he was only basing that opinion on a photograph.

[180] Mr Ward explained that the upper floor of the Mill provided a good view of Cullingtree Road and the junction of Albert Street and Cullingtree Road.

[181] He stated that in mid-afternoon on this summer's day in late August or early September 1975, he observed a Saracen patrolling on Albert Street. He could hear women screaming from the upper floors of the flats overlooking Albert Street. He could see a small group of approximately 10 to 15 children aged between 7 to 10 years. He said that he could see the rear doors of the Saracen open with two soldiers sitting in the rear with their legs dangling out. One had an SLR rifle, the other a riot gun. According to Mr Ward he could see one of the soldiers chewing gum. Children were throwing stones. He could see that the Saracen was very close to the children as it drove past and effectively pinned the children against the wall.

[182] He recalled that the vehicle came around a second time and it was again up on the footpath with the children again pinned against the wall. The Saracen drove off again. He contacted the Guard Room by telephone and reported what he witnessed and was told to ignore it and to watch his front. The Saracen returned a third time and again the children were pinned tight against the wall. It returned a fourth time. He phoned the Guard Room each time to report what he saw.

[183] In his statement he said that he did not see any barricade at the Albert Street/Cullingtree Road junction that day.

[184] He said that he then heard a bang which he took to be a riot gun going off. He did not see the shot being discharged nor smoke from the back of the vehicle. He did not see anyone being hit or carried away. The Saracen immediately drove off. He then recalled a crowd of upwards to eighty people appear onto the road.

[185] Mr Ward recalled that later that day he had a conversation in "the mess" with "Corporal Michael De Carsey (or something very similar)." Mr Ward recounted that the Corporal stated, "You know John there are some right bastards in 'A' Company. They killed that kid, I'm sick of the whole business."

[186] In his police interview of the 27 October 1995, Mr Ward recalled, contrary to the content of his statement, that there had been a small barricade of milk crates. When it was put to him that, contrary to what he said in his statement that no one dismounted from the vehicle, he said that local people would say things to try and make matters worse. When it was put to him that the soldiers were in fact from B Company he accepted that he may have gotten mixed up between A and B Company. He explained that he couldn't see them clearly from 300-400 metres away wearing helmets and black paint. This was notwithstanding the fact that he claimed to have seen one soldier seated in the back of the Saracen chewing gum.

[187] As stated in my introduction, it was Mr Ward's allegations that prompted a fresh RUC investigation into the death of Stephen Geddis in 1995-1996.

*John Michael D'Arcy*

[188] Mr John Michael D'Arcy (deceased) provided a statement to the RUC on the 2 May 1995, which I admitted into evidence under my powers to do so pursuant to rule 17 of the 1963 Rules. Mr D'Arcy was identified by the RUC as the Corporal John Ward claimed he had spoken with in the mess.

[189] Mr D'Arcy explained in his statement that he had joined the Irish Guards Regiment before eventually joining the 2<sup>nd</sup> Battalion Royal Anglian Regiment in 1966. In total he completed 5 tours of duty in Northern Ireland. In 1975 he carried out a 4 month tour from around July-October and was based at Albert Street Mill. He was acting Platoon Sergeant in Support Company. All his taskings were on foot and mainly in the Divis flats complex.

[190] In his statement he confirmed that he recalled the shooting of Stephen Geddis. He stated that at the time of the firing of the baton round, he was on a 6-man foot patrol in the St Peter's/Massareene blocks of flats within the Divis Complex. He recalled from the radio net that there was stoning and rioting going on in the area at the time of his patrol which would have lasted between 1 ½ - 2 ½ hours. He heard two bangs which he identified as being from a Greener riot gun. He was ordered by the Ops Room to move towards the rioting. He could see a small barricade across Albert Street but could not recall it burning. He could see soldiers on foot clearing the roadway, and that there were women and children close by. He confirmed that the children had been dispersed earlier but had returned.

[191] According to Mr D'Arcy it would not have been practice to discharge a Greener from the rear of a Saracen and indeed that would have been a chargeable offence, never mind the suffering to persons in the Saracen caused by the noise of the discharge.

[192] Mr D'Arcy stated he did not recall John Ward and he did not recall saying the comments attributed to him about the shooting by Mr Ward. Mr D'Arcy stated that had he witnessed anything "untoward" he would have "turned them in immediately."

*SGM24*

[193] SGM24 provided a statement to my investigator in February 2021 and I admitted this into evidence pursuant to rule 17 of the 1963 Rules. SGM24 joined the military in September 1972 and joined 2<sup>nd</sup> Royal Anglian Regiment (2RAR) as a Private soldier. In 1975 he was attached to B Company, 6 Platoon, 2RAR. It engaged in a four month tour of duty in Northern Ireland based in Mulhouse Army Barracks, Belfast which was formerly Roden Street School.

[194] Whilst he had no knowledge of the Stephen Geddis incident, SGM24 did describe an incident on the 28 August 1975 when he was on mobile patrol with about 10 other members of 6 Platoon in an Army Humber Pig (hereafter referred to as a Pig). As the vehicle approached Dunville Park from the Falls Road the vehicle was hit with something on the driver's side and liquid came through the window. The soldiers in the vehicle all got up to try to dismount and as they went to dismount another soldier jostled SGM24 and pushed him causing him to hit the trigger of the baton gun that was slung over his back. He had had the weapon made ready and as a result the weapon discharged a baton round glancing off his leg and throwing him out of the vehicle. He stated that a baton round going off would be like a boom so it would be very loud inside a vehicle and could be heard over a distance.

[195] An examination of the HQ Infantry Brigade military radio log for the 28 August 1975 reveals an entry from the 2<sup>nd</sup> Royal Anglian Regiment wherein a negligent discharge is noted. The entry, recorded at 9.15pm, stated that there had



been a negligent discharge of 1 x 25 gram PVC (baton round) by SGM24 as he dismounted from a Pig at the junction of the Falls Road and Dunville Park. This is the only recorded incident of a discharge taking place from within an army vehicle on that evening.

[196] Standing back, it is remarkable that at or about the time when Stephen Geddis was struck by a plastic baton round, a plastic baton round was discharged negligently from an Army pig not far away from where Stephen Geddis was struck. I am also cognisant that two of the civilian witnesses who gave evidence to this inquest believed that Stephen Geddis was struck by a plastic baton round discharged from the rear of an Army vehicle. Accordingly, I have to exercise extreme caution, which I do, if I am to reject the possibility that Stephen Geddis was struck from a baton round discharged from the rear of an army vehicle. That said, this is the conclusion I have reached having considered all of the evidence in this case.

[197] It may be that with the passage of time Mr Ward conflated the event involving SGM24 with the striking of Stephen Geddis and came to believe that Stephen Geddis had been struck as the result of the discharge of a baton round from inside an army vehicle. I can well appreciate that with the passage of time recollections fade and can become infected by false memories. I do not believe that Mr Ward was trying to mislead investigators when he made his statement in 1995 but I have formed the view that by the time he made his statement and submitted himself for interview in 1995, his memory had become unreliable insofar as it related to the circumstances of Stephen Geddis' death. Accordingly, I reject the reliability and accuracy of the content of John Patrick Ward's statement and answers given in the course of an interview insofar as they relate to the death of Stephen Geddis.

### *The patrol*

[198] On the evening of 28 August 1975, a mobile patrol of B Company, 2 Royal Anglian Regiment (2 RAR), were patrolling the perimeter of the Divis Complex in an Army Saracen. Their evidence is set out below.

#### *SGM16*

[199] SGM16 provided a statement to my investigator which I admitted as evidence to this inquest pursuant to rule 17 of the 1963 Rules. In 1975 he held the rank of Acting Corporal and was attached to the Royal Anglian Regiment as a driver during his 4 month tour of duty between May and August 1975. The RUC investigation identified him as the driver of the Saracen on 28 August 1975 and he was interviewed under caution on 14 June 1996.

[200] SGM16 professed to have no knowledge of the Stephen Geddis incident. He recalled knocking a road barrier over on one occasion but he could not say if it was on the 28 August 1975. He was aware that there was a general order issued province wide that vehicles were not to be used to knock barriers over but he could not date

that order.

SGM6

[201] SGM6 was interviewed under caution by the RUC as part of its investigation on 21 September 1995. He provided a statement to my investigator on 17 June 2021. He gave oral testimony to the inquest also. The following is a summary of his evidence.

[202] On the 28 August 1975 SGM6 was a member of B Company, 4 Platoon. He could recall some of the soldiers in his platoon namely SGM11, SGM12 and SGM15. SGM3 was the Corporal in charge. He confirmed he had completed training on the SLR rifle but he could not recall completing any training on a baton gun. He had attended Northern Ireland training which addressed patrol techniques and managing incidents. He could not recall the training on the Yellow Card (which related to live fire) nor could he remember the White Card (which related to baton rounds) or the rules for firing a baton gun at that time. As of the 28 August 1975 he had only been in Northern Ireland a period of just less than three weeks.

[203] On the evening of the 28 August 1975 he recalled being seated in the rear of an army vehicle (which he thought may have been a Saracen). He believed that the Section Commander, SGM3, was also in the rear. He had no recollection of anything that may have been communicated via the Commander's radio. He remembered the vehicle mounting a pavement to the side of a barricade on Albert Street.

[204] According to SGM6 the vehicle mounted the pavement in order to use it to provide cover for the section and him to remove the barricade. He expressly rejected the assertion that the army vehicle had pinned anyone against a wall as there were no persons present when the vehicle mounted the pavement. He confirmed that there was a crowd standing at a mound of grass near a couple of burnt out cars quite a distance away. The crowd comprised children and teenagers although in evidence he indicated that he had only glanced at the crowd and did not get a good look at them.

[205] SGM6 stated that the section comprised six soldiers plus the driver. They debussed the vehicle and SGM11 and he were ordered by SGM3 to clear the barricade while the rest of the section provided cover. He had no idea how far the army vehicle was from the barricade. Initially he described the barricade as being comprised of oil drums or beer barrels, crates, tyres and pieces of wood. He clarified later in his evidence that what actually comprised the barricade was speculation on his part.

[206] SGM6 recalled removing the barricade by placing the items from it to one side. No-one interfered with him clearing the barricade. He did not believe that the barricade had been breached by the Saracen and when asked if there was "a full scale riot closing in on him" he confirmed there was not. After clearing the barricade,

he got back into the vehicle and they left.

[207] An entry recorded at 21.20 in the 2 Royal Anglian log of 28 August 1975 was put to the witness. It read:

“Barrier at junction Cullingtree/ Albert erected by approx. 40 youths between 1900hrs-21.00hrs. Our patrol on ground kept dismantling it. At 21.05hrs the youths threw stones and created a fair amount of aggro refusing to withdraw. 2 x PVC rounds were fired and one person was hit. The youths all disappeared and the barrier was dismantled...”

[208] According to SGM6 he only removed the barricade once and it was possible other patrols may have dismantled it on other occasions.

[209] He did not recall anyone firing plastic baton rounds although, in his police interview in 1995, he stated in response to a question as to whether he had seen any plastic bullets being fired during the incident:

“No we heard oh now I suppose shots, about the only thing you can say there were bangs going on but ahm you know we didn’t sort of really notice too much of what was happening.”

[210] In his evidence he stated that “shots” was the wrong word to have used and that the bangs were from bricks and stones hitting the military vehicle and the clanging of beer barrels off the ground while removing the barricade.

[211] He was asked about his training and instruction in relation to Northern Ireland specifically. He said that prior to arriving in Northern Ireland he was given plans and told to memorise main roads and streets.

[212] He was asked if any particular instruction was issued as to how to deal with bystanders and children in the course of an incident. He could not recall any specific instruction.

*SGM11*

[213] SGM11 was interviewed under caution by the RUC on 21 February 1996. He confirmed he was a Private soldier with B Company, 2 Royal Anglian and had been on duty at the time in question in Albert Street/Cullingtree Road.

[214] At that time of his interview he stated he had a vague recollection of the incident. He recalled a riot and that bricks and bottles of beer were thrown. He believed a child had fallen off a car roof, he described the car as an old wreck with

no wheels or windows. It was his belief there was stoning from the roof of the car and the child had fallen off it “and got killed”.

[215] He believed there was a barricade and he recalled that they (the patrol) had driven through it. He also believed there was a car burning or a bonfire.

[216] SGM11 remembered that a baton round was fired by SGM15 and a second by another. He recalled an enquiry through which SGM15 was investigated.

*SGM12*

[217] SGM12 made an initial witness statement to the RUC on 1 September 1975. He also gave evidence at the original Inquest in 1976. He was interviewed under caution by the RUC on 22 September 1995 as part of their investigation. For the purpose of this inquest he provided a statement to my investigator. He advised that, given the passage of time, he was relying on his original statement which was replicated as a deposition to the original inquest.

[218] SGM12 joined the army in 1972 as a boy soldier and when he was 18 years old he joined the Royal Anglian Regiment. He stated that he remembered receiving intensive basic training on patrol tactics prior to going to Northern Ireland. Although he could not now specifically recall, he was of the opinion that he received training in all weapons that he used including a baton gun.

[219] In his inquest deposition made in 1976 he stated that on 28 August 1975 at 8.10pm he was tasked with other military to commence a patrol of the perimeter of the Company area in an armoured personnel carrier. The perimeter brought them past the Divis Complex through Albert Street. SGM3 led the patrol.

[220] SGM12 stated that there was a barricade on Albert Street approximately halfway along St Jude’s block. He said that on several occasions while passing the barricade in their vehicle they came under heavy stoning. He remembered that a group of 50-70 youths, aged 10-15 years old were gathered around and near to the barricade. He confirmed that it was decided that the patrol would avoid the area of the barricade but that around 9.00pm they were ordered by HQ to take down the barricade. SGM12 described the barricade as being about three feet high and on fire. Notwithstanding that his original deposition confirmed that the army vehicle rammed the barricade, he could not recall that event when giving his evidence to this inquest. He stated that he thought that they had pulled up and started dismantling it by hand.

[221] In his evidence he accepted that there was not a full scale riot happening. Whilst he did not accept the use of the term “aggro” he stated that the soldiers were trying to do a job and the crowd were trying to stop them. He remembered “just getting stoned”. He couldn’t say if all of the group were stoning the soldiers at the one time and he could not recall how the soldiers could differentiate between those

throwing stones and those who were bystanders.

[222] SGM12 was referred to his deposition in questioning when giving oral evidence. His deposition stated that they turned round and drove back through the barricade in order to clear it. They stopped about 15-20 yards north of the barricade. In his evidence he was unable to say where the vehicle stopped.

[223] Further, in his deposition he confirmed that SGM3 (who was in charge of the patrol) ordered them out to clear the barricade and again they were heavily stoned. As they were clearing the barricade a crowd came from around the end of Divis Flats and began to stone the soldiers more heavily. In his evidence to this inquest, he had little or no memory of the end to which he had been referring.

[224] He was asked by Ms Doherty QC if he had been chasing the young people and he stated that he "should imagine that he was running from one end to the other."

[225] He was brought to the following excerpt of his police interview in 1995:

Q. "Did you see Private SGM15 firing on that particular night";

A. "I, I can't remember seeing him fire but I, I think it was me and him that was running from one end of the building to the other to chase the children while the others ... were trying to clear the barricade.."

Q. "You's have to move ah from one place to the other is that what you are saying"?

A. "Yeah we was just running from, chasing them round one end of the block and then they'd come round the other end so we'd run back and chase them round there, well this is as I remember it."

[226] In his deposition the witness asserted that SGM3 shouted out very loudly that if the crowd did not disperse he would have to use baton rounds. He said that the crowd were 40-60 yards away at this stage. He recounted that they didn't disperse and carried on throwing stones. He said that he was helping to clear the barricade when he heard a baton round being fired by SGM3. The deposition records that the round appeared to go over their heads. In evidence the witness was unable to recall if he saw SGM3 fire the baton round. The deposition records that the crowd ran behind the flats but the patrol came under more stoning from the crowd as it re-grouped.

[227] The witness was asked to consider the content of SGM3's original inquest

deposition. It is recorded therein that he (SGM3) gave SGM12 his baton gun after he had discharged it once himself and ordered SGM15, SGM1 and SGM12 to go to the end of the St Jude's Block in order to hold off the crowd.

[228] While SGM12 did not disagree with this statement, he gave evidence that he could not recall at this time whether he was in possession of a baton gun, nor the path that he and the others took. He said that he thought they went between Cullingtree and St Jude's block. However, he was not sure and conceded in his evidence that he could not remember at which end of the St Jude's block they had taken a position.

[229] In his statement to my investigator he described how, from his new position, he could see an old car and some of the "mob" were on and around it. He described how SGM15 fired one baton round at the ground. Whilst he did not recall SGM3 tell SGM15 or him to discharge the baton round, he did not think that SGM15 would have done so without being told to do so. The next thing SGM12 saw was the crowd move away from the car leaving a youth lying at one end of it. Some quickly picked up the youth and carried him away.

[230] He said that SGM3 told them to get back into the vehicle and they did and carried on with their patrol.

[231] The witness, in his original deposition, described how, from their newly taken up position, the three soldiers came under sustained attack with stones and bottles from the crowd in the Courtyard area. The crowd he described as being 50 to 60 yards away. In his evidence he confirmed that he did not believe, however, that they were surrounded or that the hostile crowd had encroached or closed in on them. He accepted that if that had happened he would have expected that to be in his original deposition.

[232] As to the discharge of a baton round in the area of the Courtyard, SGM12 stated also in his deposition that SGM15, prior to firing his baton round, shouted a warning to the crowd that this would occur if they did not disperse. They did not disperse and continued throwing stones from a small car park behind the Cullingtree Block. In his evidence SGM12 confirmed that he believed that this was in fact the area known as the Courtyard.

[233] In questioning, the witness was asked if he could offer any explanation as to why SGM15 had omitted from his statement any reference to a verbal warning. Obviously it is not in the gift of this witness to explain why material evidence is absent from the statement of another witness. That said, it was put to the witness that this warning was not said and that his deposition to that effect was to justify and legitimise the eventual firing of the baton round by SGM15. The witness denied that this was so.

[234] Following their departure from the Divis complex, SGM12 said that he had no

recollection of any discussion at all relating to what he had seen, or as to the fact or even the possibility that a child had been struck and injured by a plastic baton round. He had no recollection as to the Rules of Engagement, whether as described by the Yellow Card or otherwise.

[235] He was asked why, considering the account given in his statement to the RUC, the RMP, having spoken to him the day after the incident on 29 August 1975, did not record a statement from him. He did not know why that was.

[236] In his questioning of this witness, Mr Aiken QC, appearing on behalf of SGM15, asked if he had told lies in any of his earlier written or oral accounts or testimonies. He denied that he had. The implication of this line of questioning is that SGM12 is a witness of truth upon whom this inquest can place particular reliance.

*SGM1*

[237] SGM1 provided a witness statement to the Royal Military Police (RMP) on 29 August 1975. He made a further witness statement to the RUC on 1 September 1975. He gave a deposition to the original 1976 inquest. He was interviewed under caution by the RUC on the 20 September 1995 as part of its investigation. I received all such statements and transcripts. Finally, he provided a statement to my investigator for the purpose of this inquest.

[238] In his oral evidence to this inquest, SGM1 indicated that for the purpose of his evidence he was relying on his 1975 /1976 statements /deposition as he had little recollection of the evening of the incident.

[239] SGM1 joined the army in 1975 and was in training for the first part of that year. He joined the Royal Anglian Regiment and he did not recall any specific training on tactics prior to going to Northern Ireland. On arrival in Northern Ireland he recalled being sent out with the Black Watch Regiment for on the job training. Whilst he was trained on weapons, he was not trained on the baton gun and he did not receive training or carry that weapon until 1977.

[240] SGM1 was attached to B Company, 2 Royal Anglian based in Mulhouse Barracks and he covered the Lower Falls area. Part of his duties involved the patrol of the perimeter of the Divis Complex but SGM1 stated that he never patrolled the inside of the Divis Complex or the walkways of the Divis flats complex.

[241] In his RMP statement dated 29 August 1975, SGM1 stated that on the 28 August 1975 around 8.00pm he was a member of a mobile patrol commanded by SGM3. His patrol vehicle was a Saracen. During the patrol SGM1 stated that they drove through Albert Street a number of times. He was seated in the rear of the vehicle. At the start of the patrol they encountered a barricade across Albert Street approximately 1 foot high. Initially a crowd of 20 youths, aged between 10-16 years were standing near to the barricade, on grassland fronting Divis flats. They drove

through the barricade and were stoned by the youths with the vehicle being hit a number of times. They continued their patrol until around 9.00pm during which time they were heavily stoned. He recalled in his statement avoiding the barricade a number of times but the crowd followed and stoned them at a road junction.

[242] At around 9.00pm the patrol received a message over the radio to dismantle the barricade. By this time the barricade was around 2 ½ feet high and on fire (although he accepted in his evidence that he had no recollection of that now). The crowd had increased in size to between 60-80 youths. They drove into Albert Street from the northern end, rammed the barricade with the vehicle being heavily stoned. The vehicle turned and rammed the barricade again stopping around 15 meters past it. In his evidence he stated that he thought they had only made an initial drive through the barricade. He recalled getting out of the vehicle and being told to move to the St Jude's end of the flats.

[243] From his 1975 RMP statement he recorded that the crowd were stoning the soldiers heavily and had become extremely hostile. He then heard SGM3 shout out words to the effect that if they didn't stop the stoning "rubber" would be used. The crowd didn't stop and SGM3 fired one baton round at the crowd. His statement continued that the crowd moved away and attempted to come round the back.

[244] SGM1 stated that SGM15 and he were then ordered by SGM3 to double forward to the corner of Divis Flats to cover the patrol. They moved forward together with SGM12 and took up a position near the corner of the flats. The crowd moved around behind the flats and started to throw bricks and bottles at them, with none of the missiles hitting them. He stated that the crowd were between 30 and 50 metres away, the stoning became very intense and he then saw SGM15 move forward, aim at the ground in front of the crowd and fire one round. In his evidence he stated that he, SGM12 and SGM15 were all more or less together using the gable end (the stairwell end) as cover. He thought that he was standing but could not recall the positions of SGM12 and SGM15. He thought that SGM15 possibly took a couple of paces forward to get sight of the crowd before firing. He could not say if SGM15 used any other structure as support. In his evidence he described the area that was fired into as being just wasteland.

[245] This version is to be contrasted with a subsequent version that the witness gave in his RUC statement dated 1 September 1975. In the latter statement the witness said that the crowd in the Courtyard "advanced towards" them. This material observation was notable by its absence from the statement made to the RMP. It also did not coincide with the evidence of SGM12 on this important issue.

[246] In his oral testimony the witness accepted that he and SGM15 were sent to the gable end (the stairwell end) of the block of flats in case the crowd came around the back. He also accepted that when providing cover from the gable end he could not see the remaining soldiers or the Saracen on Albert Street.



[247] In answer to Ms Doherty QC, SGM1 accepted that SGM15, SGM12 and he were using the gable wall of St Jude's block as cover, that SGM15 moved out to fire and that he (SGM15) then retreated to cover. SGM1 was then asked, if that were so, how it was that he could see that the fired round bounced, or indeed the movement or actions of the crowd. He answered that he was not sure. He then suggested that if SGM15 moved out into open ground to fire then SGM12 and he would have moved with him in order to cover him. When asked if it could be that in fact he did not see what happened, he answered that he did not recall.

[248] SGM1 denied being hyped up on the evening in question although it was pointed out to him that in his police interview in 1995 he stated "... you sort of get hyped up.."

[249] As to what he remembers of events immediately after the firing of the baton round, I note that in his 1975 RUC and RMP statements SGM1 stated that following SGM15 firing the baton round he saw the crowd disperse leaving one person lying on the ground. He said that SGM15 then moved back into cover. He continued that the person he saw on the ground must have been in the middle or back of the crowd as he (SGM1) did not see him fall.

[250] He stated that about 10-15 youths returned to the scene, picked the person up and carried him away. He estimated the age of the crowd to range from 10-16 years.

*SGM3*

[251] SGM3 made a statement to the Royal Military Police (RMP) on the 29 August 1975; it appears that he was interviewed by the RUC on the 1 September 1975 and that this led to a two page undated statement by him; he gave evidence to the original inquest and provided a deposition dated the 8 January 1976 for that purpose; and he was interviewed under caution by the RUC on 13 September 1995 as part of its investigation. I received all such statements and transcripts.

[252] SGM3 was granted PIP status to this inquest given his apparent central role in this incident. He declined to be interviewed by my investigator and submitted a further statement, dated 4 November 2021, to the inquest through the offices of his solicitors, McCartan Turkington Breen Solicitors. In permitting the witness to avoid being interviewed by my investigator and to submit his own statement in this way, I made it clear that adopting this strategy, while a matter for the witness, may affect the weight to be given to the statement.

[253] At the outset of his oral evidence the witness was advised that he could claim privilege against self-incrimination in relation to answering any question and this warning was repeated each time that a question was posed which justified the issue of such a caution.

[254] SGM3 joined the British Army in 1964 and was promoted to Corporal in or

around 1971. He did 4 tours of duty of Northern Ireland, the first being October 1970 to February 1971 in Belfast. His last tour was in 1975 when he was attached to 2 Royal Anglian Regiment, B Company, based at Mulhouse Barracks, Belfast. He was aware from a previous tour of duty of the Divis Flats complex and that it was densely populated by families with children who played there.

[255] He advised that the 1975 statement to the RMP was an honest account. He could not recall giving the undated statement to the RUC. He did not recall attending the original inquest, though it seems clear that he did attend as his signed deposition contains some handwritten additions to the end of the statement in keeping with the practice of the time to do so when a witness amplified orally their pre-prepared written deposition. Further, usual practice was to record "not called" on the deposition if the witness was not called. No such record appears on the face of this witness's deposition.

[256] In his RMP statement dated 29 August 1975, SGM3 stated that on Thursday 28 August 1975 at about 8.10pm he was tasked as patrol Commander of a mobile patrol ordered to patrol the Company perimeter. His patrol consisted of SGM15, SGM12, SGM1, SGM6 and SGM11. They were in a Saracen armoured personnel carrier.

[257] At about 8.15pm they drove into Albert Street from Cullingtree Road where he saw a barricade approximately one foot high consisting of building materials across the road. Approximately 20-50 children aged around 10 years old were standing nearby. They drove over the barricade and were stoned as they did so with a number of stones striking the Saracen.

[258] In his evidence he stated that his impression of this was that the children were standing on the pavement on the Divis side of Albert Street and on the grass area in front of the link which was clarified to mean the lift-shaft joining St Jude's with Cullingtree Block.

[259] SGM3 explained that they continued with their patrol and around 10 minutes later they drove along Albert Street and through the barricade, again being stoned. SGM3 stated that he decided then to avoid Albert Street. They drove along McDonald Street and were stopped by 2<sup>nd</sup> Lieutenant Badger who was on foot patrol. Lieutenant Badger ordered them to go back and patrol along Albert Street as originally planned. SGM3 followed this order.

[260] As a result of the order from Lieutenant Badger the patrol drove back to Cullingtree Road and into Albert Street. SGM3's statement recorded that the barricade was now about 2 feet high and there were now around 50 youths aged between 10 - 15 years. SGM3 stated that they were heavily stoned with rocks, bottles and a tin of paint struck their vehicle. They rammed the barricade with the Saracen, turned and rammed it again. SGM3 recalled that the barricade was on fire and he stated that SGM15 was hit on the leg by a stone as he sat in the rear of the Saracen.

(In his oral evidence he did not recollect SGM15 being struck on the leg). He then ordered the rear doors of the Saracen to be closed. Ms Doherty QC took the witness to the transcript of his 1995 interview with the RUC where, when asked about John Ward's allegation that a baton round had been fired from the back of a Saracen, implying the doors were open, SGM3 had said that prior to the incident the doors were shut.

[261] SGM3 decided to reverse the patrol route, driving into Lady Street. At the junction of Lady Street and Cullingtree Road they were again heavily stoned from the youths on Albert Street who had followed them.

[262] At around 9.00pm they were ordered via radio to remove the barricade. SGM3 stated that he believed 2<sup>nd</sup> Lieutenant Badger ordered the barricade to be dismantled.

[263] In evidence SGM3 explained his reticence about the order. He said that if it had been left to him, he would not have stopped to dismantle the barricade as he was trying to avoid confrontation. He considered that given the time it could have been left until later in the evening when the children and youths had gone home. Lieutenant Badger disagreed.

[264] Having listened to SGM3 (and read Lieutenant Badger's statement) on this issue, I can understand the operational dilemma confronting Lieutenant Badger and SGM3 and I can appreciate that different considerations may bear on the ultimate decision maker as to how a public order situation of this type was to be confronted and managed. Lieutenant Badger unfortunately is now deceased and without hearing an explanation from him I hesitate to criticise the decision that he took at that time. That said, I am certain that Stephen Geddis' family, in particular, will believe that a wrong decision was taken that evening by Lieutenant Badger. Ms Doherty QC, counsel for the Geddis family, emphasised this point tellingly by referring SGM3 and the inquest to the content of a 39 Infantry Brigade log dated 29 August 1975, the day after Stephen Geddis sustained his fatal injury, which stated simply:

"Next time we get a barrier like the one at Albert/Cullingtree which can be got round I think it better to leave clearing it until the early hours of the morning."

[265] Upon receiving the order, SGM3 stated they drove into Albert Street from the northern end and rammed the barricade, which was on fire. They were heavily stoned. They turned and rammed the barricade again stopping approximately 15 metres past it.

[266] He told the inquest that he believed that the Saracen stopped at the link (lift-shaft) with the nose towards the junction of Cullingtree Road and Albert Street, the

rear facing towards St Jude's block and with the rear doors at right angles which would provide maximum protection to the soldiers dismounting and entering the Saracen.

[267] SGM3 ordered the patrol to debus and they continued to be stoned. He explained to the inquest that he was only wearing a beret and flak jacket and, by implication, not in full riot gear. According to SGM3, SGM15 and he were armed with baton guns.

[268] SGM3 then shouted to the crowd (not using a loud hailer) to stop or he would order his men to open fire with rubber bullets.

[269] He went on to explain that he gave everyone in his patrol an opportunity/turn to act as Second in Command (2IC) and/or baton gunner as this would help them achieve Lance Corporal status. On this occasion it was his decision to allow SGM15 to be armed with a baton gun. He recalled SGM15 as a young soldier who showed initiative and courage.

[270] When the crowd did not desist, SGM3 said that he fired one 25 grain PVC baton round at the ground in front of the crowd which was approximately 50 metres away on a grassy area in front of the link (the Albert Street/Cullingtree Road side of the lift shaft). In both his 1975 statements, SGM3 stated he did not see the round strike (a surface or person).

[271] In his evidence to this Inquest, SGM3 explained that as it was dark and he fired towards the lift-shaft, he did not see the round. He further explained that once fired, a greyish smoke emanated from the weapon which would affect his ability to follow the path of the round. He stated that he aimed it at the ground and it ricocheted. The crowd responded by running back towards the Courtyard area via the lift-shaft.

[272] There is no suggestion that the round fired by SGM3 struck any person. SGM3 told the inquest that at the time that he discharged the baton round he believed that he had no choice but to do so.

[273] He was asked as to why, having fired the baton gun, he then handed it to SGM12 (as SGM12 confirmed in his 1975 RMP and RUC statements). SGM3 told the inquest that he had no recollection of giving his baton gun to SGM12.

[274] SGM3's evidence was that shortly after the crowd ran back to the Courtyard via the lift-shaft area, a crowd renewed its attack from the north end of St Jude's block, in the area of the stairwell at 6 St Jude's Path. He said that the crowd continued to throw bottles and stones from this end. He said that he ordered SGM15, SGM12 and SGM1 to go to that end of St Jude's block to provide cover as other members of the patrol continued dismantling of the barricade. He explained in his 1975 statement that at this stage the crowd fell back. In his oral evidence, SGM3

explained that the three soldiers charged at the crowd and the rioters threw what they were holding and then fled back around the corner of St Jude's block, which would bring them back into the Courtyard area.

[275] SGM3 said that he was aware of the missile throwing becoming heavier. He told the inquest that although he could not see SGM15, SGM1 or SGM12, he could see that they were coming under attack as bricks and stones were landing further out into Albert Street.

[276] He said that he shouted to SGM15 to fire a baton round which he heard being discharged a short time later. He told the inquest that he could not see SGM15 when he gave this order and that he believed SGM15 would fire the baton round into the Courtyard which he (SGM3) could not see.

[277] He said that upon the discharge of the second baton round the crowd fell back and the stoning stopped. When asked by Mr O'Donoghue QC how he could see this, he stated that he could see into the link (lift-shaft) and he could see people run down towards Cullingtree Block towards Massereene Block.

[278] SGM3 said that thereafter the barricade was cleared, the soldiers embussed and they continued with their patrol. Around 5 minutes later as the patrol did another circuit SGM3 saw a civilian ambulance leave the area of the Divis flats with blue lights flashing.

[279] He told the inquest that he did not at that time make a connection between the ambulance and the baton round discharges. He believed that it was the following morning that he learned of a child having been struck. If he had been aware at the time, he would have informed the Operations Room. On this issue he was challenged by Ms Doherty QC who put to him the content of an entry recorded at 21.20 on 28 August 1975 in a 2 Royal Anglian log from B Company Operations Room to Tactical Command. The communication stated:

"Barrier at junction Cullingtree/Albert erected by approx 40 youths between 19.00hrs-21.00hrs. Our patrol on ground kept dismantling it. At 21.05hrs the youths threw stones and created a fair amount of aggro refusing to withdraw. 2 x PVC rounds were fired and one person was hit. The youths dispersed and the barrier was dismantled...."

[280] The witness confirmed that he was the only one with a radio in his patrol which was within B Company. He explained that he would be constantly radioing updates into the Operations Room. It was then a matter for Operations Room as to what information to forward to Battalion HQ. Earlier in his evidence SGM3 had confirmed to Mr O'Donoghue QC it was his responsibility to keep the Company updated throughout the patrol and to report the discharge of baton rounds to

Company Command via radio.

[281] Ms Doherty QC suggested to the witness that given the content of the communication at 21.20 from B Company Operations Room to Tactical Command, information must have come from him and that contrary to his evidence as to when he first knew of the fact that someone had been struck by a plastic baton round, he must have been aware that evening. The witness' response was that he had no input as to what information Company HQ supplied to Battalion HQ.

[282] In relation to ordering SGM15 to discharge a baton round, he was asked by Mr O'Donoghue QC if he told him to give a warning first but he advised that the need for the warning would have been contained within the Yellow Card or White Card, whichever related to baton rounds, and which was given to a soldier at the start of a tour. He was relying on the fact that SGM15 had such a card which he should have read.

[283] As regards training, SGM3 did not remember receiving training on the use of a baton gun nor could he recall ever receiving training or instruction on baton rounds presenting a risk of significant injury. He confirmed that he did not recall ever receiving or giving any specific instructions as regards how to deal with a crowd made up of rioters, onlookers and children.

[284] SGM3 stated that he recalled a Sergeant Major soon after the incident telling his men and him not to discuss the incident among themselves as the RMP were coming to speak to them; that he would have complied with that order and ensured that his men did also.

[285] SGM3 did accept that he may have some element of false memory, that he could be mixing up events and that in giving his oral evidence he was relying on the contents of his statement of 29 August 1975 to the RMP.

[286] Two final matters in relation to SGM3's evidence. Firstly, it was put to him that SGM6, the driver of the Saracen, testified that the rear doors of the Saracen would never be left open (as needed to be the case if SGM15 was to have been hit on the leg by a missile while sitting in the back). The witness was unable to comment on this.

[287] Finally, it was put to the witness that he lost control of his men that evening. He denied that this was so.

*SGM15*

[288] In advance of this inquest hearing the following statements and transcripts were received relating to SGM15:

- (i) RMP Statement dated 29 August 1975

- (ii) RUC Statement dated 1 September 1975
- (iii) Deposition statement made to the Coroner at the original inquest in 1976
- (iv) Interview transcript arising from RUC investigation on 22 September 1995.

[289] SGM15 was granted PIP status to this inquest given his apparent central role in this incident. He declined to be interviewed by my investigator and submitted a further statement, dated 16 December 2021, to the inquest through the offices of his solicitors, Devonshires. In permitting the witness to avoid being interviewed by my Investigator and to submit his own statement through his solicitor in this way I made it clear that adopting this strategy, while a matter for the witness, may affect the weight to be given to the statement.

[290] SGM15 was provided with the appropriate warning regarding privilege against self-incrimination and this warning was repeated each time that a question was posed which justified the issue of such a caution.

[291] In his statement dated 16 December 2021, at paragraph 6, SGM15 stated that he was not prepared to place himself in the position that, because he could no longer remember the incident in any detail, that he would end up speculating and extrapolating and saying things that were just not accurate with the risk that the inaccurate evidence he gave was then used against him in due course.

[292] The format of the statement was such as to set out the witness's military background and was followed by a series of questions and answers, the questions being posed by the solicitor and answered by the witness. SGM15 accepted in his oral evidence to the inquest that the questions posed formed part of his evidence.

[293] SGM15 joined the Army at the age of 15 in December 1972 and completed his training in or around June 1974. He joined the 2 Royal Anglian Regiment and was attached to B Company. He was first posted to Northern Ireland on 4 August 1975. He was based in Mullhouse Base, Belfast. His Company was responsible for the Lower Falls Area and another Company, based in Albert Street Mill, was responsible for the Divis complex. He was 18 years old on the 28 August 1975.

[294] He did recall that he underwent a Northern Ireland training package but was unsure if this was prior to his first deployment. He recalled training in "Tin City" in Germany, that being an urban range set up to provide a Northern Ireland environment in which they could put into action the different techniques they had learnt. He presumed that he received baton gun training at some point but could not say when and he believed that any such training would have been relating to rubber baton rounds as opposed to plastic baton rounds.

[295] He accepted in his evidence that he had not encountered any rioting crowds (apart from in training) until he came to Northern Ireland. He believed that he had prior to 28 August 1975 fired a baton round to disperse a crowd.

[296] He believed that the rules for bouncing the baton applied equally for rubber and plastic baton rounds. He further believed that he received a document entitled "Rules of Engagement for Baton Rounds" (the White Card) which he always carried but he could not say when he received it. He was aware that baton rounds were to be bounced on the ground in front of the crowd. He told the inquest that he believed that he had fired approximately five baton rounds in other incidents occurring after 28 August 1975.

[297] SGM15 told the inquest that he had never been within the Divis Complex between 4 and 28 August 1975. He had never been to the corner of St Jude's block prior to 28 August and he could not recall having gone into the Divis Complex via the lift-shaft side of St Jude's at any time. He explained that the risk from snipers created a real problem for soldiers when operating in and around the Divis Complex. He explained the technique that was employed when going round corners where one did not know what was around the corner. He said that this would be done with one or two men covering a soldier as he advanced. Once advanced, that soldier would then provide cover for the other/s while they advanced. He accepted that the first person going around a corner was the one who would be most in peril. He could not recall if the corner of St Jude's block was a regular vantage point that soldiers used but he accepted that it would offer a good vantage point for the Courtyard.

[298] SGM15's formal position when he gave his oral evidence was that he had no recollection of the incident/allegation that he had fired a baton round into a crowd in which the deceased died. He did accept that he had no medical conditions affecting his memory, simply the ageing process. In response to a question from Mr O'Donoghue QC if he was prepared to tell the inquest if he had a memory of the incident, he asserted his privilege.

[299] He accepted that if a baton round did strike an individual directly on 28 August 1975 then that would have been in contravention of the White Card Rules of Engagement.

[300] SGM15, as he was entitled to do, asserted privilege against self-incrimination insofar as it related to answering questions relating to his earlier statements and interviews and the events of the 28 August 1975.

[301] Notwithstanding the witness's assertion of privilege against self-incrimination, I have concluded that the statements attributed to SGM15 of 29 August 1975 and 1 September 1975, together with the deposition dated the 8 January 1976 were made by SGM15. I am satisfied that this is so as SGM15 was identified by



other members of the patrol (in particular SGM1, SGM3 and SGM12) as being not merely another member of the patrol that evening but also the person responsible for discharging the baton gun immediately prior to a person falling to the ground (which I am satisfied was Stephen Geddis sustaining his fatal injury). It would stand to reason that he would thereafter account to the RMP and the RUC, along with his colleagues, as to the circumstances by which that discharge occurred. It would be usual that a person so involved would provide a deposition to an inquest. I am also cognisant that the witness has not denied making the statements or depositions.

[302] Similarly, I have concluded that the transcript of the 1995 interview was of an interview with SGM15. As part of that RUC 1995-96 investigation all relevant personnel involved in the patrol were interviewed in light of the allegations made by John Patrick Ward. It stands to reason that SGM15 was interviewed as part of that investigation. I note that the witness has not denied being interviewed and has not denied that the transcript is indeed a transcript of his interview.

[303] In his RMP statement dated 29 August 1975, SGM15 stated that at 8.15pm on 28 August 1975 he was a member of an eight man mobile patrol tasked to patrol the area around the lower part of the Falls Road, Belfast. They were in a Saracen. At about 8.15pm they were travelling north on Albert Street and had just passed the junction with Cullingtree Road when they came across a barricade blocking the road. He observed a group of about 30 youths standing on the right-hand side of the road. They drove over the barricade and were stoned as they did so. He states that he was sitting in the rear with the doors open and a certain number of stones and bottles entered the back of the Saracen and a brick hit him on the left ankle.

[304] He then described the route taken and how they were stopped in McDonald Street by 2<sup>nd</sup> Lieutenant Badger who instructed them to continue with the patrol around the outside of the Lower Falls. As they reached Lady Street/Cullingtree junction they were met by a crowd of about 60 youths. The youths started to hurl bricks and stones as their vehicle passed.

[305] At around 9.00pm they were instructed to clear the barricade on Albert Street. The barricade was on fire. They drove through the barricade turned around and came back the same way. They deployed from the Saracen and the crowd threw bricks and bottles in their direction. SGM3 shouted a warning to the crowd and the stoning continued so SGM3 fired a baton round at the ground with the crowd being about 75 yards away. The crowd dispersed.

[306] According to SGM15 after about 4 minutes the crowd returned from behind the patrol. SGM3 told him and two others to chase the crowd. Describing what followed, SGM15 said:

“They [the crowd] continued to hurl bottles and stones and I then decided at this stage to fire a baton round. I fired one baton round at the ground in the direction of

the crowd who were at this time about seventy-five (75) yards from my position.”

[307] As soon as he fired, he stated that the crowd dispersed. A short time later SGM1 told him he had seen someone in the crowd fall to the ground. He returned to the barricade and joined the rest of the patrol. They then left and carried on with their patrol.

[308] In his RUC statement dated 1 September 1975, SGM15 amplified on his statement made to RMP. Describing the conduct of the crowd immediately prior to discharging his baton round he said:

“They continued to stone us and I decided to fire a baton round at the crowd. I made this decision as the crowd had become very hostile and were closing in on us. I fired one baton round at the ground in the direction of the crowd. The range was approximately fifty-five yards...”

[309] In his police interview under caution on 22 September 1995, he expressly told the interviewing detectives that he was at the corner of St Jude’s Block when he fired a baton round. He was recorded as pointing to the left-hand rear corner as they looked at the map and marking this position on the map labelled exhibit ‘P/2’. I have taken this as a clear description by SGM15 to the interviewing detectives that he was standing at the corner where 6 St Jude’s Path and the stairwell were located.

[310] SGM15 was asked by the interviewing detectives to respond to the contention of other witnesses that Stephen Geddis was not part of the group of children throwing stones on to Albert Street but was simply standing in the Courtyard with another friend when he was struck. SGM15 said that there was definitely a crowd present in the area behind the block (that is the Courtyard area) and he said that as far as he could remember there was a riot going on in that area also.

[311] He was asked by the interviewing detectives if he had any recollection of the age group of those involved. In particular, he was asked if the group contained children of the age 7 to 10 years. The witness answered that if they had have been he would not have fired. I have taken this answer to mean that if he had appreciated that the group contained children of such tender years he would not have fired.

*Lieutenant Simon Peter Beaumont Badger*

[312] Simon Peter Beaumont Badger (deceased) provided a statement to the RUC on the 19 October 1995 and I admitted this statement into evidence under rule 17 of the 1963 Rules.

[313] In August 1975 Simon Badger held the rank of Lieutenant attached to 2 Royal Anglian Regiment and served with B Company. During the tour of duty between

August and December 1975 their Tactical Area of Responsibility (TOAR) was the area bounded by Falls Road, Grosvenor Road and Albert Street. He stated that on 28 August 1975 there had been a lot of disorder in the area following the anniversary of internment on 9 August. He was on patrol in the area of McDonald Street and he overheard on the radio that there was a barricade burning at Albert Street and Cullingtree Road. He regarded it as the Army's duty to dismantle it and keep the roads open. Mr Badger could not recall giving an order to dismantle the barricade but he may have done so.

### *Support Company within the Divis Complex*

[314] A Support Company of 2 RAR were on foot patrol within the Divis Complex. Their evidence is set out below.

#### *SGM5*

[315] SGM5 was interviewed by my investigator and his statement dated 9 September 2021 was admitted into evidence by me under rule 17 of the 1963 Rules. SGM5 joined the army in September 1966 and in 1975 he was attached to Support Company, Mortar Platoon, 2 Royal Anglian Regiment based at Albert Street Mill, Belfast. He held the rank of Corporal. As regards the specific Rules of Engagement for baton rounds, he recalled that you were not to fire directly at a person. When firing to disperse a crowd you fired into the ground so as to avoid a direct strike on a person.

[316] As regards the night in question he stated that no member of his patrol fired any plastic baton rounds nor did he hear any being fired. Some of his men were injured in rioting and received cuts and bruises and he recalled a military ambulance attending and lifting injured soldiers.

[317] In his statement admitted under rule 17 SGM5 stated that at the time he was a Corporal attached to Support Company, Mortar Platoon, 2RAR. He had no knowledge of this incident. As regards the baton gun rules, he assumed that these followed the Yellow Card Rules and he explained that the role of a baton gunner was generally delegated to a Private soldier.

#### *SGM9*

[318] SGM9 provided a statement to my investigator and gave evidence at the inquest. He had also provided the RUC with a witness statement on 26 October 1995.

[319] In 1975 he held the rank of Corporal and he was a member of 2 Royal Anglians, Support Company, Mortar Platoon. He believed that on the 28 August 1975 he was the Guard Commander working from an office within the barracks. At no time that day was he in Divis Flats Complex. His role was to monitor the phone and if staff brought anything to his attention to take appropriate action.

[320] John Ward was a member of his section and he did not recall receiving a report from him of soldiers having pinned children against a wall on Albert Street and that a soldier had fired a plastic baton round from the rear of a vehicle. According to SGM9 John Ward was “forever spinning stories” and he described Mr Ward as being “very antagonistic towards the public”.

[321] He had no memory of a soldier negligently discharging a baton gun. He did not remember hearing about the boy being shot.

#### *SGM10*

[322] SGM10 provided a statement dated 17 June 2021 to my investigator, a statement to the RUC on 3 November 1995 and he gave evidence to the inquest.

[323] In 1975 he was a member of 2 Royal Anglians, Support Company, Mortar Platoon with the rank of Corporal. He believed that on 28 August 1975 he was one of the Guard Corporals working from an office within the barracks at Albert Street Mill. He believed that SGM9 was the second Guard Commander that day. His own role was to monitor the radios and if staff brought anything to his attention to take appropriate action. Although he stated that initially he did not recall a John Ward after much thought he now realised who he was. He did not recall John Ward contacting him about the incident referenced above.

[324] SGM10 recalled that later that day or possibly a few days later he was informed by Corporal D’Arcy that a child had been killed. This was the first time he had heard of this incident. He was tasked by his Commanding Officer to take the RUC to the Divis Complex to visit the Geddis family as he was the on-call patrol that particular day. He stated that he and his 3 soldier colleagues remained outside while the police officer spoke with a male whom he believed to have been Mr Geddis senior at the front door and at the end of the conversation he offered his condolences to the family. When it was put to him Mr Joe Geddis believed a soldier who identified himself as the officer in charge and had given the order to fire had attended the family home, SGM10 stated “No, that’s not true. Only the police officer and us four, we spoke on the doorstep. We did not actually enter the house.”.

#### *SGM14*

[325] SGM14 was interviewed by my investigator and provided a statement dated 16 June 2021. He further provided a statement to the RUC dated 27 October 1995. SGM14’s statements were admitted into evidence by me under rule 17 of the 1963 Rules. SGM14 joined the army in 1964 and in August 1975 he was attached to Support Company, Mortar Platoon, 2 Royal Anglian Regiment based at Albert Street Mill, Belfast. He held the rank of Corporal. Explaining duties within Support Company, SGM14 stated that generally one team was on patrol, one on guard duties and a third on rest days. He believed that he was on rest day or standby duties on 28 August 1975.

*Patrick Kevin Dolan*

[326] Patrick Kevin Dolan (deceased) made a statement to the RUC on 26 October 1995 which was admitted under rule 17. He served with C Company and was attached to the 3 Royal Anglian Regiment from May 1967-April 1989. He had no recollection of the incident.

### ***The Royal Military Police (RMP)***

*SGM17*

[327] SGM17 gave evidence to the inquest and a statement to my investigator dated 28 June 2021. I also had copies of his interim and final RMP reports on the incident dated 30 August 1975 and 8 October 1975 respectively.

[328] SGM17 joined the military in 1965 and after basic training he joined the Royal Military Police (RMP). He described himself as a policeman first and a soldier second. He progressed to the Special Investigation Branch (SIB) of the RMP and he completed detective training. In 1975 he held the rank of Staff Sergeant and on 28 August 1975 he was based at Thiepval Barracks attached to 178 Provost Company.

[329] From his interim report he was informed at 8.00am on 29 August 1975 that at about 9.00pm the previous evening, 28 August 1975, a crowd of approximately 40 youths had built a barrier of stones, barrels and spare tyres at the junction of Albert Street/Cullingtree Road, Divis, Belfast. A routine patrol of 2 Royal Anglian attempted to dismantle it. The crowd became hostile, stoned the patrol and after a warning 2 x 25 grain PVC baton rounds were fired to disperse them. One baton round was believed to have struck Stephen Geddis. He was admitted to Royal Victoria Hospital with head injuries.

[330] SGM17 explained that this information came from HQ 39 Infantry Battalion. It would have come in as part of a list of incidents and was ready for him to consider when the working day started proper at 8.00am. He was of the view that this was acceptable as regards the reporting time as he did not believe that he could have done anything more if reported immediately.

[331] SGM17 made enquiries with the RUC at Hastings Street Station and they had not received any report of the matter. However, on 30 August 1975 at around 2.00pm he received information from the police that Stephen Geddis had died.

[332] He attended the postmortem and he recalled that while examining Stephen Geddis' head injury, the pathologist placed the plastic baton round against the wound and it appeared to fit perfectly with the oblong wound. From this SGM17 formed the view that the baton round had hit Stephen's head side on.

[333] In his reports SGM17 recorded among other matters that SGM15 was the firer

of the baton round that struck Stephen Geddis. He noted that while SGM3 made the case that he had shouted an order to SGM15 as to the firing of a baton round, SGM15 did not hear the order. On his own initiative SGM15 moved forward and fired one baton round at the ground in front of the crowd. He did not see the round strike. SGM17 interpreted this as meaning that SGM15 did not see where the round went.

[334] SGM17 was questioned about the process of interviewing the soldiers and he agreed that there were no civilian statements taken at the time by the RUC. He explained that he spoke to all soldiers initially before setting about recording statements from them, a task he probably shared with another officer within RMP. The soldiers were all treated as witnesses and they were not cautioned prior to being questioned and statements taken from them.

[335] An excerpt from a log sheet dated 1 September 1975 from 2 Royal Anglian Regiment was put to SGM17. It read:

“Ref child who died the other day (rubber bullet), there will be an RUC investigation into the incident. A Capt. SGM22 (Army Legal Services) is to come down and talk to the patrol concerned in the incident. Anybody seeking to interview this patrol must be done in the presence of Capt. SGM22”.

[336] SGM17 stated that he probably never saw that entry and that to his knowledge it was not common for soldiers to speak to a lawyer before speaking with the RUC. He said that during his own investigations it was not practice for witnesses to consult with a lawyer before making a statement. He questioned the need for soldier witnesses to incidents to speak to lawyers before making statements to the RUC.

### *Police Witnesses*

#### *The 1975 investigation*

##### *Alfred Entwistle*

[337] Mr Alfred Entwistle, Head of CID Belfast from 1985 until his retirement in 1993, made a deposition to the original inquest on the 8 January 1976 and provided statements dated 24 June 2021 and 22 October 2021 to my investigator. I admitted all statements in evidence pursuant to rule 17 of the 1963 Rules.

[338] In August 1975, Mr Entwistle was a Detective Inspector stationed at Springfield Road Police Station. In his 1976 deposition he stated that he supervised the investigation by Detective Sergeant Hawke into the events surrounding the death of ten year old Stephen Geddis and, in spite of intense enquiries, police were unable to contact any person who had witnessed the incident which led to the boy's

subsequent death.

[339] In his 2021 statement, he recounted that 1975 was so troublesome and dangerous that a single police officer conducting enquiries often needed escorted by a patrol of soldiers to provide protection. He had no memory of the police investigation into Stephen Geddis' death. Indeed, his memory was that in 1975 the Army conducted all interviews of army personnel who in turn handed them over to the police. He believed this procedure had been agreed at Governmental level.

*William Hawke*

[340] Mr William Hawke, a former Detective Sergeant, provided a statement to the RUC, undated, and a deposition to the original inquest in 1976. He also provided a statement to my investigator dated 11 August 2021. All were admitted into evidence under rule 17 of the 1963 Rules. In his 2021 statement, Mr Hawke stated that he could not recall the incident relating to Stephen Geddis nor anything about the police investigation.

[341] An incident report dated 9 December 1975 and signed by DS Hawke was admitted under rule 17. In that report it stated that:

“On Thursday 28 August 1975 at approximately 8.15pm a mobile patrol of the 2<sup>nd</sup> Royal Anglians based at Mulhouse Army Camp, left their base to patrol the Lower Falls Area. SGM15 was a member of the patrol. The patrol discovered a barricade blocking Albert Street. As they approached the barricade they came under attack from a hostile crowd. Bricks, stones and bottles were thrown at the patrol. The same patrol came under attack by large crowds, at times 100-200 strong, on several occasions that night.

During one such attack Corporal SGM3 fired one baton round at the crowd with no casualties. The crowd failed to disperse and continued to attack the patrol. Corporal SGM3 ordered Private SGM15 to fire a baton round into the crowd, which he did. SGM15 states that he fired at the ground in the direction of the crowd from a distance of fifty-five yards. SGM15 saw no-one fall or appear to suffer injury. As the crowd dispersed he saw one youth lying on the roadway. Before the army had time to reach him he was carried away by other members of the crowd. The boy did not appear to be at the front of the crowd.

At 10pm on the same date, Stephen Geddis was admitted to the Royal Victoria Hospital with head injuries... “

### *The 1995 investigation*

*P2*

[342] P2 made a witness statement as part of the 1995 RUC investigation and thereafter provided a statement to my investigator dated 29 June 2021. I admitted both statements into evidence pursuant to rule 17 of the 1963 Rules.

[343] In 1995 P2 was a Detective Inspector in the RUC attached to CID, Belfast Region. He interviewed and recorded a written statement of evidence from John Patrick Ward.

*P3*

[344] P3 made a witness statement as part of the 1995 RUC investigation. He also provided a statement to my investigator dated 16 June 2021. Additionally, I had a copy of his handwritten draft report to the Director of Public Prosecutions (DPP) setting out the investigation following John Patrick Ward's allegations. He thereafter gave oral evidence to this inquest.

[345] In 1995 P3 was a Detective Constable attached to a small team at Grosvenor Road Police Station in Belfast, charged with investigating the death of Stephen Geddis following Mr Ward's allegations. The team comprised DCI Brannigan, DI P2 and DC P3. P3's role was to trace witnesses, predominantly military witnesses, and other relevant evidence.

[346] P3 was brought to the conclusions section of his handwritten draft report to the DPP which he had drafted for the benefit of DCI Brannigan. In that document P3 had referred to the civilian evidence amassed in the course of the 1995 investigation as being tainted. He accepted that he had described their evidence in that way at that time.

*John Brannigan*

[347] DCI John Brannigan, now retired, made a statement as part of the 1995 RUC investigation on the 12 November 1995. He prepared a five page report in relation to the incident dated the 9 February 1995. He submitted a 'final' report to the DPP on the 10 July 1996, an earlier draft of which had been prepared by P3. He made a statement to my Investigator on the 1 July 2021. He gave oral evidence to this Inquest.

[348] In 1995 Mr Brannigan was stationed in Grosvenor Road as Deputy Head of CID B Division. In that role he recalled receiving a report that a retired soldier (John Patrick Ward) had attended a police station in England and given an account to police about the death of Stephen Geddis. He ordered that the allegations be fully investigated. This involved the tracing and interview of witnesses, suspects, a review



of the previous work undertaken for the original Inquest and a review of photographs and maps.

[349] In the body of his report to the DPP, Mr Brannigan had recorded “Clearly the evidence given in 1995, 20 years after the incident must be suspect as to its reliability and accuracy...” He accepted in his evidence that the terminology used was a “bit strong in hindsight.” He further agreed that he had not performed much analysis of the civilian evidence gathered and that not all of the civilians were young children in 1975.

[350] He described the situation in summer 1975 in his evidence as “recreational stoning”.

[351] In his conclusions in his report to the DPP, Mr Brannigan stated that:

“This investigation has offered up three accounts of the same incident. There is existing evidence and new evidence. There is however little undisputed evidence which would either lead to a different conclusion as that reached in 1975 or to the successful prosecution of any persons ... it is my opinion that the conclusion of the 1976 Inquest was the correct one.”

[352] He accepted in his evidence that he perhaps should not have commented on the inquest findings and left his report at the facts and forward same to the DPP for a decision. In answer to a question he stated that at all times he found the Geddis family and the military witnesses to have been helpful and co-operative.

[353] He confirmed that as far as he was aware the DPP took an opinion from senior counsel before concluding that the prosecutorial test was not met.

### ***Baton Rounds***

*Mr Alan Hepper*

[354] I received a detailed written report and heard oral evidence from Mr Alan Hepper, an employee of the Ministry of Defence at the Defence Science and Technology Laboratory (DSTL) at Porton Down since 1988 where he works as a Senior Principal Engineer. His evidence was to explain the role of Chemical Defence Establishment (CDE) Porton Down and the successor organisations in the development of baton rounds.

[355] In his report Mr Hepper addressed six specific questions, namely:

- (i) When were baton rounds first introduced for use in Northern Ireland?

- (ii) What testing was there of same prior to introduction?
- (iii) For the baton round used by the MOD in August 1975, please detail the specification (to include size of round, material used in construction, size of charge used, type of weapon used to fire).
- (iv) For the baton round used by the MOD in August 1975, how was it meant to be used by the soldiers? For instance, was it meant to be fired at the ground before it was intended to strike a target, what was the minimum distance from the target before it was to be used, was it to be used against adults only?
- (v) If possible, comment upon the training provided to the soldiers for the use of the said weapon in Northern Ireland.
- (vi) Detail of the evolution of the baton round in Northern Ireland from 1970 until 1975 referring to the reasons for the changes as well as the nature of the changes.

[356] In summary Mr Hepper advised as follows:

- (i) Baton rounds were first authorised for use in Northern Ireland on 3 July 1970 as an intermediate between the use of indiscriminate irritant (CS) and small arms ammunition. These were rubber baton rounds. Long range PVC plastic baton rounds were authorised for use on 6 July 1972 and medium range plastic baton rounds were authorised for use on 8 March 1973.
- (ii) There was limited wound ballistic testing and accuracy/consistency testing of the rubber baton round prior to introduction due to the urgency required to introduce same. Some testing was undertaken on the PVC baton rounds. Some tests were undertaken by the US Army to examine the impact hazards of the rubber baton round on the skull with an interim report being made available to the UK in April 1972. This work determined that the rubber baton round could produce serious head injuries during a direct impact and should be regarded as very hazardous at ranges up to 63 feet from the muzzle, hazardous at ranges between 63 and 240 feet and relatively safe above 240 feet. These results were representative of direct strikes at the ranges given. Further reports were produced once it was in service but there was no accounting for ricochet. Analysis provided in July 1973 from CDE to various parts of the MOD highlighted the risk of 1 in 5000 rounds aimed at the navel causing a rapidly lethal skull injury at 35 metres with the 45 grain long-range PVC baton round.
- (iii) Mr Hepper accepted in his evidence that this related to adults, not

children, and if dealing with a child then the ratio would decrease and that the tests did not factor in a risk associated with a deliberate ricochet.

- (iv) Three possible baton rounds were in service in August 1975; rubber, medium-range PVC plastic and long-range PVC plastic baton round. The medium-range 25 grain L5A3 PVC plastic baton round (which is the relevant baton round for this inquest) was designed as an eventual replacement for the rubber baton round. It was a 135g baton made from Poly Vinyl Chloride (PVC) with Calcium Carbonate Filler and Calcium Stearate release agent/lubricant fired at a velocity of approximately 64 m/s. The baton was 100mm long and 37mm diameter cylinder with a 3mm radius on each end.
- (v) The Medium-Range PVC Baton Round was fired in 1975 under the same Rules of Engagement as the rubber baton round, namely fired in circumstances where there was a risk of injury to soldiers or others, predominantly at ranges greater than 20 meters. The round was intended to impact the lower part of the body after ricochet with the ground or directly but there was an acceptance that direct hits may increase the risk of injury.
- (vi) Mr Hepper stated in his evidence that he had not come across any scientific tests to look at the ricochet behaviour of either rubber or PVC rounds. There was no evidence that the rubber baton round should not be used against certain populations such as children (I will return to this aspect). There was authority to fire the round directly at individuals or at ranges of less than 20m but only when there was a serious risk of injury and when indirect fire was impossible or had proven ineffective, but it should have been aimed to strike the lower body and never at the head or neck. Mr Hepper accepted that the greater the instability of the baton round the greater the risk the target would be struck by the side of the round and not by its nose.
- (vii) According to Mr Hepper in the early days it was not possible for soldiers to get experience of the rubber round before they deployed to Northern Ireland.
- (viii) Dealing with the medium-range baton round, this was introduced in March 1973 with a 35 grain charge. A minor change was made in February 1974 which enabled a reduction in the propellant charge size to 25 grain. This was known as the L5A3 PVC Plastic Baton Round (again the relevant baton round for this Inquest). They were seen as being more accurate than the rubber baton round.

[357] Mr Hepper was taken to the documentation referencing the development of

the rubber and PVC baton rounds. He explained that there was extensive testing performed in a short period of time and that the round was very rapidly got into service. Further, he explained that the research on the rounds continued while in use as to their level of risk and that there was nothing within the papers regarding testing of ricocheting rounds. He pointed out that the round could become unstable in flight very soon after being discharged from its weapon.

*Wounding potential of baton rounds*

[358] Mr Hepper was referred to a letter and an article written by surgeons at the Royal Victoria Hospital, Belfast sent to the Medical Division at Porton Down dated 17 August 1972 which described the injuries received by 90 patients from rubber baton rounds. It stated:

“Despite considerable experience in weaponry, he (a soldier) may be unaware of the consequences of its use. It is important that he realise that it can kill and blind and seriously injure many organs.”

[359] Further, the details provided indicated that those most likely to be struck were young males aged between 10-14 years.

[360] When asked by Ms Doherty QC, Mr Hepper accepted that despite the knowledge of injuries caused by baton rounds, there was no documentation available to show that this information was provided to the soldiers using the rounds who may have been unaware of the wounding capabilities of the rounds, particularly in relation to children.

[361] On 22 September 1972, the Scientific Advisor to General Officer Commanding in Northern Ireland (GOC NI), was provided with a copy of a review titled ‘The wounding ballistics of the Rubber Baton Rounds’ written by a consultant surgeon based at CDE Porton Down. The review reported that:

“In preliminary trials it was found that, unlike the wooden baton, when the rubber baton was ricocheted off the ground it invariably rose to about head height as it reached the target and that the flight path was quite unpredictable. It was safer therefore to fire this particular baton directly at the trunk.”

[362] Mr Hepper accepted that in September 1972, albeit in relation to rubber baton rounds, evidence of injuries caused by ricocheting was available to the MOD, as was CDE’s advice that it was “safer” to aim for the trunk. There was, however, no change to the Rules of Engagement.

[363] In July 1973, a CDE Technical Note (No. 176), entitled ‘Baton Anti-Riot 1.5’

PVC. An Assessment of its Wounding Potential', was prepared by a Lieutenant Colonel following two testing series. In that it stated:

"The effect on the head and face could not be estimated."

[364] Under title "Discussion" it states:

"The disadvantages of an inaccurate weapon (Millar et al 1972) are that 'innocent bystanders' or children may be unintentionally severely injured."

[365] There were 7 recommendations in the Technical Note, the first of which stated:

"the riot situation should be analysed to determine the age and type of person likely to be hit by a PVC round, and the probable age of engagement."

[366] Mr Hepper accepted that he had not seen anything to indicate the implementation of the recommendations.

[367] It appears that no steps were taken by the MOD or by individual soldiers to ensure that distinctions were made between those involved in civil disorder and those who were bystanders with no involvement, particularly children.

[368] A further CDE Technical Note (No. 201), entitled 'Baton Anti-Riot 1.5" PVC. A Head Stimulant Study' dated July 1974 was prepared on foot of further trials undertaken to estimate the PVC baton rounds potential for causing injuries to the head. In respect of the PVC baton round, it states:

"end-on strikes on the most vulnerable area of the head give a severe fracture when the velocity exceeds 40 metres per second."

[369] This head stimulant study did not consider the difference between the skull of an adult and that of a child.

[370] There was a recommendation regarding further experiments being undertaken as "the head is the most vulnerable structure to projectile impact" but again Mr Hepper could not identify any paperwork to suggest this had been done.

#### *Testing of baton rounds*

[371] Upon questioning by Mr O'Donoghue QC, Mr Hepper accepted that the estimate of the risk of lethal skull injury was determined following testing using direct fire and did not factor in the risk following a deliberate ricochet.

[372] Mr Hepper accepted there was no evidence that the determination of risk included the risk to a child, who would be shorter than the average adult male. Mr Hepper accepted the risk of a strike to the head of a child, causing lethal skull injury would be higher.

[373] Mr Hepper further confirmed that he had not seen any testing considering the behaviour post-ricochet of either the rubber or PVC baton round. Despite the absence of testing, or the ability to test, the risk posed by ricocheted baton rounds, the Rules of Engagement continued to direct their use in this manner.

*The use of baton rounds against women and children*

[374] Three versions of the Army's Land Operations Manual, pre-dating and post-dating the death of Stephen Geddis (1971, 1973 and 1977), were available. In each of these it is stated baton rounds would not be acceptable for use against women and children.

[375] In section 6 of an MOD document, the chapter titled 'Crowd Control and Riot Tactics', it is stated at paragraph 45:

"Should the crowd consist of women and children, both baton rounds and CS may be considered too harsh a reaction."

[376] Mr Hepper stated he had not seen any detailed assessment regarding research or testing of rubber baton rounds on women or young people. He further stated there was no guidance for soldiers regarding the use of baton rounds on children, simply the Rules of Engagement Card (the White Card) which made no reference to children. It therefore appears the instruction above was not reflected in the Rules of Engagement and was not known by the individual soldiers.

*The firing of baton rounds and the Rules of Engagement (The White Card)*

[377] The Rules of Engagement for the discharge of the 25 grain PVC baton round on 28 August 1975 were those issued in January 1975 and known as the White Card. They state:

"General.

1. Baton rounds may be used to disperse a crowd whenever it is judged to be minimum and reasonable force in the circumstances.
2. THE ROUNDS MUST WHENEVER POSSIBLE BE FIRED AT THE GROUND IN FRONT OF THE CROWD

WHICH IS TO BE DISPERSED. The rounds may be fired directly at people only when the safety of soldiers or others is threatened by the crowd and when indirect fire is either impossible or ineffective. When the rounds are fired directly they should always be aimed at the lower part of a person's body and never at the head or neck.

Additional Rules for the 55 Grain Rubber and 25 Grain PVC Baton Rounds.

3. The authority to use those rounds is delegated to the commander on the spot.

4. ROUNDS MUST NOT BE FIRED AT A RANGE OF LESS THAN 20 METRES EXCEPT WHEN THE SAFETY OF SOLDIERS OR OTHERS IS SERIOUSLY THREATENED.

5. The baton round was designed and produced to disperse crowds. It can also be used to prevent an escape from HM Prisons if it is in the circumstances still considered to constitute the use of minimum and reasonable force. If a prisoner can be apprehended by hand, that baton round must not be used."

[378] The Rules of Engagement did not distinguish between the rubber and PVC baton and consequently failed to take into consideration the difference between the two baton rounds.

[379] A letter to HQNI, dated 3 December 1975, seeks to explain the reasons for this. It states that for political and practical reasons, a decision was taken early in the life of baton rounds to fire at the ground unless direct fire is the minimum reasonable force in the circumstances. The letter explains:

"The practical factors were that it was thought the ricochet would absorb sufficient energy to make the round safe, even if it were to hit an innocent target. It was also felt that bouncing the round off the ground would help to ensure that the round hit only the lower part of a person's body."

[380] The letter continues:

"It is now clear that the practical reasons for the present policy no longer stand up. Firstly the amount of energy lost by ricocheting the round cannot be relied upon to

provide safety in all cases. As CDE Porton, who recommended the introduction of direct fire, put it: "any baton round delivered with enough energy to act as a useful deterrent by impact on the body or limbs of a normally clothed rioter, will have far more energy than is necessary to produce severe injury or death if it hits the wrong place". Secondly any reduction in energy which is achieved by ricochet is negated by the inaccuracy which is caused by bouncing the round off the uneven surface of the ground. In this connection it should be recalled that on the 28th of August Stephen Geddis a 10 year old boy, was struck by a baton round in the course of a riot in the Divis area and later died. The baton round had been bounced off the ground."

[381] However from the evidence, the MOD were not only aware of, but had received advices on, the risks arising from the difference in the rubber and PVC baton rounds and ricochet firing prior to the injury to Stephen Geddis on 28 August 1975 and his death two days later. Despite this, the Rules of Engagement issued in January 1975 continued to instruct soldiers to fire PVC baton rounds at the ground.

[382] Ms Doherty QC confirmed with Mr Hepper the role of three relevant departments within the MOD, summarised as follows:

- (i) The Chemical Defence Establishment (CDE), the MOD's scientific body;
- (ii) The Infantry Trials and Development Unit (ITDU), the MOD's operational testing body; and
- (iii) MO4, a division within the MOD dealing with Northern Ireland.

[383] It was put to Mr Hepper by Ms Doherty QC that prior to August 1975, CDE's clear view was the baton round was not one to be bounced off the ground and that the accuracy and consistency reported would be lost by bouncing it off the ground. Mr Hepper accepted that.

[384] Ms Doherty QC was also able to point to not only CDE having this view but also MO4 and the ITDU. (I will return to this below.)

[385] In a Directorate of Research Internal Security, C/O CDE, Working Note entitled 'History of the Development of the Baton Round 1969-1980' and dated May 1982, it is confirmed Northern Ireland reported on the 25 grain PVC round, the first comprehensive assessment of baton rounds carried out in NI since the introduction of the rubber baton rounds in 1971.



[386] When discussing the 25 grain PVC baton round it is stated:

“The biggest improvement was in vertical dispersion... This in turn led to a most satisfactory reduction in head hits particularly as the firers were this time free-standing.”

[387] The report also recorded a number of comments from individual users, ie military in Northern Ireland, regarding the 25 grain PVC baton round. At paragraph 103, the 1 Royal Anglian Regiment reported:

“If we are honest with ourselves we must admit that there will be many occasions on which 25grain PVC rounds are fired at close ranges and directly at targets. The round is therefore too powerful to use as a simple replacement for the rubber round.

Accurate judgement of range is impossible in crowd situations. Due allowance for this has to be made when drawing up any Rules of Engagement for baton rounds.

We consider that the 25 grain PVC round should therefore only be used when rubber rounds have been tried and are seen to have failed. It should then only be used under strict fire control, as for the 45 grain PVC round.”

[388] 8 Brigade Londonderry reported also that they considered it potentially lethal at distances below 50m.

[389] CDE’s reaction to the report from Northern Ireland is recorded as follows at paragraph 105:

“CDE’s reaction to the report was favourable except concerning the stated re-emphasis of a need to bounce the round ... In a statement to DLWP they once more strongly condemned the requirement to ricochet the 25 grain PVC, as re-endorsed by Northern Ireland in their up-dated Rules of Engagement, and emphasised that this practice would increase the chances of a head hit ...”

[390] ITDU highlighted that during a previous trial in May 1974, they had recommended:

“Points of aim for the PVC L5A3 round should be at the feet for ranges between 20 and 50 metres ... If at this

range there is debris on the ground (which could cause rounds to fly to head level), the point of aim should be raised accordingly."

[391] ITDU, also in May 1974, drew attention to the fact that Northern Ireland still retained the requirement to ricochet rounds off the ground in the Rules of Engagement, while CDE were "firmly recommending" direct fire.

[392] The report stated that in response to the MOD stating Northern Ireland wanted to retain the requirement to bounce the round, as this reduced strike velocity, CDE grew "increasingly exasperated with what, to them, appeared to be user intransigence in the face of scientific opinion." CDE informed the MOD that continuation of the bounce negated all current and future research and development efforts to improve accuracy and that the "bouncing of the PVC round did NOT lower the velocity sufficiently to reduce the dangerous results of head hits."

[393] The report continued that CDE were supported in their "condemnation of the bouncing techniques" by MO4 who wrote a "strongly worded letter" in September 1974 on the subject. Therein MO4 posed a hypothetical case of a soldier brought to court on a serious injury case after a PVC round had been bounced. They stated that "by bouncing the round in accordance with the Rules of Engagement, the Army could be accused of deliberately firing "accurate" weapons in an indiscriminate manner." MO4 also supported CDE's contention that a reduction in velocity from bouncing did not significantly reduce injury risk and concluded that direct fire should be mandatory in all circumstances.

[394] Mr Hepper accepted that by early-mid 1974 the three agencies all had the view that the round should be points of aim (that is it should be directly aimed at certain points of the body) and not bounced off the ground. Yet the Rules of Engagement published in January 1975 still maintained that they be bounced.

[395] He further accepted that bouncing the round off the ground may increase the chances of a head injury.

[396] Mr Hepper explained that the only information/guidance he could identify as having been passed to the soldiers was the Rules of Engagement card.

[397] Revised Rules of Engagement were issued in December 1975 instructing soldiers:

"THE ROUNDS must be fired at selected persons and not indiscriminately at the crowd. They should be aimed so that they strike the lower part of the target's body directly (ie without bouncing)."

[398] Mr Hepper accepted that Stephen Geddis' death contributed to a change in

policy in the firing of PVC rounds.

[399] In a letter from the Director of CDE to Legal Secretariat of the MOD, dated 26 August 1977 and entitled “NI Litigation – Geddis -v- MOD”, it states at paragraph 2:

“... The Legal Secretariat should also be aware of the timing of the revised rules of engagement introduced in December 1975 after which the PVC round was fired at specific targets. Before this we understand that as with the rubber bullet the rules of engagement had continued to encourage bouncing the baton round (whether rubber or plastic) off the ground at a mob. Under these circumstances the advantage of increased accuracy of the PVC round is lost and it may indeed increase the risk of serious injury.”

[400] In this correspondence, CDE stated they had “never sought to disguise the fact that the PVC round is capable of inflicting lethal injury during its use within the rules of engagement”.

### ***Ballistics***

*Ann Kiernan and Mark Mastaglio*

[401] Ms Ann Kiernan, forensic scientist specialising in firearms, ammunition and related items was engaged on behalf of the Coroner. Mr Mark Mastaglio forensic scientist was engaged on behalf of SGM15. I received their written reports.

[402] At my request Ms Kiernan and Mr Mastaglio met in order to discuss areas of potential agreement. They were also able to examine a retained portion of Stephen’s skull. A minute of that meeting was prepared and parts of same are reproduced below:

“Stephen Geddis died because of a head injury. It is not within our area of expertise to determine what caused the injury/injuries; in our opinion this is a matter for a forensic pathologist.

However, following our examination of the retained and reconstructed portion of Master Geddis’ skull, we agree that the elongated injuries could have been caused by a side-on, or partially side-on, PVC round projectile strike.

We agree that there was no circular hole/damage, or partially circular hole/damage, consistent with an end-on PVC baton round projectile strike.

Assuming a baton round had caused Master Geddis' head injuries then it cannot be determined from the wound ballistics, and the material that we have seen, whether the projectile struck directly or indirectly. This is because the projectile can become destabilised and tumble in flight whether or not it strikes an intermediate object such as the ground.

It would not be possible to determine what specific weapon discharged the baton round projectile.

From the material that we have seen several types of weapon, capable of discharging a baton round, were deployed and were in use at the time; all were fitted with a smooth-bore barrel.

Again, assuming a baton round was responsible, it cannot be determined from the material that we have seen what the velocity of the projectile was when it struck Master Geddis.

However, the material does indicate that a PVC baton round projectile derived from the L5A3 round could fracture the human skull at ranges well in excess of 40m.

From our perspective it is not possible to determine the position or posture of Master Geddis when he received the head injury/injuries.

The data we have seen concerning accuracy/consistency varies."

[403] In his evidence Mr Mastaglio was of the opinion that there was a paucity of data on post ricochet PVC baton rounds and that there was nothing to back up the probability of a direct or indirect shot. Ms Kiernan agreed with that view. Both were also of the opinion that little velocity was lost if the round was bounced off the ground due to its inelasticity and its design not to deform.

### *Pathology Evidence*

[404] Dr Derek Carson conducted the postmortem report on the circumstances and cause of death of Stephen Geddis on the 31 August 1975.

[405] Professor Jack Crane, former State Pathologist for Northern Ireland, was instructed on behalf of the Coroner to review the pathology evidence in this case. Dr

Benjamin Swift, Consultant Forensic Pathologist, was instructed on behalf of SGM15 and Dr Richard Shepherd, Consultant Forensic Pathologist, was instructed on behalf of the Next of Kin. I received their written reports. At my direction they met on 25 November 2021 to inspect the retained portion of the skull and prepare a joint note of areas of agreement and disagreement.

[406] In addition, I had a copy of a medical report prepared by Dr Laurence Rocke, former Consultant in emergency medicine at the Royal Victoria Hospital, dated 28 October 2013. This report had been obtained by the legal representatives on behalf of the Next of Kin.

[407] The post-mortem report noted as follows:

“A larger area of abrasion, 3cm x 1cm, was seen on the upper part of the right temple and may have formed part of the original injury. There were also abrasions on the left cheek and upper lip, and faint bruises over the left side of the lower jaw and left shoulder. These latter injuries could all have been caused by a fall to the ground.”

[408] The three pathologists instructed in this Inquest agreed with this opinion regarding the injuries described. In addition, Professor Crane noted that there was no record of the deceased having lost any teeth.

[409] Dr Carson’s report continued:

“The long axis of the abrasion on the right temple was horizontal and in the underlying skull there was an elongated, horizontal, comminuted, depressed fracture, measuring 10cm x 4cm. It was traversed by a wide fissured fracture which passed forwards across the midline at the front of the skull and backwards to reach the midline behind. This injury appeared to have been caused by an elongated solid object or instrument. It did not seem likely that it could have been caused by the nose or end of a rubber or plastic bullet, but it could well have been caused by such an object striking side-on. It could equally well have been caused by other objects fulfilling the criteria of being elongated, hard and probably rounded.”

[410] The agreed 25 November 2021 minute records:

“We agree that the depressed comminuted skull fracture would be entirely consistent with an impact from a plastic baton round.

We believe it most likely that the plastic baton round struck whilst in a “side-on” orientation. We agree that the baton round did not strike nose/end-on.

We all agree that, after discharge, the round would have been unstable in flight.

We agree that we cannot exclude the possibility that the impact represented a re-bound strike (ie that the baton had bounced off an intermediary object or surface, including the ground, before impacting Stephen Geddis). However, Professor Crane is of the view that the severity of the skull fracture is more likely to have been the result of a direct impact.”

[411] The pathologists also considered whether it possible by reference to the injury to determine if it was the consequence of a baton round fired directly or “bounced”. Drs Swift and Shepherd were of the view that both scenarios were equal. This was not inconsistent with the conclusions of the post-mortem report or that of Dr Rocke, who, in his 2013 report concluded:

“I believe that it is almost certain that the plastic bullet struck sideways-on and this suggests it is probable that the missile was aimed so as to bounce off the ground or that it struck another surface before impacting on Stephen’s head. There is a firm basis for accepting that such a missile fired from the range suggested was entirely capable of causing an injury of this nature and severity.”

[412] Professor Crane disagreed. He worked in pathology in Northern Ireland from 1980 and also had medical experience working in the Royal Victoria Hospital A&E department in late 1970s. He outlined to the inquest his experience of having seen and dealt with injuries from plastic baton rounds. This included his work with William Rutherford, one of the authors of the 1972 study of injuries caused by rubber baton rounds, and his review, alongside Dr Carson, of all baton round deaths, including that of Stephen Geddis, in the early 1990s. Professor Crane confirmed, in the majority of cases, the baton injuries he saw and dealt with involved bruising to the body.

[413] Professor Crane’s opinion, that this injury was probably the product of a direct hit, was informed firstly by the fact that the shot, even if not aimed specifically at the deceased, was fired in his general direction; and secondly:

“If a plastic baton round is aimed at the ground and then discharged in front of an individual it may bounce up and strike that individual, possibly on the head or trunk. The severity of the head injury in this case makes such a scenario highly improbable. It is my opinion that the head injury sustained by Stephen Geddis was as a result of a direct impact by the projectile.”

[414] Professor Crane, in his oral evidence, maintained the view that the severity of the injury rendered a direct impact more likely, although he could not place a percentage on this. He remained of this view notwithstanding his concession that the loss of velocity caused by bouncing the baton round off the ground was negligible according to the ballistic evidence.

[415] As to the cause of death, there was agreement with the conclusion of the original pathologist, Dr Carson. The cause of death was:

“(a) Bruising and Odema of Brain, Extradural and Subdural Haemorrhage

Associated with

Comminuted, Depressed Fracture of Skull

Due To:

(b) A Blow On the Right Side of The Head.”

### *Consideration of the evidence*

[416] 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.

[417] 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.

[418] 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 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.

[419] 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.

[420] 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.

[421] 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.

[422] 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.

*Fact Finding as to the full circumstances of the death of Stephen Geddis*



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

[424] 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 SGM3 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.

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

[426] 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.

[427] 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), warned the group verbally by shouting that if they did not disperse that a baton round or rounds would be discharged.

[428] 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.

[429] 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.

[430] 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.

[431] 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).

[432] 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 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.

[433] 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.

[434] 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.

[435] 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.

[436] 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.

[437] 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.

[438] 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.

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

[440] 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 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.

[441] 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.

[442] 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.

[443] 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.

[444] 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.

[445] 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.

[446] 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 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.

[447] 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.

[448] 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.

[449] 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.

[450] 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.

[451] 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.

[452] 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 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.

[453] 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.

[454] 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.

[455] 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.

[456] 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.

[457] 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.

[458] 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.

[459] 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.

[460] 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 MOD maintained the PVC baton round was to be ricocheted.

[461] 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.

[462] 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*

[463] 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  
  
Associated with  
  
Comminuted, Depressed Fracture of Skull  
  
Due To:
    - (b) A Blow on the Right Side of The Head.
- (i) 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;
- (ii) 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;
- (iii) The baton round was fired by SGM15;
- (iv) The baton round was probably aimed at the ground;
- (v) SGM15 was unjustified in discharging the baton round as the force used was more than absolutely necessary when it was discharged;
- (vi) SGM15 did not "target" the deceased;

- (v) The matter was discussed by members of the patrol amongst themselves in the aftermath of the incident;
- (vi) 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.