

Judicial Communications Office

11 May 2021

IN THE MATTER OF THE CORONERS ACT (NORTHERN IRELAND) 1959

**IN THE MATTER OF A SERIES OF DEATHS THAT OCCURRED IN
AUGUST 1971 AT BALLYMURPHY, WEST BELFAST**

SUMMARY OF CORONER'S VERDICTS AND FINDINGS (KEEGAN J)

- I. Introduction
- II. Legal Framework
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I. Introduction

[1] The Honourable Mrs Justice Keegan presided as Coroner over the inquests into the deaths of ten persons arising from incidents that occurred between 9 and 11 August 1971 at Ballymurphy, West Belfast.

[2] Inquests into the deaths had been conducted in 1972 at which open verdicts were recorded. Fresh inquests into the deaths were directed in 2011 by the Attorney General under section 14(1) of the Coroners Act (Northern Ireland) 1959.

[3] The inquests opened on 12 November 2018. The evidence was organised in modular format with reference to five incidents as outlined below. The Coroner heard oral evidence on over 100 court sitting days and received thousands of pages of written material in evidence. The Coroner received written submissions on behalf of the next of kin and the Ministry of Defence and closing oral submissions were heard on 9 December 2019. Some further oral evidence was heard after that date, the final date on which oral evidence was heard being 3 March 2020.

[4] Incident 1 occurred on 9 August 1971 on waste ground near Springfield Park and resulted in the deaths of Father Hugh Mullan and Francis Quinn. Incident 2 occurred on 9 August 1971 in an area known locally as the Manse on the Springfield Road and resulted in the deaths of Joan Connolly, Daniel Teggart, Noel Phillips and Joseph Murphy. Incident 3 occurred on 10 August 1971 on the Whiterock Road and resulted in the death of Edward Doherty. Incident 4 occurred on 11 August 1971 on the Whiterock Road and resulted in the deaths of Joseph Corr and John Laverty. Incident 5 occurred on 11 August 1971 on Westrock Drive and resulted in the death of John McKerr.

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[5] These deaths occurred at an early stage of the Troubles in Northern Ireland. The immediate backdrop was the internment operation initiated by the British Government in 1971, which was code named Operation Demetrius. That operation was implemented in the early hours of 9 August 1971 at the beginning of the three day period with which these inquests were concerned.

[6] The Coroner has issued an introduction by way of background to the case and a separate set of findings for each of the five incidents. This summary must be read in conjunction with the findings and should not be read in isolation. Nothing in the summary adds to or amends the findings. The full findings are available on the Judiciary NI website (<https://judiciaryni.uk>).

II. Legal Framework

[7] The inquests were conducted with reference to an agreed definition of scope and in accordance with the governing provisions in the Coroners Act (Northern Ireland) 1959 and the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963.

[8] The inquests were also conducted in accordance with the procedural requirements of Article 2 of the European Convention on Human Rights: *In the Matter of an Application by Brigid McCaughey and another for Judicial Review* [2011] UKSC 20. The Coroner had regard to the relevant procedural requirements as summarised by Stephens J in *Jordan's Application* [2014] NIQB 11 at para [78], including the requirement that the inquest should be capable of leading to a determination of whether the use of lethal force was justified and the onus on the State to provide justification for the use of such force.

[9] The Coroner considered the evidence with reference to the domestic law governing the use of force, as derived from the common law of self-defence and section 3 of the Criminal Law Act (Northern Ireland) 1967 concerning the use of force in prevention of crime or in effecting or assisting lawful arrest. The Coroner had regard as appropriate to the terms of the Yellow Card, specifically the version dated January 1971 that was applicable at the time of the incidents. The Coroner also noted the finding of the European Court in *Armani da Silva v United Kingdom* (Application No 5878/08) that (in summary) the domestic law governing the use of force was in conformity with Article 2 ECHR.

[10] In arriving at her findings, the Coroner applied the civil standard of proof on the balance of probabilities, following the decision of the Supreme Court in *R (on the application of Maughan) v Her Majesty's Senior Coroner for Oxfordshire* [2020] UKSC 46 and the decisions of the Northern Ireland Court of Appeal in *In the Matter of an Application by Theresa Jordan for Leave to Apply for Judicial Review* [2018] NICA 34 and *In the Matter of an Application by Jura Steponaviciene for Judicial Review* [2020] NICA 6.

[11] The Coroner had regard to the function of an inquest to allay rumour and suspicion and noted that the evidence at the inquest may range more widely than the verdict or

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findings. The Coroner was also mindful of the frailties of memory and the frailties of historical evidence that may arise in cases such as the present where a Court is examining events that occurred almost 50 years ago. The Coroner acknowledged the requirement to reach conclusions on the major issues canvassed at the inquest; noting also that, whilst a coroner must strive to reach findings, it may not be possible to do so in the circumstances of a particular case: *Jordan* [2018] NICA 6.

[12] The Coroner received multiple applications for anonymity and screening with supporting medical and other evidence. The Coroner determined those applications as appropriate in accordance with Article 2 ECHR and common law and with reference to the guidance issued by the House of Lords in *Re Officer L* [2007] UKHL 36 and the Northern Ireland Court of Appeal in *In the matter of an application by Officers C, D, H and R for Leave to Apply for Judicial Review* [2012] NICA 47. The Coroner also received evidence by live link in appropriate cases in exercise of discretionary power, with the objective of achieving best evidence. In some cases, witnesses who were not able to give evidence in person were invited to furnish written responses to questions posed by the Coroner for the purpose of assisting the inquest.

III. Sources of Evidence and Disclosure

[13] The Coroner heard oral evidence from civilian, military, expert and other witnesses. The Coroner also received a large volume of written material in evidence under Rule 17 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 and at common law.

[14] The inquest obtained, insofar as it was possible, all available accounts of civilian witnesses that had been taken in the years since the deaths. This included: original police statements; depositions from the original inquests; statements made to other individuals and organisations; interview materials arising from work conducted by a researcher in or around 1999; and other accounts gathered on behalf of the families of the deceased. Where appropriate, the Coroner's Investigator took additional statements and also statements from witnesses who had previously not given an account.

[15] The inquest likewise obtained available accounts of military witnesses. There was a particular difficulty faced by these inquests. Soldiers had made statements and depositions in 1971 and 1972 under cipher letters (Soldier A, Soldier B etc) in respect of the incidents. The cipher lists that would enable identification of the soldiers were, however, missing. The Coroner investigated that matter fully in evidence but, save for some limited exceptions, it was not possible to identify the makers of the original statements.

[16] The Coroners Service, the Coroner's representatives and the representatives of the next of kin and the Ministry of Defence engaged in a large scale collaborative exercise with the objective of identifying relevant military witnesses. This exercise included the issue by the Coroners Service of questionnaires to a large number of individuals who were identified as having served in the relevant regiments in Northern Ireland at the time of the deaths. The Coroner also appointed Fieldfisher Solicitors to take statements from those military

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witnesses who appeared to be in a position to assist the inquests. Statements were taken from 127 potential military witnesses. The Coroner was satisfied that all reasonable and proportionate efforts were made to obtain relevant military accounts for inquest purposes.

[17] The Coroner also made a number of public appeals for anyone else with information about the deaths to come forward to assist the inquest. There were accounts before the inquest about IRA and UVF activity at the relevant time in the area where the deaths occurred. No IRA or UVF witnesses came forward to give evidence. In the course of the evidence, there were references to the presence of IRA members at the location of some of the deaths. The Coroner also received a statement from a person who purported to act as an interlocutor for members of the UVF who were said to have relevant information. The Coroner assessed all of this material as appropriate in arriving at the findings.

[18] The materials obtained by the inquest included the original pathology and ballistics reports and some related reports that had been produced in the intervening years. The Coroner instructed pathology and ballistics experts to review and provide fresh reports on those matters. The inquest also had the benefit of pathology and ballistics reports prepared at the instruction of the next of kin and the Ministry of Defence. The various experts produced joint summary reports in respect of each incident at the request of the Coroner.

[19] The pathology expert instructed by the Coroner was Dr Benjamin Swift. Professor Jack Crane prepared reports for the Ministry of Defence and Dr Nathaniel Cary for the next of kin. Professor Thomas Marshall, who had conducted post mortem examinations in respect of a number of the deaths, also contributed to the pathology evidence at the inquests. The Coroner obtained ballistics reports from Jonathan Greer, Anne Polland and Paul Olden. Ballistics reports were obtained by the Ministry of Defence from Mark Mastaglio and Angela Shaw and by the next of kin from Ann Kiernan. The next of kin of Mr Murphy also obtained a ballistics report from Mr Doyle and a report from a consultant nephrologist Dr Damien Fogarty.

[20] The inquest was assisted by the original police photographs and also maps, contemporary photographs and associated consultant engineer reports that had been prepared by Mr Brian Murphy, TBM Consultants, at the instruction of the next of kin. Some original photographs of the area from the early 1970s were produced by witnesses and used at the inquest. The Coroner also obtained digital 3D models of the five locations that were provided to properly interested persons. The Coroner also visited the area and the specific locations at which the shootings occurred.

[21] The Coroner adopted the approach to disclosure advocated by Gillen J in *Chief Constable of the PSNI's Application* [2010] NIQB 66, providing for the disclosure of potentially relevant material to properly interested persons. There was also a Public Interest Immunity exercise relating to a small volume of sensitive material after which the Coroner provided a gist.

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[22] In this inquest the Coroner has examined the approach to be adopted in historical investigations of this nature. While recognising that inquests must be conducted fairly and in line with the legal obligations imposed by domestic law and Article 2 ECHR, the Coroner said that proportionality must also be observed. The Coroner explained that an effective investigation must take place in a proportionate way, bearing in mind that in historical inquests not all questions can be answered and not all evidence can be found. There has to be a realisation that impediments can arise and perfection is hard to achieve. The obligation does not extend to writing up an entire history of the past. The Coroner also observed that the investigative obligation remains live whilst the inquest is ongoing and may change as the inquest develops and the issues become more apparent. If the options are to persist indefinitely or to decide on the basis of what is available, the Coroner should at a certain point be able to draw a line.

IV. Evidence relating to the Five Incidents

Incident 1: the deaths of Father Hugh Mullan and Francis Quinn

[23] The deaths of Father Hugh Mullan and Francis Quinn occurred on the evening of 9 August 1971 in an area of waste ground between Springfield Park and Moyard Park.

[24] The immediate background to the incident was the movement of Springfield Park residents across the waste ground to Moyard, following on from disturbances that had occurred at the interface between Springfield Park and Springmartin. In the course of these events, one man, Robert Clarke was shot on the waste ground and the inquest heard that Father Mullan had gone to his assistance. The evidence focused on ensuing events in the course of which Father Mullan and Mr Quinn were shot.

[25] The report of autopsy recorded that Father Mullan had died by the combined effects of two high velocity bullet wounds, one which entered the back of the left buttock and exiting the upper abdomen and the other which entered the left side of the chest and exiting the right side of the chest. Lacerations to the right lung, liver, stomach and intestines would have resulted in fairly rapid but not necessarily immediate death.

[26] The report of autopsy recorded that Francis Quinn had died by a single gunshot wound of the head. The bullet, a single 7.62 calibre, had entered the back of the head. The resultant brain injury would have caused unconsciousness and probably fairly rapid death.

[27] The inquest heard from 22 civilian witnesses who were in the vicinity at the relevant time, including some of those who were shot and injured on the waste ground. Mr Clarke was one such witness. He described the moment he was shot in the waste ground and Fr Mullan coming to his assistance. He saw him carrying something white before he was shot. Many other witnesses described the white object in Fr Mullan's hand as a handkerchief. Gerry McCafferty and Sean Daly, who were also in the waste ground, saw soldiers on the roof of Springmartin flats firing in the direction of the waste ground. Mr McCaffrey and others described crossfire between the Moyard direction and Springmartin between the

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Army. Michael Doherty described crossfire between Army from the back of the Henry Taggart Hall and Army at Saracens above Springmartin Road.

[28] Several witnesses saw Father Mullan fall in the waste ground the moment he was shot. Jane Molloy gave evidence that she saw Francis Quinn accompany Fr Mullan to the waste ground when it became known someone had been shot. She described Army fire from an elevated position on the Springmartin Road.

[29] Joseph Millen described the moment he was shot in the field and realising the young man beside him was dead. He said he was sure it was the bullet that had passed through his body which killed Francis Quinn. He had seen soldiers on the roof tops in Springmartin but was unable to say from where fatal shots were fired. Witness C4 who was also in the field believed a bullet which hit his leg was responsible for the death of Francis Quinn. From his military experience C4 identified both SLR and .303 gunfire in the area at the time.

[30] Many witnesses gave evidence about the gunfire, the violence and the disorder that was ensuing generally in the area before, during and after the shooting.

[31] The inquest also heard accounts from 28 civilian witnesses who were unable to give evidence in person. This evidence was in the form of statements made back in 1971 and 1972 and from various interviews conducted over the intervening years. Included in this cadre of evidence were accounts of the fatal shootings and the prevailing disturbances.

[32] Gerald Clarke, Robert Clarke's brother, provided the names of two known IRA men he saw in the area. Both men are now deceased. Mr McCaffrey also referred in his evidence to armed IRA men in the area at the time.

[33] The inquest heard from 17 military witnesses in respect of these deaths. In this incident, there was some initial uncertainty over the regiments that were present in the vicinity and their deployment at particular locations. As the evidence unfolded, it was clear that the relevant regiments in Springmartin were 2 Para Support Company and 3 Queen's B Company which came under the command of 2 Para during their period of operating in Springmartin. No military witnesses were identified who were able to provide direct evidence of the actual circumstances in which Fr Mullan and Francis Quinn were shot.

[34] Of those who gave evidence, M139 and M1270 from Support Company were present in Springmartin flats. M139 was unaware of any soldiers firing into the waste ground and M1270 described shooting at a gunman in Moyard flats. He said he was unable from his position to see into the waste ground.

[35] M68 was the only soldier from 3 Queen's B Coy to give evidence. He confirmed the presence of his company in the area at the time but was unable to assist with regard to any gunfire directed towards the waste ground.

[36] Some important military witnesses were unable to give evidence due to ill-health, including the officer in charge of 2 Para Support Company, M12, and M1341 about whom

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there was evidence to suggest he was Soldier U, a ciphered soldier who fired at a number of people in the waste ground from a position in Springmartin flats. M12 made a statement in August 2018 in which he described managing the sectarian violence that was ensuing in the area at the time. He outlined that his soldiers were engaging gunmen in Moyard flats from positions outside of the Springmartin flats and that at one stage he ordered the fire from Queen's soldiers to be brought under control. M12 knew Fr Mullan and did not see him in the area at that time.

[37] Officers from 2 Queen's A Coy gave evidence, however they arrived much later on the night of 9 August 1971 and were unable to assist the examination of the deaths.

[38] Evidence was also considered from soldiers from 2 Para B Company in the Vere Foster School in regard to possible exchanges of gunfire between these soldiers and soldiers in Springmartin, and also the possibility that 2 Para B Coy soldiers could have fired into the waste ground from the Vere Foster School. This matter was addressed in the evidence of the 2 Para B Coy commanding officer M45 who maintained that the area in which Fr Mullan was shot could not be seen from the sangars on the roof of Vere Foster School. He agreed it was possible that the incoming shots which 2 Para B Coy were experiencing in Vere Foster School could have come from soldiers in Springmartin. He also accepted there was a concern about soldiers from Queen's regiment being unaware of soldiers being present in Vere Foster School.

[39] Statements were also considered from 18 ciphered soldiers recorded as part of the 1971 RMP investigation into the death of Fr Mullan and six statements recorded from soldiers from 2 Para B Coy as part of the RMP investigation into the death of Francis Quinn. None of the soldiers from 2 Para, except M45 (Soldier B) and M12 (Soldier D) have been identified. Soldier H has been identified as M71 from 2 Queen's A Coy who arrived after the death of Fr Mullan and Francis Quinn. None of these statements provided any direct assistance in understanding how Fr Mullan and Francis Quinn met their deaths. Of the RMP officers who recorded the statements, one is deceased and the other was too unwell to assist the inquest.

[40] The contemporaneous military logs from 9 August 1971 were considered. These confirmed the movements of the regiments in the area and provided an insight into the extent of the gunfire and sectarian violence taking place. An operations report from 2 Para for 9 August 1971 confirmed that during a firefight lasting over one hour, 10 rounds were fired by 3 Queen's B Coy and 70 rounds by 2 Para Support Coy deployed in Springmartin Rd/Black Mountain Park at 12 separate gunmen in Moyard Flats and the waste ground between the flats and Finlay's Factory. It was said in the log that during this incident it was thought that the death of Fr Mullan occurred.

[41] A statement of evidence was also received from a Witness X, who purported to act as an interlocutor for loyalist veterans, concerning the possible involvement of the UVF in the shootings. The evidence relating to this matter straddled Incidents One and Two. Witness X said in the statement that a number of UVF units were active in the area over the

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internment period, including a sniper in the Springmartin flats who was using a Mauser gun. Reports from PSNI and FSNI established that there was no forensic link between any of the recovered bullets and that type of weapon. A civilian witness C3 gave evidence that there was loyalist activity in the area. C3 also suggested that he saw eight gunmen moving across the field, one of whom was shot by the army. C3 further said that he saw a priest lifting a rifle from an injured man and as that occurred he heard a soldier say that he had identified a gunman and fired at him.

[42] Following on from the post-mortem findings, the pathology evidence given at the inquest in respect of Father Mullan showed that there was a large measure of consensus among the experts. Father Mullan died as a result of two, possibly three, high velocity gunshot wounds. It is likely he was shot first in the left buttock, probably while in a crouched position with a further shot passing across his chest while he lay on his back. There would have been an initial period of survivability, during which Father Mullan would have been conscious, able to vocalise and to move. Death would likely have ensued minutes thereafter. There were no features to indicate he was shot at close range.

[43] The ballistics evidence in respect of the death of Father Mullan suggested it was not possible to determine if the wounds were caused by two, three or four bullets. It was likely the shots to his left chest and left buttock were direct shots and had not struck an intervening object. The calibre of the rifle(s) could not be determined solely from the wound ballistics - the size of the entry wounds and the extent of the injuries are in keeping with 7.62 x 51mm or any other 0.30 calibre or similar calibre. The bullets that caused the wounds to the arms and chest were discharged from Fr Mullan's left and the bullet responsible for the wounds to his buttocks also from his left and to his rear which indicate that he was lying down, kneeling or crouching when he received this injury. It was not possible to determine where he was when he was shot, or from where he was shot.

[44] The agreed pathology evidence in respect of Francis Quinn showed that he died from a single high velocity gunshot wound to the head which would likely have rendered him immediately unconscious, and death would have ensued soon afterwards. There were no features to indicate he was shot at close range. There was not unanimity between the experts with regard to the proposition that the bullet had already passed through an intermediate target before hitting Mr Quinn. This matter was also addressed in the ballistics evidence in respect of the death of Francis Quinn.

[45] One ballistics expert who examined the bullet at an earlier stage on behalf of HET concluded there was no evidence of it having struck an intermediate target. The joint note from the ballistics experts instructed for the purpose of this inquest concluded that it was highly likely that the bullet passed through another individual, possibly Fr Mullan, or an unknown person, before it struck Mr Quinn. The experts also concluded that Francis Quinn had been shot once in the back of the head with a 7.62mm calibre rifle. It was not possible to determine from solely the wound ballistics where Mr Quinn was when he was shot, nor from what location he was shot.

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[46] An examination of the swabs from Francis Quinn's hands revealed small amounts of lead which the Department of Industrial and Forensic Science in February 1972 concluded were consistent with Mr Quinn being in close proximity to a discharging weapon. This matter was examined by the ballistic experts instructed in this inquest. They agreed that, in the absence of SEM-EDX testing and analysis, it was not possible to conclude the specific source of the lead particles found on Mr Quinn's hands.

[47] Two police officers gave evidence to the inquest in respect of this incident and Incident Two and a number of other RUC witness statements were read into evidence. These statements concerned the sectarian violence in Springfield Park and Springmartin and some provided evidence of shooting from gunmen in the waste ground and from soldiers in Springmartin. No one could assist with the deaths of Fr Mullan and Francis Quinn. The officers who gave evidence were in the Springfield Park and Springmartin Road area and were aware of gunfire exchanges between the Army and unknown civilians.

Incident 2: the deaths of Joan Connolly, Daniel Teggart, Noel Phillips and Joseph Murphy

[48] The deaths of Joan Connolly, Daniel Teggart, Noel Phillips and Joseph Murphy occurred in the evening of 9 August 1971 in an area of waste ground known as the Manse. The Manse was situated to the south of the Springfield Road and the former location of the Henry Taggart Memorial Hall, where the military were based on the day in question.

[49] The incident took place against the background of the disturbances at the nearby interface between Springmartin and Springfield Park on the same day, which have been described in Incident One. In or around 9.00pm shots were fired in the vicinity of the Henry Taggart Hall and the Manse and the evidence focused on the ensuing events in the course of which the deceased were shot.

[50] The report of autopsy recorded that Joan Connolly had died as a result of bullet wounds to the face and right thigh.

[51] The report of autopsy recorded Daniel Teggart had died as a result of numerous penetrating wounds to his body. The state pathologist who conducted the post mortem examination documented 19 areas of gunshot injuries to the body.

[52] The report of autopsy recorded that Noel Phillips had been struck by at least three bullets. The cause of death was recorded as right haemothorax due to laceration of the right lung due to gunshot wound of neck and trunk.

[53] The report of autopsy recorded that Joseph Murphy died due to a gunshot wound of the right thigh. This had caused severe haemorrhage and had allowed infection to enter the body. The infection gradually spread despite treatment which included the amputation of most of the right leg and gave rise to septicaemia. This, together with the haemorrhage, caused degenerative changes in the kidneys resulting in kidney failure. The septicaemia also caused bronchopneumonia, an acute inflammatory condition of the lungs and air

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passages. The combined effect of these precipitated his death about 13 days after he was wounded.

[54] The inquest heard oral evidence from 17 civilian witnesses who were in the vicinity at the relevant time including two sisters, Margaret Elmore and Agnes Keenan, who gave evidence of their recall of events from their home, at 692 Springfield Road, which overlooked the Manse where the deceased were shot. Margaret Elmore described a crowd having gathered outside the gate to her house in and around 8pm. She spoke to them about being at Springfield Park trying to help residents. She described hearing a single shot followed by repetitive gunfire, which caused people to dive for cover into the Manse area. The witness described bullet holes to the gable wall of her house. She considered the gunfire to have come from the Henry Taggart Hall. She also described an interaction with Joan Connolly who was hunched over in the Manse field. Ms Elmore thumped her window and told her to stay down. She heard Joan Connolly call out "Mr, I can't see". Agnes Keenan saw soldiers moving a body from the Manse field in and around 2.00 am.

[55] The inquest also heard from Edward Butler, an 11 year old boy at the time, who was out watching the rioting and got caught up in the shooting and was himself shot in the Manse. Thomas Morgan, a 15 year old boy at the time, stated that he was out throwing stones at the Henry Taggart Hall when he got caught up in the shooting. He stated that there was an IRA gunman in a laneway near the Manse field.

[56] Evidence was also received from civilian witnesses whose accounts were read aloud to the Inquest. That included an account from David Callaghan, who said that he was caught up in disturbances and took refuge behind a pillar in the Manse. He described shooting from two sides. He said he was picked up at 9.30pm by a Saracen and brought to the Henry Taggart Hall where he was injured. Desmond Crone also provided a statement at the time. He was with Mr Murphy in the Manse when he was shot and also recalled Joan Connolly and Daniel Teggart in that location. He said at no time did anyone in the Manse fire.

[57] The Inquest heard from 29 military witnesses in respect of these deaths. In this incident the relevant military regiments were 2 Para B Company and 2 Para Support Company. Military evidence focused on the overall command, the scene in Henry Taggart Hall and the aftermath of the shooting when soldiers collected bodies from the Manse.

[58] The Inquest heard from General Howlett, Commanding Officer of 2 Para. He arrived at Henry Taggart Hall around 9.30pm. He accepted that the deceased were not IRA gunmen. As regards alleged Army brutality he said he had never heard it at the time and did not think it was true. The inquest also heard from M45, the Officer Commanding B Company and in overall command of those in the Henry Taggart Hall. He could not comment on the ordering of fire at the Manse as he was at Vere Foster School at the time. M45 stated that he had not heard of civilian evidence of mistreatment by soldiers in the Henry Taggart Hall. He said if it was right it was unacceptable. He said M130 (who is deceased) was in charge of the Henry Taggart Hall and that he was not the most

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experienced. He accepted that soldiers may have not hit what they were aiming at but denied indiscriminate fire.

[59] The inquest heard from M97 who described disorder during the day with a large crowd outside the Henry Taggart Hall throwing missiles at soldiers. In the evening, he described the Henry Taggart Hall coming under fire from the waste ground and he fired two rounds. He also remembered taking in some of the bodies from the Manse to the Henry Taggart Hall. The inquest also heard from M910 who was injured in the base. The inquest also received evidence from military witnesses who were unfit or deceased and whose accounts were read aloud.

[60] The contemporaneous statements from ciphered soldiers were read aloud to the Inquest. A number of the ciphered soldiers described seeing gunmen and gunfire coming from in and around the Manse field. A number of the soldiers described returning fire. Some soldiers described bodies being retrieved from the Manse and brought to the Henry Taggart Hall. The Inquest also received the full watch keeper's log for 2 Para HQ for 9 and 10 August.

[61] As noted above, a statement of evidence was received from Witness X concerning alleged UVF activity in the area at the time. Another witness C3 gave general evidence of loyalist activity in the area, although his evidence appeared to relate more to Incident 1 than to this incident.

[62] The inquest also received evidence concerning alleged IRA activity in the area at the time of the shootings. That came from a variety of sources, including the oral evidence of Gerry Adams. Mr Adams was not a witness to any of the events which led to the deaths of the deceased, however he was in the area on the day in question. He gave evidence that two masked IRA men were in the area at the relevant time.

[63] Following on from the post mortem findings, the pathology evidence in respect of Joan Connolly showed that she died as a result of blood loss from gunshot wounds after a period of initial survival, likely to be measured in tens of minutes. A report from a retired emergency surgeon in 2013 suggested that had Mrs Connolly had rapid first aid, there was at least a possibility that she would have survived to get to hospital for more definitive treatment.

[64] The pathology evidence in respect of Daniel Teggart showed that he died as a result of high velocity gunshot wounds to the trunk and limbs, after a period of initial survival and during which he would have been conscious. The pathology experts agreed that Mr Teggart could have been struck from more than one firing position or could have moved position when shot. There was no evidence of lead on the body.

[65] The pathology evidence in respect of Noel Phillips showed that he died as a result of a gunshot wound to the neck and trunk. After a possible period of initial consciousness, his condition would have rapidly deteriorated with death likely ensuing within minutes. The

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wounds to the neck did not occur when he was standing upright and potentially instead occurred when he was lying on the ground. Swabs taken from his hands showed no evidence of lead deposits.

[66] The pathology evidence in respect of Joseph Murphy showed that he received a single high velocity gunshot wound to the right thigh, resulting in fragmentation of the femur as well as the bullet itself creating a complex exit wound and a bullet fragment later recovered in the front of the pelvis. The next of kin of Mr Murphy obtained a report from a Consultant Nephrologist and the pathology experts agreed with him that the deceased developed acute kidney injury and that this was a factor in his death.

[67] The ballistics evidence in respect of the death of Joan Connolly suggested that the wounds to the deceased could have been caused by three or four fired bullets. The bullet fragment recovered from the deceased's left shoulder was the nose portion of a 7.62 by 51millimetre calibre rifle bullet, identical to an L2 A2 military ball ammunition issued at the time. There was indication that the deceased was shot from two directions, or turned between shots. A DIFS report from 1972 reported lead detected on the web of Joan Connolly's hand and said that indicated exposure to the discharge of a weapon. However, a ballistics expert said that the findings on the swabs were inconclusive and that the material might be explained by a non-firearm origin.

[68] The ballistics evidence in respect of Noel Phillips suggested that it was likely that two bullets, entering the left and right sides of the neck, were fired in rapid succession and that the deceased was stopped, crouched or lying down. The 9mm.P full metal jacket bullet with 2Z profile recovered from the deceased's stomach wall was common to many handguns and submachine guns. The 2Z profile was consistent with military ammunition in use at the time.

[69] The ballistics evidence in respect of Daniel Teggart suggested that it was likely the deceased was struck with at least eight bullets, possibly eleven. His injuries were consistent with rifle calibre ammunition, however it was not possible to totally exclude pistol calibre ammunition also having been used. The evidence suggested that the deceased changed his position between shots or that he was shot from multiple positions, or a combination of both.

[70] The body of Joseph Murphy was exhumed in 2015 and the inquest received reports relating to the exhumation. A 7.62mm bullet fragment was recovered as a result of the exhumation. It was identified as the base/tail portion of the 0.3" normal calibre boat tailed rifle bullet. The ballistics evidence supported the proposition that the deceased received a single 0.3 normal calibre rifle bullet shot to the upper right thigh. A ballistics expert instructed by the next of kin made the point that because of the lack of detail in the wound descriptions there may have been a second bullet. The other ballistics experts submitted a joint note wherein they stated that they had seen no evidence to suggest that Mr Murphy was shot twice in the same area of the thigh. A ballistics expert stated in oral evidence that there was no evidence to suggest that there was a rubber baton round or bullet fired into the

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original wound. The next of kin also referred to the original examination and the description of hypostasis to support a claim of bruising caused by beating, however this was not supported by other reports.

Incident 3: the death of Edward Doherty

[71] The events that culminated in the death of Mr Edward Doherty occurred at approximately 5.00pm on 10 August 1971 on the Whiterock Road. At that time, there was a makeshift barricade comprising a tree and other items across the Whiterock Road, adjacent to a cemetery. It was apparent from the evidence that the purpose of this barricade was to prevent security forces from entering into the locality. There came a point in time when the Army were in the process of attempting to remove this barricade. It was during the course of that activity that a soldier fired the shot which killed Mr Doherty.

[72] The report of autopsy recorded that Edward Doherty died as a result of a bullet wound to the chest perforating the aorta, causing bleeding into both chest cavities which would have resulted in rapid death.

[73] The inquest received evidence from a number of civilian witnesses, some by way of evidence being read, and some by way of live evidence. The evidence which was read included a statement from Mr Doherty's widow, Mary Ann Doherty. Evidence relating to where Mr Doherty was taken immediately after being shot (an address in Whiterock Drive) and with respect to his subsequent removal to a mortuary was also read.

[74] Evidence from a number of other witnesses who were in the vicinity at the relevant time was also read, including the evidence of six witnesses who completed pro forma forms for a local firm of solicitors. These accounts gave general descriptions of the circumstances pertaining at the relevant time. Most described an Army digger attempting to remove the barricade, with a crowd of persons on the other side of the barricade responding by throwing stones. One described a petrol bomb being thrown towards and into the barricade. Some described something exploding within the barricade, possibly a drum of diesel fuel. Three of these witnesses stated that the digger driver had fired the shot which they believed had killed Mr Doherty.

[75] A further witness who completed one of the pro forma forms, Mr Joseph McAreavey, gave live evidence at the inquest. He had also given live evidence at the original inquest in May 1972. He described Mr Doherty attempting to get through the barricade and then the soldier in the digger shooting him. He disputed that at that time there was any violent activity from the crowd, such as the throwing of petrol bombs.

[76] The inquest heard from a further three live civilian witnesses. Mr James McCabe described seeing the soldier in the digger firing his weapon continuously from left to right. Whilst he did not see Mr Doherty being shot, he saw him in his injured state in the immediate aftermath of the shooting. Mr Martin McLaughlin said that on the relevant date he was a 9 year old boy living at 51 Whiterock Road. He watched events from the front

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bedroom window. He saw a man he knew (a Mr Whelan, one of the pro forma witnesses) with another man and he saw the barricade and the Army digger. He noticed the other man looking back towards the barricade and then jerking or stumbling, falling forward to the ground and there was a pool of blood. He also said that at this time, he heard a single gunshot and then three or four loud cracks after that. The third live civilian witness was afforded anonymity and known as C5. He described the circumstances in which he had come forward as a witness after the inquest had commenced.

[77] The inquest heard from one live military witness, referred to as M3, the driver of the Army digger, who accepted he had fired the shot that killed Edward Doherty. At the time, M3 was a member of the Royal Engineers deployed with two Para D Company. He said he was armed with a Sterling submachine gun which used low velocity 9mm bullets. When he made his original statements to the RMP, he was known as Soldier B.

[78] M3 said he was tasked to clear this barricade. At the time he was attempting to do so, missiles, stones and petrol bombs were being thrown, along with a blast bomb. Whilst he was attempting to break through the barricade, there was a blast which buckled a wheel of the digger. There came a point in time when M3 saw a man on the other side of the barricade throw a petrol bomb, which exploded over the front left wheel of the digger. As he made a further attempt to move the barricade, he saw the same man preparing to throw a second petrol bomb. M3 shot this man. He did not first issue a verbal warning in accordance with the Yellow Card but stated other soldiers on the ground had already issued such warnings. He said he subsequently fired at a man with a rifle. The gun was by then mistakenly in the automatic position, hence a burst of fire took place. Shortly after this, M3 received a facial injury, became unconscious and was taken away for medical treatment.

[79] Whilst in hospital, M3 was shown a photograph of Edward Doherty and identified him as the petrol bomber. During the course of his live evidence, M3 said he may have been mistaken about this identification. He also said there was a possibility that he missed the petrol bomber and hit a different person further up the road.

[80] There was an issue as between the different statements made by M3 concerning whether there were five or 30 rounds of ammunition in his gun. There were also differences as between written statements he had made with regard to whether the petrol bomber was located to the front of the crowd or in the process of climbing up the barricade. M3 was asked questions concerning his dismissal from the Royal Navy in 1969 for taking and using a staff car and about being charged with an offence of dishonestly in 1971.

[81] The evidence of Soldier A, whose identify is not known, was read. He was present at the relevant time and described a large number of missiles, petrol bombs and a nail bomb being thrown at Army personnel, the unsuccessful attempts by the digger to break through the barrier and several rubber bullets being fired into the crowd. He also saw the driver of the digger firing two bursts of his Sterling sub-machine gun towards the adjacent school grounds, though he could not see what he was firing at. He described the digger being

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driven erratically and he ordered personnel to assist. Finally, he said that 20-30 warnings were given to the civilians throwing petrol bombs.

[82] The pathologists considered the possible positioning and actions of Mr Doherty at the time of the gunshot wound. The possibility that he was running away, bent over or lying down could not be excluded. One of the pathologists considered that the account given by M3 was the better fit, although there were many different possibilities as to how the injury was sustained. The upward trajectory of the bullet could be explained by Mr Doherty's body being bent in some way. The angle of injury could also be explained if Mr Doherty was facing away with the left side of his body exposed and bent, with some twisting. The pathologist who had conducted the post mortem and also gave oral evidence to this inquest agreed that the evidence suggested the injury was caused by a low velocity bullet. He was asked if he would have made a note in his report if he had noticed a smell of petrol from Mr Doherty and he stated that he would have done so.

[83] The ballistics experts all agreed that the wound was caused by low velocity fire. The entry wound was to the left side of the back and the exit wound was to the front right chest with an approximately 10 to 30 degree upward angle. Mr Doherty's back was not fully facing the firer, he was around half-way between those two points. Given that the firer in the cab of the digger was at a higher level, the upward angle meant that Mr Doherty would have to have been leaning or bending to some extent. He may have been doing this whilst running, bending down to the ground or throwing, though the evidence could not support any one of those scenarios above another.

[84] A ballistics expert explained in oral evidence that in order to achieve the upward angle of the wound, Mr Doherty's right shoulder would have to be lower than his left one as a result of him flinching, crouching or looking over his left shoulder, but it would not be consistent with Mr Doherty standing straight and upright outside 51 Whiterock Road.

[85] One unresolved feature of the evidence related to the testing of hand swabs and clothing recovered from Mr Doherty. The scenes of crimes officer told the inquest that the swabs and clothing had been sent to the Department of Industrial and Forensic Science to test them for presence of lead and gunshot residue, however no results were provided. Other evidence showed that the relevant testing was carried out, but that the original forensic file could not be located.

Incident 4: the deaths of Joseph Corr and John Laverty

[86] The deaths of John Laverty and Joseph Corr occurred in the early hours of 11 August 1971 in and around the area of the Whiterock Road near to a barricade mounted a short distance north of the junction with the Springfield Road.

[87] The background to the incident was an operation involving the 1st Battalion Parachute Regiment (1 Para) moving south from the Mountain Loney along the Whiterock Road towards the junction of the Springfield Road. The soldiers of 1 Para C Company while

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advancing on foot along the Whiterock Road engaged in fire. As they advanced further towards the barricade just north of the junction with the Springfield Road, John Laverty's body was found. Joseph Corr was also found nearby. He was seriously wounded and died in hospital more than two weeks later.

[88] The report of autopsy recorded that John Laverty had two gunshot wounds, one to the right flank and the other to the right thigh. Mr Laverty died by internal bleeding caused by the shot to the right thigh which had perforated a number of vital organs before exiting the left chest cavity.

[89] The report of autopsy recorded that Joseph Corr had died by a gunshot wound of the abdomen and chest which had given rise to peritonitis, an acute inflammatory condition of the abdominal cavity, and bronchopneumonia, an acute inflammatory condition of the lungs and air passages. Both conditions had precipitated Mr Corr's death.

[90] The inquest heard from four civilian witnesses who were in the vicinity at the relevant time. Robert and Bernard Doyle's evidence centred on a wounded man in their front garden at 205 Whiterock Road with whom Bernard Doyle conducted a conversation.

[91] Edward McCourt gave evidence about seeing a man lying face down in the middle of the Whiterock Road, his head pointing towards the Mountain Loney, with a large blood stain on his back. He described soldiers moving the man and seeing blood on his chest.

[92] The evidence of ten further civilian witnesses which could not be given in person was read into evidence under Rule 17. This evidence concerned large numbers of people in the streets on the early morning of 11 August 1971. Witnesses described rubber bullets and live rounds being fired by the Army.

[93] No civilian or military witnesses were identified who were able to provide evidence of the actual circumstances in which Mr Corr and Mr Laverty were shot.

[94] The Inquest heard from 15 military witnesses. A statement recorded from Soldier B for the purpose of the original inquest in 1972 was also read into evidence. Soldier B has not been identified. The statement described engaging two gunmen, one armed with a machine gun, the other a pistol. The statement said that he fired six shots wounding at least one gunman.

[95] Evidence was heard from M166, a medical orderly with 1 Para C Coy. He found Mr Laverty lying face down on the pavement, apparently dead. He treated Mr Corr who he had dragged to a nearby place of safety. Other soldiers gave evidence in respect of finding the bodies and some in respect of providing medical treatment.

[96] M2294 was the 1 Para Adjutant and gave evidence in respect of the contemporaneous logs recorded at Brigade and Headquarters level. He also gave evidence about the process to be adopted in the event of a civilian being shot by the Army. The logs provide an insight

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into the extent of the shooting that was taking place in the area at the time and the efforts made to bring both men to hospital.

[97] M2294 was also able to assist in interpreting 'O Group' notes of a meeting which discussed the strategy for the operation on 11 August 1971. The overall aim was to clear the barricades in Ballymurphy and to ensure there were no "no go" areas.

[98] General Sir Mike Jackson gave evidence. He was a captain with 1 Para Battalion Headquarters in August 1971. He gave evidence in respect of his role as a military press liaison officer and more generally about the prevailing security situation, which he described as "mayhem".

[99] M349 was one of four military witnesses who were unable to give evidence in person. He was the commander of 9 Platoon which was at the front of the C Company advance along the Whiterock Road. His instructions were to secure the crossroads at Whiterock Road and Springfield Road. He recalled coming under fire but had no recollection of any civilian casualties.

[100] Also unable to give evidence in person was Colonel Derek Wilford, the Battalion Commander of 1 Para on 11 August 1971. In his statement he said he had no recollection at all of any civilian casualties in Ballymurphy over the course of the internment period.

[101] Following on from the post mortem findings, the agreed evidence of the pathology experts showed that at the time he was shot Joseph Corr must have bent forwards exposing his right side which would include falling forwards, crouching, kneeling, crawling or being in a lying position.

[102] The agreed evidence of the pathology experts in respect of John Lavery showed that when he was shot he must have bent forwards exposing his right side likely whilst in a prone position, possibly crawling or lying.

[103] The agreed evidence of the ballistic experts in respect of Joseph Corr showed that his wounds could have been caused by the passage of a single, or possibly two, high velocity rifle bullets such as 7.62 x 51mm calibre. Mr Corr could not have been standing upright when he was shot.

[104] In respect of John Lavery the agreed evidence of the ballistic experts showed that the recovered bullet which caused the fatal injuries was identified as being a 7.62 x 51mm calibre bullet consistent with originating from the UK military.(query should this be British Army)

[105] It was not possible from the wound ballistics to make any useful assessment of the location of the deceased or of the firer at the time the shots were fired. Neither deceased was shot by a bullet ricocheting from a hard object. It could not be discounted that the deceased were shot from the Springfield Road uphill into the Whiterock Road, nor could it be discounted that they were shot twice from more than one direction.

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Incident 5: the death of John McKerr

[106] The death of Mr John McKerr was caused by a gunshot wound he received on the morning of 11 August 1971. Mr McKerr died in hospital on 20 August 1971.

[107] The report of autopsy recorded that Mr McKerr died due to laceration, bruising and oedema of the brain associated with fractures of the skull and complicated by meningitis, all due to the bullet wound to the head.

[108] This incident took place in the vicinity of Corpus Christi Church off the Whiterock Road and near Ballymurphy Road.

[109] Whilst this was a residential area of West Belfast, there was a large commercial facility known as Corry's timber yard within the vicinity of Westrock Drive (since renamed Springhill Drive). There was a gap between the houses at 73-95 Westrock Drive and Corry's yard. Evidence from the consultant engineer demonstrated that there may have been a line of sight from Corry's yard to where Mr McKerr fell after being shot, albeit that the evidence also showed that there were unknown variables at that time, such as the height of the houses and walls associated with those houses which were then present and which have since been demolished and replaced.

[110] There were no military witnesses in relation to the death of Mr McKerr. The inquest received evidence from 11 civilian eyewitnesses who were in the vicinity at the relevant time. None of those persons made witness statements at that time or, indeed, for many years thereafter. Some of the witnesses were interviewed by the researcher, Mr Mahon, in or around 1999. Others were interviewed on behalf of the next of kin in or around 2010.

[111] On the morning Mr McKerr was shot, he was working as a joiner at the Corpus Christi Church. Mr Fergal McDonnell, Mr McKerr's employer, confirmed this. He also stated that Mr McKerr was missing the lower part of one arm and when he was working, he would attach a specially made hammer to that arm. Some of the witnesses thought this might have been mistaken for a firearm.

[112] That same morning, a funeral was taking place, with the service being conducted by Father Francis Harper, now deceased. In his deposition given to the original inquest in May 1972, Father Harper described speaking to Mr McKerr at the Church, with Mr McKerr leaving at around 10:45am. Father Harper heard two shots followed by two cracks, the cracks possibly being echoes of the shots. Although he attended to the fallen man spiritually, he did not recognise him, and only later learned that the man shot was Mr John McKerr.

[113] Mr William Carlisle was an ambulance driver whose original deposition was read. He was dispatched to collect a shooting victim in Westrock Drive at 11:13am. He noticed some small barricades and heard some shooting in the area.

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[114] Ms Sheila McCalliskey gave live evidence to the effect that she was 25 at the time and was due to attend the funeral at the Church with her mother. She described a large number of paratroopers being in the area. Prior to entering the Church, she heard shooting which she thought was from the army and coming from the nearby Corry's yard. Whilst Ms McCalliskey did not witness the shooting itself, on making her way home, she said she saw a white soldier with dirty fair hair kneeling down in the back garden of 69 Ballymurphy Drive. There was smoke coming out of his gun. She called him a "murdering bastard".

[115] Mr Francis Corr was walking with his wife on Westrock Drive when a man drew up alongside him, a shot was heard and the man fell. Mr Corr thought the shot might have come from Corry's yard as he understood the Army were there and he had later heard gossip to that effect. He saw a black soldier in the garden of a house, though he did not see him open fire. The soldier was wearing a red beret, which Mr Corr associated with the Parachute Regiment, and he pointed his rifle at Mr Corr. Mr Corr heard someone shout "murdering bastard".

[116] Eilish Meehan was 19 and lived near the Church. She had gone out to buy cigarettes at a shop on Westrock Drive and she was walking behind Mr McKerr when she heard a shot and saw him fall. She said she could not recall two other people being close to Mr McKerr at that time and that she did not see any soldiers or armed personnel in the area.

[117] Robert Russell was 13 and said he was leaving the Church when he saw a black soldier on his hunkers with a rifle at the corner of Westrock Drive. An officer spoke and said "shoot that bastard there". A man was locking the gates of the Church. The black soldier shot that man dead. There was an issue, based on Mr Russell's written statements over the years, as to whether he actually saw the man fall. Mr Russell ultimately accepted that he had not seen this. When pressed, he accepted he had a criminal history and he was not well disposed to the British Army.

[118] Mr Tommy Ireland was 21 and attending the funeral. When making his way on foot to the Church along Westrock, he heard someone saying "get in" as there seemed to be shooting coming from the direction of Corry's yard. He went to a friend's address for around 20 minutes. He was then walking along Westrock Drive towards the Church when he heard a crack and saw a man fall outside the Church. He could not say where the shot came from, however he assumed it must have been from the Corry's yard direction given what was said to him earlier. Mr Ireland noticed a priest coming out to tend to this man and a lady at a doorway facing the Church who appeared to have watched the whole thing. An armoured car with soldiers arrived and Mr Ireland went into the Church.

[119] A further live witness was granted anonymity and referred to as C2. He was 24, lived opposite to 67 Ballymurphy Drive and watched events from an upstairs window. There were paratroopers across the road at numbers 67 and 72. A soldier at number 67 turned and faced in the direction of the soldiers at number 72 and a gunshot was heard. A priest came out and argued with a soldier who had been outside number 72, but was by this stage making his way up Westrock Drive.

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[120] Mr Paul Connolly, a son of Joan Connolly (one of the deceased in Incident 2) was excused from giving oral evidence on medical grounds. His statement was read. He was 23 and in the front garden of 91 Ballymurphy Road watching paratroopers walking in formation towards the church. A black soldier in a Parachute Regiment beret fired a shot towards the entrance to the Church. Mr Connolly later learned that Mr McKerr had been shot at the gates of the Church.

[121] Maureen Heath is deceased and her evidence was read to the inquest. She was about to leave her house at around 10.00am (73 Westrock Drive, directly across from the Church) when she heard a shot. She looked out the window and saw Mr McKerr looking over and up towards Corry's yard, she heard another shot, and Mr McKerr dropped to the ground on the pavement by the railings outside the Church. She herself did not have a sense of the direction from which the shot came. She went out to help him. Some soldiers arrived and one of them, a black soldier, pointed his rifle at her. She remonstrated with an officer as she was anxious that Mr McKerr should get help.

[122] Anne Ferguson, a daughter of Mr McKerr, gave evidence about the impact of her father's death on the family, including the effect of an article in the Belfast Telegraph, which erroneously stated that at the time he was shot, Mr McKerr had been attending an IRA funeral.

[123] The pathologists agreed that it was not possible from the pathology evidence to indicate the position from which Mr McKerr was shot and that there was a wide range of possibilities. It was agreed that death was the result of a gunshot wound, with the bullet entering his head from behind the right ear.

[124] As for the ballistics evidence, there were differences of opinion. Two of the experts could not say whether the bullet was high or low velocity, the other thought it was most likely a high velocity bullet. Two said it was not possible, on the basis of the ballistics evidence, to assess where Mr McKerr or the firer were when the shot was fired, whereas the other opined that the shot was more likely to have come from a soldier on the ground near the Church than from Corry's yard.

[125] A prominent issue in the inquest into Mr McKerr's death was whether he was shot by the British Army either located at the junction of Westrock Drive and Ballymurphy Road or within Corry's yard, or whether this issue could be determined at all. The evidence established that an Army observation post was erected within Corry's yard in 1972, however, there was evidence originating from military logs and from a book to suggest an Army presence in the vicinity of Corry's yard at the relevant time. Troops were billeted in Corry's yard offices in March and April 1970. Also, military records from the 2nd Battalion of the Parachute Regiment showed that on 9 August 1971, there were two soldiers within the yard and coming under fire. In any event, the logs established an Army presence in this general area on the morning that Mr McKerr was shot.

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V. Summary of Verdicts and Findings

Incident 1: the deaths of Father Hugh Mullan and Francis Quinn

[126] The Coroner's verdict records that Father Mullan died on 9 August 1971 as a result of gunshot wounds to the chest and abdomen.

[127] Mr Quinn died on 9 August 1971 as a result of a single gunshot wound to the head.

[128] The deceased died on waste ground near Springfield Park. They were shot in or around 9.00pm by fire from the Parachute Regiment of the British Army. A standard issue British Army bullet was recovered from the body of Mr Quinn. The Coroner received evidence suggesting that the UVF had gunmen in the area and raising the possibility that a UVF gunman could have been responsible for some of the deaths at Ballymurphy. The Coroner found, however, that there was no evidence of value to suggest that this was the case in relation to the death of Father Mullan or Mr Quinn.

[129] The incident resulting in the deaths followed escalating tension in the area on a day of interfactional disturbances between residents of Springfield Park and residents of Springmartin Road. This culminated in the residents of Springfield Park having to leave their homes. There was panic in the area and men were running with children across the field in which the deaths occurred. One of those men was Mr Robert Clarke, who was shot as he crossed the field. Father Mullan came to the aid of Mr Clarke carrying something white and was shot from the left and to the rear as he was lying, kneeling or crouching. Having regard to the ballistics and pathology evidence, the Coroner tended towards the theory that he was hit by two bullets on the left chest and the left buttock.

[130] The Coroner found that the bullet that killed Francis Quinn passed through another person; that may have been Father Mullan or someone else. It was not possible to determine whether Mr Quinn was stationary or moving or who else was in the vicinity when he was shot. The Coroner found that Mr Quinn was close to Father Mullan as the latter was assisting an injured man in the field. There was no cogent evidence to support a suggestion in the inquest materials that Mr Quinn was shot in Moyard Flats and not in the field.

[131] The Coroner found that Father Mullan was unarmed, he was not acting in any way as a threat; he was attending to a wounded man in a field and waving a white object as a sign of his peaceful intentions. The Coroner was convinced that he was a peacemaker. He had made representations to the Army earlier about the issues that were pertaining in the community. Letters sent by the military after his death provided an indication of the esteem in which he was held.

[132] The Coroner found that Mr Quinn was unarmed and was not acting in any way as a threat. Having considered the evidence that swabs taken from Mr Quinn's hands had revealed lead particles, the Coroner concluded that there was no evidential basis on which

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she could conclude that those traces demonstrated that Mr Quinn had a gun or was in close proximity to someone with a gun. The description in two of the original statements by ciphered soldiers of a man with a weapon in the field did not accord with evidence from the autopsy of the clothing attributed to Mr Quinn. The Coroner was satisfied that Mr Quinn was not the person identified in those statements.

[133] The Coroner accepted evidence that there were IRA gunmen in the area, but was not satisfied that there was a gunman in the vicinity of the deceased that would have justified shooting at them. The Coroner was convinced that there were gunmen at Moyard flats and found that shooting by the Army at gunmen in that location was justified. That justification did not extend to the shooting of the deceased. The response directed towards the field was more than was necessary to deal with any risks posed by activity in the field. Even if there were gunmen in that area, the use of force was clearly disproportionate given the number of civilians around, the fact that Father Mullan was waving a white item and the fact that soldiers were in a protected position, shooting from long range. The Coroner also observed that the gunmen in the area clearly put civilians at risk of danger and potential death.

[134] The Coroner found that it was most likely that the fatal shots were fired from an elevated position in Springmartin Flats. The military units sectioned to that area at the time of the shootings were 2 Para Support and 3 Queen's. The inquest heard limited evidence from 2 Para Support Company about what actually happened and the 3 Queen's evidence was sparse. The inquest was hampered in that some relevant witnesses had not come forward to give evidence and others were deceased or had been excused.

[135] Regarding planning and control, the Coroner found that there was no joined-up thinking between the two groups and was not convinced what the command was in terms of shooting at persons on the waste ground. Fundamentally there was no critical thinking about how to deal with the threat posed by gunmen in the area without injuring a part of the civilian population.

[136] The inquest had heard no convincing evidence, either on paper or orally, to justify the shooting of the deceased. The Coroner found that there was a violation of Article 2 ECHR given the manner in which the shooting occurred without minimisation of risk. The Yellow Card, which ensures that the least amount of force should be applied in order to protect lives, had not been adhered to. The Coroner also found that the investigation into the deaths was entirely inadequate.

Incident 2: the deaths of Joan Connolly, Daniel Teggart, Noel Phillips and Joseph Murphy

[137] The Coroner's verdict records that Mrs Connolly died on 9 August 1971 as a result of gunshot wounds to the face and right thigh and as a result of blood loss from those wounds.

[138] Mr Teggart died on 9 August 1971 as a result of high velocity gunshot wounds to his trunk and limbs, after an initial period of consciousness.

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[139] Mr Phillips died on 9 August 1971 as a result of gunshot wounds to the neck and throat. After a period of initial consciousness, his condition deteriorated rapidly and death likely occurred within minutes.

[140] Mr Murphy died on 22 August 1971 from injuries sustained to his leg on 9 August 1971, there having been operative intervention between the date of injuries and date of death.

[141] The incident occurred in or around 9.00pm in an area known locally as the Manse field in the vicinity of the Henry Taggart Hall, where 2 Para B Company of the British Army was based at the time. The events of the evening occurred after a day in which people were gathered, shouting, throwing stones and other missiles; there may have been some sporadic gunfire and those in the Hall would viably think they were under attack by the community.

[142] The Coroner found that the four deaths were caused by fire from the direction of the Hall by members of the Parachute Regiment. Standard issue British Army bullets were recovered from the bodies of the deceased. The inquest received evidence of UVF paramilitary activity in the area at the time, but there was no evidence of any cogency or sufficiency that UVF gunmen caused the deaths in the Manse field.

[143] The four deceased were unarmed and were not acting in any way of threat. No arms were found on or near the deceased and there was no evidence of gunshot residue that satisfied evidential standards. None of the deceased were claimed as members of the IRA, none had military trappings at their funerals and their death notices highlighted no association. An undated and unsigned deposition from a Soldier N stated that 38 rounds of .22 ammunition had been found on trousers removed from the body of Daniel Taggart (sic). The Coroner was satisfied on the basis of all the evidence in relation to that issue that Mr Teggart did not have ammunition on his person which came from him.

[144] The Coroner was satisfied that there was some IRA activity in the area. The Coroner could not say how many IRA gunmen there were but there was evidence of some presence and that they shot at the Army. That being so, the Coroner was satisfied that the military were justified in using force.

[145] There was, however, no justification provided by the Army for the shootings of the four deceased. As in Incident 1, the Coroner observed that those others who were armed put civilians in the area at risk of danger on that day. The Army, however, as trained soldiers had a duty notwithstanding the fact of gunmen in the area to try to protect lives and minimise harm in this type of situation. The use of force by the Army was clearly disproportionate given the number of civilians around in a highly charged atmosphere after the introduction of internment and as soldiers were in a protected position in the Hall.

[146] The shooting of the deceased was in violation of Article 2 ECHR, given the manner in which the shooting occurred without minimisation of risk. The Yellow Card had not been adhered to. There was no proper investigation at the time.

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[147] The Coroner also addressed the matter of care issued to Mrs Connolly and Mr Murphy. The Coroner considered that there was a basic inhumanity associated with leaving Mrs Connolly in the field for so long and in relation to how she was transported to the Hall. While the Coroner considered that quicker medical care would have assisted, the Coroner could not say that was a contributory cause of death in the circumstances of the case. While Mr Murphy was handled with some insensitivity in the Hall, the evidence did not support the suggestion that he was shot by a rubber bullet or bullets in the Hall.

Incident 3: the death of Edward Doherty

[148] The Coroner's verdict records that Mr Doherty died on 10 August 1971 as a result of injuries received from a gunshot wound to the torso. The cause of death was bilateral haemothorax due to bullet wound of aorta.

[149] The fatal injuries were sustained when Mr Doherty was struck by a bullet fired by M3, a soldier in the Royal Engineers. M3 fired the bullet from an elevated position on an Allis-Chalmers loading type vehicle that he was using to try to clear a barricade positioned near the entrance to Brittons Parade. A substantial crowd, probably of over 50, had gathered in the vicinity just before Mr Doherty was shot.

[150] Mr Doherty was further up the Whiterock Road from the barricade, in the vicinity of the pavement outside 51 Whiterock Road. He was on his way home from visiting family when his way was blocked by the barricade. The shooting took place around 5.00pm. At the time of the shooting, Mr Doherty was most likely turning to look towards the barricade with his right shoulder in a position lower than his left side on to the barricade. His body was bent or twisted in some way.

[151] The Coroner found that Mr Doherty was not acting in a manner that could reasonably be perceived as posing a threat of death or injury to M3. Mr Doherty's body showed no signs of petrol or explosives. He was not a petrol bomber and he was not acting in any other way that would justify a violent attack on him. Mr Doherty was not associated with any terrorist group. He was an innocent victim of the situation.

[152] There was, however, a threat to M3 from a petrol bomber who had thrown a number of petrol bombs with the result that M3 held an honest and reasonable belief that his life was in danger, sitting as he was in the Allis-Chalmers vehicle. M3 was justified in taking action against the petrol bomber. The Coroner did not, however, accept M3's account that he had fired a single aimed shot. Nor did the Coroner find that he had fired indiscriminately. The Coroner found that he had fired a number of rounds and that his use and firing of his weapon was disproportionate to the risk posed to him and not sufficiently or appropriately controlled or regulated for the following reasons: first, the weapon was a powerful Sterling sub-machine gun; secondly, M3 did not risk assess the situation before opening fire; thirdly, he fired in a manner which was disproportionate and not in accordance with training; fourthly, he did not follow Yellow Card rules of engagement; and fifthly, he did not issue a

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warning. The shooting of the deceased was in breach of Article 2 ECHR. The actions of M3 were not properly examined or investigated at the time.

Incident 4: the deaths of Joseph Corr and John Laverty

[153] The Coroner's verdict records that Mr Laverty died on 11 August 1971 on the Whiterock Road from injuries sustained by gunshot. The cause of death was internal haemorrhage due to laceration of the bladder, right kidney, spleen and left lung due to gunshot wounds to the trunk of his body.

[154] Joseph Corr died later, on 27 August 1971, from gunshot injuries that he had sustained on the Whiterock Road on 11 August 1971. His death was caused by acute bronchopneumonia and peritonitis due to gunshot wounds to the abdomen and chest.

[155] The Coroner found that the injuries in each case were caused by 7.62mm rounds fired from a high velocity rifle by a soldier or soldiers in C Coy of the 1st Battalion of the Parachute Regiment of the British Army. A bullet consistent with ammunition fired from a weapon used by the Army in 1971 had been recovered from Mr Laverty's body.

[156] The shootings took place between 4.15am and 4.52am at a time when people, including the deceased, had gathered on the streets having heard bin lids and rumours of an incursion by Protestants from Springmartin and of the Army coming down the Mountain Loney. The location at which the men were shot was somewhere between numbers 205 to 217 Whiterock Road on the raised pavement.

[157] The evidence of medical treatment administered at the scene led the Coroner to conclude that nothing could be done for Mr Laverty. The Coroner was satisfied that the medical assistance given to Mr Corr at the scene was all that could be done in the circumstances.

[158] There was no adequate investigation by the Royal Military Police. The Coroner found that both men were shot in the back when either crouching, crawling or prone. There was no evidence that the deceased were armed or acting in a manner that could be perceived as posing a threat. The Coroner found it highly significant that the first responders at the scene, particularly the soldiers offering medical assistance, saw no evidence of weapons round the men.

[159] No valid justification had been provided for soldiers opening fire. The Coroner found that the statement made by a Soldier B, who has not been identified, to the RMP eleven months after the incident could not possibly provide adequate justification for the use of lethal force against Mr Corr and Mr Laverty. The shooting of the two deceased was in breach of Article 2 ECHR. There was no evidence of paramilitary trappings associated with the deceased. It had been wrong to describe the two men as gunmen at the time and that rumour should be dispelled.

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Incident 5: the death of John McKerr

[160] The Coroner's verdict records that Mr McKerr was walking along the pavement outside Corpus Christi Church on 11 August 1971 when he was hit by a single bullet that entered the right side of the head behind the right ear, fractured his skull and tore his brain. The Coroner could not say with certainty whether the bullet was from a high or low velocity weapon.

[161] Mr McKerr was clearly unarmed and he was not doing anything that could have caused someone to think him a threat or that justified the use of lethal force against him. He was an entirely innocent man who was indiscriminately shot on the street. He had no associations with the IRA. The Coroner noted that he was a proud military man and to have any such aspersions passed on his character must have been extremely painful for his family over the years.

[162] On the available evidence, the Coroner could not make a definitive finding as to who shot Mr McKerr and from where the shot had been fired. The military were in the area at the time, but that did not equate to responsibility for the death. As a result of weaknesses in the evidence and the limitations of the original investigation, it was impossible to say where exactly any shot came from. Further, the Coroner could not decide the case simply on the basis of opportunity or presence in the area. This was a serious issue requiring proof and the Coroner was simply not satisfied that she could make a determination on the balance of probabilities.

[163] The Coroner described the inadequacy of the original investigation as shocking. Not one statement was taken from the military in the area, the scene was not sealed and the bullet was not recovered. There had been an abject failing by the authorities to inquire into the death of an innocent civilian on the streets. This failure had hampered the Coroner greatly and was the striking feature of the case which the Coroner recorded in the strongest of terms.

VI. Acknowledgements

[164] The Coroner thanked all those who had attended ICC Belfast for delivery of the findings and all those who had made it possible for this event to occur in the difficult circumstances created by the pandemic. The Coroner thanked witnesses and all who had made statements and provided materials to assist with the coronial investigation, including the military witnesses who had come forward to assist the inquest, the civilian witnesses and the experts. She thanked the legal teams for their work and acknowledged the collaborative approach that had been adopted in this case. She particularly thanked her own legal team and the staff of the Coroners Service for Northern Ireland for their work and support in preparation for the inquest, in the course of the hearing and in the compilation of the written findings.

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[165] She also thanked those who had worked on behalf of properly interested persons, the next of kin and the Ministry of Defence, to obtain materials relevant to her investigation. She expressed gratitude to Fieldfisher Solicitors and the Coroner's Investigators for liaising with witnesses and taking statements for the purpose of the inquest. She was thankful to the Office of the Lord Chief Justice, G4 Security Staff, clerks, typists, witness support and other support staff at Laganside Courts for their assistance in the running of the hearings. The Coroner thanked the media for their responsible reporting of the proceedings and acknowledged their compliance with judicial directions.

[166] Finally, the Coroner thanked the next of kin of the ten deceased, their wider families and those who had supported them. The Coroner acknowledged that this must be a difficult occasion of remembrance and expressed the hope that some peace may be achieved now that the findings of the inquest have been delivered.

NOTES TO EDITORS

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

ENDS

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