

# Judicial Communications Office

Thursday 15 August 2019

## CORONER DELIVERS FINDINGS INTO DEATH OF SEAMUS BRADLEY IN 1972

### Summary of Findings

His Honour Judge Kinney, sitting as a Coroner, today delivered his findings into the death of James Oliver Bradley (known as Seamus Bradley) who was shot and died on 31 July 1972 in the Creggan area of Derry at the start of Operation Motorman. It was agreed and accepted that Seamus Bradley was a Provisional IRA member at the time of his death. The Coroner found that the soldier who shot Seamus Bradley was not justified in opening fire and that the investigation into his death was flawed and inadequate.

There was no dispute amongst those present at the inquest that Seamus Bradley (“the deceased”) was shot by a soldier. The issue to be determined, in compliance with Article 2 of the ECHR, was whether the use of lethal force was justified and whether the operation in which the force was used was planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force. In circumstances where a person was killed by an agent of the State, the onus is on the State to justify the force used. The standard of proof is the civil standard ie on the balance of probabilities. The Coroner referred to the voluminous historical documents and statements available to the inquest and the evidence given by a range of witnesses. He commented that a common theme, however, was a lack of contemporaneous evidence and information, the unavailability of witnesses either through death or incapacity and the challenges caused by asking individuals to recall events from over 45 years earlier. The Coroner was satisfied from the evidence that there were three different scenarios to be considered.

#### **Scenario One: Private Jamieson’s Account**

Private Alan Jamieson<sup>1</sup> and Colour Sergeant Bryden gave an account to the Royal Military Police (“RMP”) shortly after the shooting. Their statements were adduced in evidence at the inquest. Private Jamieson said at that approximately 04:45 he saw a person breaking away from a group in front of the Central Drive shops and running to a tree on Bishop’s Field some 175 metres from their location. He said he had what looked like a submachine gun in his hand as he ran. After a few minutes, the person climbed the tree. Private Jamieson asked Sergeant Bryden to come to his position and confirm, through the scope on his rifle, that the person was a gunman. Sergeant Bryden confirmed that he was a gunman and ordered Private Jamieson to fire. He reported that he fired four shots: the first two missed, the third apparently struck the deceased on the ankle as Private Jamieson saw him clutch his ankle, and on the fourth shot he saw the deceased fall from the tree. In his statement, Sergeant Bryden confirmed that through Private Jamieson’s scope, he saw a man up a tree wearing civilian clothes and appearing to have a submachine gun in his hands. He said he saw two other men standing at the base of the tree. He confirmed that he ordered Private Jamieson to engage the gunman and left him to take control of his section. After hearing a scream he looked

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<sup>1</sup> Private Jamieson was initially identified by the cipher Soldier A but he has since died and his anonymity was removed. Colour Sergeant George Alexander Bryden was initially identified by the cipher Soldier B but he too has since died and his anonymity was removed.

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towards the tree and saw the gunman in the tree and the two men at the base of the tree were not there anymore.

## **Scenario Two: Daniel Bradley's Account**

Daniel Bradley is the brother of the deceased. In his statement to the Coroners Service dated 30 June 2017 he said he was with his brother on the morning of 31 July 1972. They attended a house in the Creggan where nail bombs were handed out, but neither he nor his brother took one. They then went to the shops at Central Drive. He thought a nail bomb was thrown at a Saracen and told another man to take the deceased to safety. He said his brother then ran onto the road, paused to make sure the soldiers saw him, and jumped over the fence onto Bishop's Field. Daniel Bradley then described two Saracens: the first lighting up the field with its headlights and a soldier getting out of a second Saracen, running to the front of it, kneeling down, taking aim and shooting the deceased. He said his brother lay in the same spot for about five minutes but then got up. Daniel Bradley then claimed a soldier got out of the first Saracen, knelt down and shot the deceased as he was standing up. A further five minutes passed before the deceased was placed in the back of the first Saracen. Daniel Bradley claimed his brother was screaming and being beaten up inside the Saracen. He confirmed that his brother was not carrying a weapon at the time of his death. He also said he believed his brother jumped out of the Saracen before reaching the first aid point at St Peter's School and that soldiers had placed an Army belt around his neck. It was put to Daniel Bradley that there was no evidence of any of these injuries. He replied that he was just expressing his opinion.

In his oral evidence, Daniel Bradley corrected some of the aspects of the statement. He reversed the position of the two Saracens from his original statement and said the mistake was made by the Coroners' Service and not him. It was put to him that some of the account given to the Coroners Service and in oral evidence contradicted a statement he had made to the HET. In that account he said that he wanted to go to his brother's aid but was prevented and dragged to a flat. In his statement to the HET he also said that only one soldier fired at his brother and only fired two shots. Daniel Bradley said he could not recall saying that and did not believe he did so. A note from the HET dated 22 September 2008 which was made available to the inquest recorded that Daniel Bradley said his brother had a submachine gun on the night in question and a nail bomb and that the Army had lied about him being up a tree. In a further statement to the HET he was recorded as saying that his brother was handed a pipe bomb which he threw from the area of Bishop's Field. He was then chased by soldiers and shot. In his oral evidence to the inquest, Daniel Bradley labelled anything produced by the HET as "total rubbish". Daniel Bradley wrote to the Prime Minister (Tony Blair) on 8 September 2000 claiming his brother was shot by the Army and hung upside down until his body was drained of blood.

The Coroner referred to a statement provided to the police by Daniel Bradley in August 1999 when he claimed his brother had barbed wire put around his neck in the back of a Saracen, was dragged by the neck behind an army vehicle before being hanged on Bishop's Field. When questioned about this statement, Daniel Bradley alleged that the police officer had recorded lies. Daniel Bradley did not disclose that he was allegedly present at the time his brother was shot until he spoke to the police in 2000. At that time he said his brother was carrying a M1 rifle which he threw into a bus when several Saracens appeared. He claimed his brother was shot in the foot, pulled into the Saracen by the Army and shot three more times. During the course of his evidence to the inquest, Daniel Bradley denied the deceased was armed with a M1 rifle and claimed that the note of the meeting was fabricated.

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Daniel Bradley confirmed that he was responsible for the erection of a memorial to his brother near to Bishop's Field. The text stated that his brother was shot in the back by a soldier who got out of a Saracen. He was then put into the Saracen and taken to St Peter's School, interrogated and shot three more times at close range, tortured and beaten before being left to bleed to death. In his evidence, Daniel Bradley accepted this account was incorrect.

## Scenario Three: Raymond Carton's Account

**Raymond Carton** came forward in response to a call for witnesses by the Coroners Service in 2017. He had not previously given evidence and it was only when he read the call for evidence in the newspaper that he connected what he saw in 1972 to the death of Seamus Bradley. He was aged 19 at the time and in his home which faced onto Bishop's Field. He said he was woken around 05:00 – 06:00 am by the sound of alarms, horns and bin-lids which signalled that Operation Motorman had begun. He claimed he saw a man running across Bishop's Field. A Saracen then came onto the Field, the back doors opened, a soldier got out, went down on one knee, and pointed his rifle aiming towards the man. He then saw the man stumble and fall and assumed the soldier had shot him. The Saracen moved to where the man had fallen and two soldiers got out and lifted him into the back of the vehicle and it drove back to the top of Bishop's Field. Mr Carton did not hear shots fired nor did he see muzzle flash from the rifle as he was watching the running man. He did not see any resistance from the man or any apparent form of ill-treatment or disrespect by the soldiers. He said the person he saw running was not carrying a weapon. Mr Carton said he was entirely unaware of the memorial to Seamus Bradley until about two years prior to the inquest and thought it was simply a Republican memorial.

## Forensic Evidence

- **Professor Marshall** conducted the autopsy on 31 July 1972 and recorded the cause of death as a haemorrhage from the lacerated left femoral artery due to a bullet wound on the left thigh. He also recorded bullet wounds to the deceased's armpit, buttock, thigh and left foot. He considered that he had been shot at least four times. Professor Marshall also recorded bruising across the front of the deceased's neck which produced a pattern of vertical lines about 2mm apart. He thought these could have been caused when the deceased collapsed after being shot. In his evidence to the inquest, Professor Marshall said there was nothing to suggest that the shots were fired at close range or in what order they were sustained. He also confirmed there was no evidence that the deceased had been beaten or assaulted nor was there any evidence of strangulation. He concluded that if the injury to the deceased's femoral artery had received prompt medical treatment it was possible that he could have been saved.
- **Dr Curtis** provided a report dated 19 June 2001 largely agreeing with Professor Marshall's findings. He considered the abrasions on the deceased's neck to be caused by blunt force trauma through contact with a rough surface but could not identify any particular surface other than to say it was rough. He said they were not consistent with the pattern of injury as a result of an assault but could have been caused by a very rough handling of clothing. He confirmed there was no evidence of any assault, torture, strangulation or being bound by barbed wire.
- **Professor Cassidy**, the State Pathologist in Ireland since 2004, gave evidence which again was in substantial agreement with the evidence of the other pathologists. She agreed that one of

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the most important features of the gunshot wounds was that they were on two opposing trajectories. She considered it likely that they were sustained from shots at the same time by the same person but that the deceased may have moved between bullet strikes. She agreed the abrasions to the deceased's neck were likely caused by the movement of his body across a rough surface or could have been caused by the zip on his jacket. She said that if he had fallen from a tree she would expect to see some grazing around his knees.

- **Mr Harkin**, a consultant vascular surgeon at the Royal Victoria Hospital, Belfast provided a report to the inquest dated 4 April 2018. He confirmed that the laceration of the femoral artery was the fatal injury but was survivable if appropriate treatment to stop the bleeding had been given.
- **Geoffrey Arnold**, a ballistics expert, provided a report for the next of kin dated 10 September 2016. The ballistic evidence did not allow him to establish who had shot the deceased, precisely what type of weapon caused the wounds, the order in which the wounds were caused, the number of bullets which caused the wounds or the distance from which the shots were fired. He confirmed there was no physical evidence to show that the deceased had handled a weapon or that he was in a tree. In his view the evidence he had seen was not consistent with the evidence given by Private Jamieson and Sergeant Bryden. Mr Arnold was critical of the police examination of the scene as it had not identified what trees there were, no samples had been taken and no one had examined the Saracen. When asked about the marks on the deceased's neck, Mr Arnold considered they came from a mechanical surface rather than a natural surface because of the uniformity of intervals between the marks and the straightness of the marks. He could not, however, come to any conclusion as to what precisely had caused the injury.
- **Jonathan Greer**, a firearms expert in Forensic Service NI, concluded that the deceased was shot four times causing wounds consistent with military issue ammunition used at that time. He considered the upper trajectory of the wounds to the leg showed the deceased was in an elevated position relative to the shooter but acknowledged that the exact circumstances of the shooting can never be determined. Mr Greer had not visited the scene but proceeded on the basis that Private Jamieson fired four shots and probably all shots struck the deceased. He accepted that he did not consider the possibility that further shots were fired from a different location or on a different occasion. In his view the most plausible scenario was that given by Private Jamieson but he acknowledged that this was on the basis of Private Jamieson having been mistaken in his evidence that he missed with two shots .
- **Ms Ann Kiernan** was commissioned to prepare a report by the Coroners Service. She concluded the deceased had been struck by at least four bullets and possibly five. The injuries could have been caused by shots fired from a fixed position and, as they struck the deceased, he turned his body to receive subsequent shots. Considering each of the three scenarios, Ms Kiernan said that Daniel Bradley's account did not explain the number of injuries sustained. Private Jamieson's account fitted to a degree but was not compatible with the number of injuries if only two of the shots hit the deceased. She concluded that if the soldier witnessed by Mr Carton fired four or more shots and hit the deceased whilst running this scenario was more in keeping with the injuries sustained.

## Evidence of Soldiers

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- **Soldier 4** was a Major and Commander of Support Company. He had only been in Derry for two days before Operation Motorman and his company had never visited the Creggan before being deployed for that operation. He said his men had been fully briefed on the terms of the Yellow Card in advance. In his statement to the inquest made on 25 January 2018 he said he believed from radio communications that soldiers had come under fire and that the gunman had possibly been shot. He recalled being told the gunman had been up a tree. He made a decision to wait until it was lighter before ordering a patrol to check the area. He believed he reported the incident to Battalion headquarters who arranged for an ambulance to take the deceased to St Mary's School from where he would have been taken by civilian authorities to Altnagelvin Hospital. In his oral evidence, Soldier 4 said that having read the other soldiers' statements he realised that the Army opened fire first and recognised that his initial statement must be incorrect. He said he could not remember why he referred to the gunman being in a tree but that he did know there was a tree involved.
- **Soldier 5** was second in command of Support Company. His recollection of 31 July 1972 was very vague. He recalled being told that a person had been up a tree with a weapon and had been shot. He had no direct involvement in the incident or the follow-up.
- **Soldier 2** made a statement to the Coroners Service dated 3 December 2017. He had not made a statement at the time of the events. He said he was in the Recce platoon of Support Company and was told to search for a man and not a body. He did not recall recovering any weapon and could not recall how the deceased was lifted into the vehicle. He recalled putting him in the back of a Saracen in an upright position and trying to give him water. He said he revived the man twice. They had to drive around for a while as they didn't know where the nearest aid station was. In his oral evidence, Soldier 2 said the man was conscious when he first approached him and was searched but no weapon was found. He said the man was dead when the Saracen arrived at St Peter's School. Soldier 2 was questioned extensively about allegations of mistreatment of the deceased but denied these completely.
- **Soldier C** made a statement on 31 January 2018. He said he received an order to go into Bishop's Field but could not recall why. He remembered trying to give the man water and confirmed he was in the back of the Saracen but not what his injuries were. In his oral evidence he recalled finding an injured person but no weapon. His statement made on 1 August 1972 in which he had stated that the deceased said "I'm hit Jock" and "Kelly, don't leave me" was read into the record at the inquest but Soldier C said he had no memory of making it. He recalled the deceased asking for water and said he was about to give him some but the deceased made a choking noise and went silent. Soldier C believed that was the point he died.
- **Soldier D** was the Regimental Medical Officer in the grounds of St Peter's School and confirmed that Soldier C asked him to look at a civilian in the back of his Saracen. Soldier D certified him dead and the body was taken into the school. He asked for an ambulance and the body was removed to Altnagelvin Hospital. In his oral evidence, Soldier D confirmed that his function was to provide first aid and he had very basic equipment. He confirmed he had no memory of the incident and could not add anything to his statement. He said he would have expected the soldiers to take action to stop bleeding on a civilian but would have had to seek authority to take him straight to hospital.

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- **Soldier 3** was a corporal in the Army Special Investigation branch. He recorded a statement in writing from Private Jamieson and Soldier C on 31 July 1972. He recalled being told the deceased had been up a tree when he was shot as “it was obvious from the injuries he sustained that he must have been at a height”. He said there was an agreement in place at the time between the Army and the RUC that any soldiers who faced allegations of misconduct were interviewed solely by the RMP. His role was to gather evidence in the form of statements and after doing this he would hand them to Army HQ in Lisburn and his involvement would be over. He said he had to accept a soldier’s statements at face value and had no other information to use to interrogate that statement. He was not aware of any case where police had subsequently spoken to a soldier and had never been asked to go back and further question a soldier.
- **Soldier F** was a member of Vigilant Platoon and was tasked to go and recover the casualty and take him to the first aid post. He confirmed that Soldier C was the most senior person in the Saracen. Soldier F was in the command turret of the Saracen. He said everyone apart from the driver got out of the vehicle and while he was not involved in picking up the deceased he could see he looked in a bad way, bleeding and mumbling. He said the deceased was about four or five feet from a tree which was about 15 feet high. He confirmed he would have expected his colleagues to apply their first aid training to the deceased.

## The Yellow Card

These instructions to the Army for opening fire in Northern Ireland were revised in November 1971 and include the circumstances in which a soldier may fire with and without giving due warning. The inquest was also in receipt of a document dated 10 July 1972 which was headed “Conclusions of Morning Meeting held at Stormont Castle” which was attended by the Secretary of State for NI, William Whitelaw. It recorded: “The Army should not be inhibited in its campaign by the threat of court proceedings and should therefore be suitably indemnified.”

## Discussion of the Evidence

The Coroner said the evidence disclosed weaknesses in relying on the memory of individuals of brief though intense events over 45 years ago. He said it was difficult to be critical of any of the efforts by the witnesses to recall exactly what they heard and saw, their own reactions and the sequence of events in such challenging circumstances. He added that it was clear from some of the evidence, particularly that provided by some of the soldiers, that they have come to doubt their own memories in light of statements they have read written by others of the same events:

“Much of the evidence that I have considered has both a level of internal inconsistency and a greater level of inconsistency with the accounts of others who apparently witnessed the same events. I have set this out as I want to ensure that the witnesses understand that I do not regard any of their evidence as dishonest.”

The Coroner firstly considered the account given by Private Jamieson. He said the first issue was that Private Jamieson recorded that he fired four shots but missed with two. The Coroner was satisfied on the forensic and pathologist evidence that the wounds sustained by the deceased could not have been caused by two bullets. He said that for Private Jamieson’s account to be credible, he must accept that he was wrong in stating that he missed with his first two shots. The Coroner found the evidence of Mr Arnold to be helpful as his calculations suggested that it was inconceivable that

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the deceased could have sustained his injuries without showing substantial movement and this was not recorded by Private Jamieson in his statement to Soldier 3 at the time. The Coroner also accepted Mr Carton's evidence that the tree would have been difficult to climb as it was bare of lower branches and said there was no obvious reason why the deceased would have climbed a tree in the circumstances. He also noted the lack of evidence of the deceased having fallen from the tree. The Coroner also commented that the grid reference where Soldier C said he found the deceased was exactly the same as that provided by Private Jamieson which was a "considerable coincidence". The Coroner, on the balance of probabilities, was not satisfied that the scenario provided by Private Jamieson was likely to be correct and discounted it as being the correct version of events.

The Coroner next considered the account given by Daniel Bradley. He said the many inconsistencies in his various accounts gave him cause for concern and he found it difficult to reconcile the substantial differences even within the wide parameters he had acknowledged about giving evidence about events long ago. He recognised that his brother's death was traumatic for Daniel Bradley and his family and hoped the inquest process had helped them to better understand some of the aspects of the case that had troubled them. The Coroner said that the version of events settled on by Daniel Bradley, however, could not account for the deceased's wounds and was at best conjecture:

"There is no evidence of close range shooting. There is no evidence of any ill-treatment of Seamus Bradley according to the results of the autopsy and the evidence of that pathologists. In particular there is no evidence of strangulation, a broken neck or the use of barbed wire. There is no evidence that Seamus Bradley was hung on Bishop's Field or that he was tortured at any stage. On the balance of probabilities I am not satisfied that this scenario is likely to be correct and I discount it as the correct version of events."

The Coroner then considered the account given by Raymond Carton. When challenged as to why he only came forward in 2017, Mr Carton explained that he had never associated the figure he saw on Bishop's Field with the death of the deceased. The Coroner found Mr Carton's evidence to be detailed and credible. He was satisfied that Mr Carton was entirely unaware of the Memorial to the deceased until some two years before he gave evidence and that it had not influenced his memory in any meaningful way. He was also satisfied that Mr Carton did not attempt to overplay his recollection and avoided any attempt to embellish his account. The Coroner said he accepted Mr Carton's account in its entirety and thanked him for coming forward even at such a late stage.

The Coroner noted that even in accepting Mr Carton's account there were still gaps. He said he was satisfied that the figure Mr Carton saw was the deceased. He noted that Mr Carton had not heard shots or seen muzzle flashes but accepted that he was watching behind closed windows more than 200 metres away and had been focussing on the running man. The Coroner therefore found that the soldier who got out of the Saracen, dropped to one knee and pointed his rifle at the deceased then fired shots at him and struck him. This account was consistent with the ballistic and other evidence available to Mr Arnold and Ms Kiernan. The Coroner said the nature of the wounds could be explained by the movement of the deceased both running and falling to the ground. He said it was also possible that shots were fired when the deceased was on the ground but he was not able to reach a firm conclusion on the balance of probabilities on this. The Coroner noted that Mr Carton's account did not accord with statements made by army witnesses at the time. He said, however, that there was no coherent thread running through the various accounts of the military personnel as to what happened immediately before the Saracen went across Bishop's Field to pick up the deceased and was satisfied that the accounts did not undermine Mr Carton's evidence to the extent that he should

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not accept it. Finally there was some confusion about when the deceased was shot with some soldiers placing the shooting at around 04:45 and Daniel Bradley saying it was approximately an hour later. The Coroner said that none of the witnesses were in a position to give evidence directly on the point and the communication logs gave little help as many have been destroyed and those that survive are piecemeal and of barely legible quality. He concluded that there was nothing in the logs that was inconsistent with Mr Carton's evidence.

## **Was the Shooting Justified?**

Having determined that the deceased was shot by a soldier the Coroner then turned to whether the use of lethal force by the soldier was justified. He referred to the strict instructions contained in the Yellow Card which are in place to ensure that a soldier is aware of the responsibility placed upon him and the circumstances in which it may be appropriate to fire at another person. The Coroner said that in this case it was unclear whether or not a warning was given to the deceased by the soldier who fired at him. He noted, however, that paragraph 12 of the Yellow Card (as amended in July 1972) provided that "soldiers may fire without warning if there is no other way to protect themselves or those whom it is their duty to protect from the danger of being killed or seriously injured."

The Coroner said the deceased was running across an area of open ground and it was clearly visible that he had no weapon. He said that at the time of the shooting there was no other immediate or apparent threat to the soldiers in that area:

"I am satisfied that the soldier who fired the shots could not have held an honest belief that firing on Seamus Bradley was absolutely necessary to protect either himself or others from being killed or seriously injured. There was no reason why the Saracen could not simply have pursued the running figure, who was only halfway across the open ground when the Saracen first appeared. There is no suggestion that the decision made by the soldier to fire was one made in the heat of the moment or under particular pressure of external events. I am satisfied that the force used was more than absolutely necessary in the circumstances. I therefore conclude that the use of force by the soldier who caused the death of Seamus Bradley was not justified. On the evidence available to me I cannot identify that soldier. There is a lack of clarity from the military witnesses as to who precisely was in the Saracen. The accounts provide no assistance in establishing the identity of the soldier who shot Seamus Bradley. ... I am satisfied on the balance of probabilities that the shooting occurred at some time between 05:15 and 06:15, and the time of death between 05:15 and 06:15."

## **The Planning, Control and Regulation of the Operation**

The Coroner then examined how the use of weapons was regulated and organised by the Army and whether it was done in such a way as to minimise the greatest possible extent any risk to life. He was satisfied that the soldiers were familiar with and trained in the circumstances in which they could open fire as set out in the Yellow Card. He was also satisfied that Operation Motorman was a massive military operation which was, in all the circumstances, well organised and in large part well executed. He considered the soldiers believed that they were facing a very high threat level and armed resistance from the Provisional IRA but in the event the opposition was much more limited than had been anticipated. The Coroner was satisfied that the operation was planned and controlled in such a way as to minimise as much as possible the need for recourse to lethal force. He noted that

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the amendment to the Yellow Card approved in July 1972 had the effect of allowing soldiers to fire without warning if there was no other way to protect themselves or others and said it removed the requirement of having to positively identify the person having a firearm.

It was contended on behalf of the next of kin that the amendment permitted soldiers to “enjoy an unfettered and uncircumscribed discretion to shoot without warning” but the Coroner disagreed:

“There is a clear restriction on the circumstances in which a soldier may open fire. The amendment removes the necessity of the subject using or carrying a firearm. Paragraph 12 still placed an obligation on the soldier not to open fire unless there was no other way to protect himself or others from being killed or seriously injured. There is no evidence before the inquest that such risk existed.”

The next of kin also argued that the minutes of a meeting on 10 July 1972 should be read in conjunction with the Yellow Card and be construed as a direction that soldiers could utilise lethal force with a high level of impunity. The Coroner again disagreed and said there was no evidence that the soldiers were aware of any such exemption and no evidence that any of the army witnesses had interpreted the Yellow Card instructions in this way.

The Coroner considered the operation appeared to be deficient in its preparation for casualties, whether military or civilian. He said that in circumstances where the army was prepared to face substantial resistance and anticipated the possibility of armed attacks, booby-trap bombs and rioting, there appeared to have been little or no regard to the potential outcome of such events. He noted that several of the soldiers gave evidence that they had absolutely no training in basic first aid. Others said such basic training would have been provided and they would have carried individual first aid packs. None of the soldiers knew where the nearest hospital was or could directly contact civilian ambulances. The Coroner said there was also confusion as to where appropriate first aid posts were and what support would be available to an injured person brought there. The Coroner heard that with appropriate treatment the deceased could have survived his injuries. He concluded that, if basic first aid had been provided to the deceased by the soldiers who collected him and he was then transported swiftly to hospital, he may well have survived his injuries.

The Coroner then considered the impact arising from the way in which the investigation into a shooting incident was conducted in the early 1970s. He noted the agreement which was in place since 1970 that the RUC would deal with civilian witnesses and the RMP would interview military witnesses. The Coroner was critical of the process by which Private Jamieson was interviewed, the lack of establishment of a crime scene, the lack of photographs, samples or measurements:

“I am satisfied that at the time the accounts given by Private Jamieson and Sergeant Bryden were accepted without any critical analysis. This is made all the more concerning because there was clear evidence available from the autopsy that Seamus Bradley had sustained five wounds caused by at least four shots and there was a complete lack of evidence as to how that had occurred. By the time of the inquest the family had been raising concerns about potential ill-treatment. Although I have found that there is no evidence of such ill-treatment, there was no attempt at that time to investigate those complaints. It appears that the “official” version was simply accepted at face value. In all the circumstances I find that the investigation into the death of Seamus Bradley was inadequate.”

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## Verdict

- The deceased was James Oliver Bradley, more commonly known as Seamus Bradley, of 12 Eastway Gardens in Derry.
- Seamus Bradley's date of birth was 16th of July 1953. He was born at Altnagelvin Hospital in Derry. He was 19 at the time of his death.
- He was a single man employed as a scaffolder.
- His father was James (Seamus) Bradley and his mother was Frances Bradley.
- Seamus Bradley died on 31 July 1972 at a time approximately between 05:15 am and 06.30am. He died in the rear of a Saracen whilst in the custody of soldiers belonging to the 1 Royal Scots Regiment.
- The cause of his death was laceration of his left femoral artery due to a gunshot wound.
- That injury amongst others was sustained when he was struck by at least four bullets fired by a soldier of the 1 Royal Scots Regiment.
- Seamus Bradley was on an open area of ground known as Bishops Field, Derry when he was shot.
- The soldier who shot him had got out of a Saracen located on Bishops Field near the junction of Central Drive and Linsfort Drive, knelt on one knee near the rear of the Saracen, aimed his rifle at Seamus Bradley and shot him several times.
- The shooting took place at around 05.15am to 06.15am.
- Seamus Bradley was running across Bishops Field away from the Saracen and did not have a weapon.
- He could not reasonably have been perceived as posing a threat of death or serious injury to the soldiers in the Saracen or any other person.
- The use of force by the soldier was entirely disproportionate to any threat that could have been perceived.
- The identification of the soldier who shot Seamus Bradley cannot be made.
- The soldier who shot Seamus Bradley did not adhere to the terms of the Yellow Card.
- The soldier was not justified in opening fire.
- Seamus Bradley was collected by the same Saracen and taken to St Peter's school which was a designated aid station. He died en route to that aid station.
- No first aid or medical assistance was provided to Seamus Bradley by the soldiers. If such aid had been provided then there was a reasonable prospect that Seamus Bradley may have survived the shooting.
- Seamus Bradley was not mistreated by military personnel in the Saracen in the form of physical assault, torture or shooting. However he was denied even the most basic form of first aid treatment.
- Operation Motorman was not planned, controlled or regulated in order to minimise to the greatest extent possible the risk to life, principally because of the lack of planning for casualties, both civilian and military.
- The investigation into the death of Seamus Bradley was flawed and inadequate.

## NOTES TO EDITORS

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

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**ENDS**

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