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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**

INCIDENT 1

THE DEATHS OF FATHER HUGH MULLAN AND FRANK QUINN

CORE ABBREVIATIONS IN THIS INQUEST:

MoD:	Ministry of Defence
NOK:	Next of Kin
IRA:	Irish Republican Army
HET:	Historical Enquiries Team
UVF:	Ulster Volunteer Force
APC/Saracen:	A six-wheeled armoured personnel carrier (APC)
APC/Pig:	A Humber armoured personnel carrier (APC)
SEM-EDX test:	Scanning Electron Microscopy with Energy Dispersive X-ray Spectrometry
CDR:	Cartridge Discharge Residue
SAA:	Small Arms Ammunition
SLR:	Self-loading Rifle
RUC:	Royal Ulster Constabulary
PSNI:	Police Service of Northern Ireland
CSNI:	Coroners Service for Northern Ireland
CSO:	Crown Solicitor's Office
FSNI:	Forensic Science Northern Ireland

CIFEX: Centre for Information on Firearms and Explosives
FAL: Fusil Automatique Leger

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I: INTRODUCTION

[1] This is an account of the evidence and my conclusions and verdict. I have considered all of the evidence heard in this case which spanned over most of the length of this inquest series at various times. I have also considered all of the papers and the written submissions of counsel. This text does not recount each and every aspect of the voluminous material I have considered and so it should not be assumed that where some detail is not specifically mentioned I have not considered it. I have considered the totality of the evidence in reaching my findings.

[2] In the introductory chapter I set out the law governing inquests in Northern Ireland which I have applied. I have heard this inquest as a judge sitting as a coroner without a jury, with the agreement of all parties. I have kept in mind the investigative obligation imposed by Article 2 of the European Convention on Human Rights. I have applied the balance of probabilities as the standard of proof.

As I also said in the introductory section, the standard of proof is one thing but the cogency of the evidence is another as this case relates to events 50 years ago. The court is mindful that memory is affected by the passage of time and so accounts must be examined carefully before findings can be made. In accordance with my obligations in law I have, upon assessing all of the evidence I have seen and heard, tried to reach a verdict on the core issues. Where I have not been able to reach a conclusion I have explained why.

[3] The two deceased in this incident died on 9 August 1971 in waste ground adjacent to Springfield Park in Belfast. This part of the Inquest progressed over the longest period of time due to issues of tracing of military witnesses. The deceased, Father Hugh Mullan, resided at 45 Springfield Park, Belfast, adjacent to the waste ground in which he died. His date of birth was 9 April 1933. He was born in Portaferry in County Down and he was a priest in the parish of Ballymurphy and by all accounts he was well known. Father Mullan died on the night in question.

[4] The other deceased in this incident is Francis Joseph Quinn who lived at 49C Moyard Crescent, Belfast. He was born on 21 April 1952. He was a married man and a father to one child at the date of his death. Mr Quinn also died on the evening of 9 August 1971.

[5] Whilst these deaths occurred in close proximity the inquests were originally heard on separate occasions. The original inquest into the death of Francis Quinn took place on 17 February 1972. The original inquest into the death of Father Mullan took place on 26 October 1972. It is apparent that the separation of these inquests caused some difficulties in terms of the evidence. I will return to this matter in due course. However, I have clearly had the benefit of all of the evidence touching on both deaths in this inquest series and I have heard these two cases together.

[6] On 10 June 2011 the Attorney General for Northern Ireland directed, under the power given to him by Section 14 of the Coroners Act (Northern Ireland) 1959,

that a further inquest be held into the death of Francis Quinn. The reasons for this are important to state and are set out in correspondence of 10 June 2011 as follows:

“I note from the documentation provided to this office by the Public Records Office Northern Ireland that oral evidence or statements of two civilian witnesses, Robert Clarke and Gerald Clarke were available to the inquest jury in the case of Frank Quinn. Robert Clarke described being shot as he crossed an area of waste ground between the Springfield Park and Moyard areas. Mr Clarke said that, in his view, this shot came from a roof in Springmartin where he had seen soldiers about twenty minutes earlier. A statement from Mr Clarke’s brother Gerald Clarke is also contained within the inquest papers provided by the Public Records Office. Gerald Clarke’s statement indicates that, after his brother was shot, he witnessed Father Mullan being shot and that, in his opinion, the shots in question came from the roof of flats in Springmartin. Gerald Clarke also describes another man in close proximity to him being apparently shot and killed and says that he assumed that the man in question was Frank Quinn. He also said that the shots directed into the field seemed to be coming from two positions, Springmartin and Finlay’s factory. He was of the opinion that the fire coming from the area of Finlay’s factory was not military fire, but that the shooting from the Springmartin area was from military SLR rifles.

Despite the opinion expressed to the civilian witnesses to the effect that the army were firing into the waste ground between the Springfield Park and Moyard areas, it

appears that the only statements of soldiers who had fired shots on the day in question which were made available to the inquest jury charged with deliberating on the death of Francis Quinn were those of two soldiers referred to as Soldier A and Soldier E. Soldier A and Soldier E were both stationed on the roof the Vere Foster school. While Soldier E refers to firing shots at three men in an area of waste ground, he describes this waste ground as being on the southerly side of a right hand bend in the Springfield Road about 100 metres from the (Henry Taggart) Church Hall. This is clearly not the waste ground between Springfield Park and Moyard. The only other shots described as being fired by Soldiers A and E were directed at targets in an upper flat in a block of maisonettes which the soldiers said that they now knew or believed to be number 21 Moyard Park. Soldier A, who appears to be in a position of command in relation to the other soldiers stationed on the roof of the Vere Foster school, said that *'At no time during the night in question was any fire directed from the school towards the Finlay Factory area due north of the school.'* From Vere Foster School the Finlay factory area would be in the same general direction as the area of waste ground between Springfield Park and Moyard.

It is further noted that a deposition from [M26] of the Special Investigation Branch (Royal Military Police) was available to the inquest jury. [M26] visited the roof of the Vere Foster School on the day after the gun battle. The import of his evidence is that he inspected the view from the two Sangars on the roof of the school and concluded

that the sentries on the roof of the school could not have sight of a black flag on the waste ground behind and between numbers 80 and 82 Moyard Park (i.e. the waste ground between Springfield Park and Moyard.) This black flag was apparently intended to mark the spot on the waste ground from which the body of Father Mullan had been recovered, although it is not clear from the inquest papers relating to Francis Quinn who placed it there or when it was so placed. [M26's] statement concludes thus:

'From enquiries I made among military personnel deployed in Springmartin Road following the shooting between Protestants and Catholics I ascertained that no military personnel had fired into the Moyard area from Springmartin Road during the evening of 9th August 1971.'

It is clear from the Royal Military Police statements presented to this office, and indeed from evidence later presented to the inquest in respect of Father Mullan, that there is a large body of evidence indicating that soldiers did fire into the Moyard area, and did indeed fire shots at targets in the waste ground between Springfield Park and Moyard. It is further noted that the later deposition of [M26], made in respect of Father Mullan's inquest, contradicts his earlier assertion that no military personnel had fired from Springmartin. In so far as the inquest jury were informed that no military personnel had fired from the direction of Springmartin, this was incorrect and misleading.

Equally, as the inquest was held separately from that of Father Mullan, which took place some eight months later, the inquest jury did not have available to it, statements or oral evidence from those civilian witnesses, who were available to the inquest in respect of Father Mullan, whose evidence supports the proposition that Mr Quinn met his death in the area of waste ground between the Springmartin and Moyard areas.”

[7] On 10 June 2011 the Attorney General for Northern Ireland directed that a further inquest also be heard into the death of Father Mullan. In his correspondence the Attorney General wrote:

“Given the allegation made by a number of civilian witnesses that Francis Quinn was shot in close proximity in time and location to Father Mullan, I consider it advisable that an inquest be held into the death of Father Mullan also in order to ensure that all relevant evidence is heard in relation to each death.

In directing the holding of an inquest into the death of Father Mullan, I take into account the fact that it is apparent that many of the military personnel whose evidence would have been most relevant to the death of Father Mullan do not appear to have been called as witnesses and that, under the terms of an agreement between the Royal Ulster Constabulary and the Royal Military Police which was in force at the relevant time, the police force did not have access to military witnesses. Under the terms of the agreement, the investigation of the

accounts of military witnesses was effectively delegated to the Royal Military Police. This delegation of responsibility and the lack of rigour in the investigation by the RMP of accounts given by the Royal Military Police has been the subject of judicial criticism.”

The original inquests reached an open verdict in relation to both deceased.

[8] I am required under the legislation to look at the how, when and where of both deaths. The when is not contentious and so this inquest is focussed on where and how these deaths came about and whether it can be established if the deceased were acting in any manner which would arouse suspicions and who shot them. In this regard this inquest has been particularly complicated by virtue of the fact that a number of different regiments were in the area at the relevant time, regiments of the British Army. There is also a suggestion that there was activity from both the Irish Republican Army (“IRA”) and the Ulster Volunteer Force (“UVF”) at the time. These are matters I have to consider. I have heard from military witnesses and a significant number of civilian witnesses in relation to these deaths. I also heard ballistics and pathology evidence which I will discuss in more detail in due course. I have had the benefit of engineering evidence from Mr Brian Murphy and also maps. Finally, I have been greatly assisted by the submissions of counsel for the next of kin and the Ministry of Defence (“MoD”).

II. FAMILY TESTIMONIALS

[9] At the outset of these inquests, like the other inquests, I heard about these deceased men from their relatives. I heard from Father Mullan’s family who remembered him with affection and continue to have a real sense of loss because of his untimely death. Gabriel Ellison, Father Mullan’s cousin, recalled that when he was a child Father Mullan would bring his family clams from Strangford Lough, where he came from, to cook on top of the range. He told the inquest that

Father Mullan was a gifted teacher who taught him Latin so that he could serve at Latin Mass and he remembers sailing with Father Mullan on Strangford Lough. Geraldine McGrattan, Father Mullan's niece, spoke of their close knit family. She spoke of the musical interests within the family and also how the moves of Father Mullan to different parishes engaged the entire family.

[10] Patsy Mullan, Father Mullan's brother, recalled that on 9 August 1971, his mother got a call from Father Mullan at 3.00pm telling her not to come to visit him that day as things were not good. Because of that call, Patsy listened to all of the news reports and later that night he heard that a priest had been shot in Ballymurphy. He knew instinctively that it was his brother. He went to his mother's home and told her of what he had heard but tried to assure her that Father Mullan would be alright. When at about 1.30am Father Mullan's death was confirmed, Patsy Mullan had to break the news to his mother which led to an obviously extreme reaction.

[11] There is also evidence in the form of two letters which illustrate the high regard in which Father Mullan was held by the British Army. The first letter was dated 10 August 1971 addressed to Bishop Philbin. Lieutenant General Sir Harry Tuzo, then General Officer Commanding Northern Ireland, expressed his regret at Father Mullan's death in the following terms:

"My Dear Bishop,

Father Mullan's standing within those army units which had served in the west of the city was of the highest. We all admired his common sense, his fairness and his courage. He was indeed a fine servant of his god and of his people. This brings you the very warmest sympathy of the Army in Northern Ireland in the loss which the church has sustained. If you could find a way of

conveying these feelings to Father Mullan's relatives, I would be most grateful. I need hardly tell you of the sorrow which yesterday's events as a whole causes me. I hope to do something today, possibly with the help of some of your priests, to guard against a recurrence tonight."

[12] Another letter, of 19 August 1971, was also sent to Bishop Philbin by the then Commanding Officer of 3 Para, Peter Chiswell. In this the author wrote:

"I write to you now with a deep sense of sorrow and loss to express the sympathies of every officer and parachute soldier in 3rd Battalion, the Parachute Regiment. We knew this fine Christian man, Father Hugh Mullan, very well during our 4½ months on peace keeping duties in South West Belfast. In the face of the most appalling troubles, we found him a priest to whom we could go for help, advice, guidance and encouragement. His charm, common sense and total dedication to his parish soon won our respect. Later, as we worked together, a bond of friendship developed between us which meant so much to us all, particularly to those officers and senior NCOs who had daily contact with him. I humbly submit, My Lord Bishop, that if ever we have seen a true example of Christian courage then we have been privileged to see it in the work and ministry of Father Hugh Mullan.

I would ask you to accept from us all our deepest and most profound sympathies on the loss of this outstanding priest, and I would like you to know that sharing your own sorrow are some 500 parachute soldiers of 3 Para."

[13] The family of Frank Quinn also provided testimonials. They remember him as as a practical joker who was full of fun and laughter. His brother, Pat Quinn, told the inquest how Frank loved his life and he worked as a window cleaner. At a young age, he met his future wife Anne, and when they were both 17 they got married. Their first daughter, Angela, was born sometime after and when the family of three were offered a downstairs maisonette in the Moyard area they settled there to begin their family life.

[14] Pat Quinn recalled seeing Frank on the morning that he died and saying to his younger brother on the bus "I will see you kid." Mr Quinn recalled hearing the news of internment over radio broadcasts. His family at this stage lived in the Stranmillis area of Belfast. In a statement read to the inquests, the wife of the deceased, Anne Quinn, indicated that Frank had been unable to get to work that day because of the rioting on the Springfield Road. He was in the house all day. They lived in 49C Moyard Crescent. Anne indicated that Frank went to the front door several times during the day to see the rioting. She went to bed, with her baby daughter between 9.00 and 9.30pm. Her husband was still at home at this time she said in her statement. But early the next morning a priest called at her home and told her that her husband had been shot.

[15] Mr Pat Quinn also described the effects on the family flowing from how this death was reported. He explained to the court that local newspapers and media began reporting that those 11 people who were killed in Ballymurphy were gunmen (reference being to the 10 deaths I am examining and the death of Mr Paddy McCarthy who died subsequently of a heart attack). Mr Quinn explained how this caused particular anguish to the family and how it also affected their family life in that neighbours who had previously been friendly ignored them and sectarian abuse was directed to their home. This led to a situation where the family had to move home for their own safety and the deceased's father had to leave his job, all while mourning their loss. Anne Quinn became a widow whilst still pregnant with her

second daughter. This daughter, Angela Sloan, also told the inquest about the struggles she and her sister experienced growing up without their father in their lives and how this also affected their mother.

III. SETTING THE SCENE

[16] To obtain a sense of the area in which these deaths occurred in 1971 I have been aided by maps and contemporaneous photographs which I refer to here to assist in the reader. I was assisted greatly in this part of the inquest, as in the others, by Mr Brian Murphy of TBM Consultants who provided engineering evidence about the locus of this incident. His original report is dated 14 January 2019. It encloses 90 photographs, some original photographs and plans A, B, C and D. Mr Murphy also provided an update dated 4 February 2019 enclosing further contemporary photographs and additional plans E1, E2 and F1. Mr Murphy provided a further 'update 3' dated 1 March 2019 enclosing some YouTube footage screen shots and a further update enclosing maps Plan E and C2.

[17] In the course of his evidence Mr Murphy relied on Plan B in particular, and of use to me was a marked Plan B that Mr Murphy provided showing lines of sight from Vere Foster School to the waste ground and in relation to two lines of sight towards Springmartin flats and 21 Moyard Park. That plan is reproduced in **Annex 1.1**.

[18] I have also been particularly assisted by contemporaneous police photographs from 1971 which show Vere Foster School, the Springmartin flats and the waste ground including a photograph of a makeshift cross that was placed there after the deaths. These photographs are reproduced in **Annex 1.2**.

[19] These are important locations in the context of this incident. As Mr Murphy said himself in evidence to me, this report was more challenging for him because this incident involved multiple locations and also because this topography has

changed considerably. The Vere Foster School, Finlay's Factory and the Henry Taggart Hall are no longer in place. The Springmartin flats have been demolished and the waste ground has been built upon. In this area there is now a large peace wall. So trying to get a grip of the size and dimensions of the waste ground in 1971 and the relative distances from the buildings in issue is no easy task. As I have said, I was assisted by the plan, particular Plan B. This shows the waste ground and the main locations at issue, namely the Springmartin flats, Moyard Park and Father Mullan's property at 45 Springfield Park.

[20] I have also had the opportunity of visiting this area prior to completing my findings and I have observed the following. This area has changed, however I have noted the dense housing. Also a large 'peace wall' now divides the area of Springmartin from the Springfield Park area. What is apparent is that Springmartin is at a height, overlooking the Springfield Park area.

[21] In his evidence Mr Murphy addressed the issue of the elevation in this area. He pointed out that the area of Springfield Park and Moyard Park once had a river running through it. This river may have been piped and culverted into underground concrete pipes by August 1971 but its existence can be seen on the Master Plan running from the top left of the map across the location of the Ballygomartin Road, around the back of the even numbered houses from numbers 80-56 where it sinks underground under the waste ground. The river's path continues along the rear of houses at numbers 40-46 Springfield Park where there are again "sinks" noted on the map at the junction with the Springfield Road. Mr Murphy pointed out some significance of this as he said that there would have been the river bed, so river banks would rise to the west across the waste ground and up towards Finlay's factory, on the east through Springfield Park and up towards the Springmartin Road. In other words, this waste ground was not flat but undulating due to the presence of the river.

[22] Mr Murphy measured the elevation from the junction of Springfield Park and Moyard Park to the east and west. Rising to the east towards the location of Springmartin flats the elevation rises by 6.36 metres. To the west in the direction of Moyard the elevation rises by 7.34 metres across a distance of 111 metres. Obviously the significance of the elevation from the river bed is that individuals on the roof or upper floors of the Springmartin flats would have been at an elevated position looking down on the waste ground. This is of course self-evident from the original photographs that I have seen. If there were individuals in the gardens at the backs of houses in Springfield Park which was an issue in this case, specifically numbers 41-47, they would have been approximately at the same level as those on the waste ground in terms of horizontal position. That again is a relevant consideration.

[23] Mr Murphy was asked at some length about the issue of residents of Springfield Park and what their vision would have been to the waste ground. In utilising the photographs he reiterated his view that the back gardens of the houses at the top of Springfield Park were extremely close to the Springmartin Road. That again is evident from the photographs I have seen. Gaps between the houses and the elevation from the waste ground means it would have been possible for residents at the top end of Springfield Park to have a view across the waste ground. It would have been possible from Springfield Park to see vehicles arriving on the Ballygomartin Road. In terms of the issue of the residents moving from the Springfield Park area, Mr Murphy pointed out that residents fleeing from the top end of Springfield Park would have the option to continue down Springfield Park past the location of Father Mullan's house and out towards the Springfield Road. They could alternatively try to cross to Moyard from the junction with Springfield Park, if again that was not safe the option was to cross the waste ground towards Moyard.

[24] Finally, Mr Murphy gave some evidence in relation to lines of sight which is significant in the context of this inquest. Firstly, in terms of distances, he measured the distances in his view between the front of the Springmartin flats and the start of

the waste ground as 76 metres, the middle of the waste ground as 134 metres, and where the waste ground ends at Finlay's Factory as 190 metres. In terms of lines of sight from the various buildings, the original photographs and aerial photographs that I saw were again of most use. Film B photo 4 is a view from the area of the Springmartin flats towards the Moyard flats and the Vere Foster School. The garages beside 82 Moyard Park can also be seen, with the waste ground to the right of the photograph. Mr Murphy said that there is a line of fire from the Springmartin flats towards the Moyard flats, however firing from that approximate position towards the waste ground would require a change in angle.

[25] From the evidence it is clear that there is no line of sight between the Henry Taggart Hall and the waste ground. This is fundamentally because the hall was at a lower level than the waste ground and in addition the Moyard flats between the hall and the waste ground blocked any view. In relation to Vere Foster School there is a limited line of sight on the evidence. This is not from the lower school building to the waste ground, to where examination had clearly pointed out the presence of a sangar but from a very small part of the northwest corner where a further sangar may have been placed. This was very much a restricted view. At this point I refer Mr Murphy's plan, which is found in **Annex 1.1** setting out the lines of sight which have assisted me in relation to looking at the issues that arise from the evidence.

IV. THE PATHOLOGY EVIDENCE: FATHER HUGH MULLAN

[26] In relation to Father Mullan, Dr Carson carried out the autopsy. Dr Carson is now deceased and so he could not give evidence to this inquest. However, his report and notes are available and from that I note his findings as follows:

“The following clothing was removed from the body:

- (1) A black jacket already removed and received separately.
- (2) A black clerical shirt and white collar.
- (3) A pair of black trousers, and waistband at mid-thigh level.
- (4) A pair of black slip-on shoes.
- (5) A pair of black socks.
- (6) A white cotton vest, very heavily blood stained.
- (7) A pair of blue underpants, heavily blood stained."

The body of a middle aged man of average build, 5' 8" in height. Gunshot wounds were present in the following situations:

Chest

- (1) A fairly neat circular hole, 6 millimetres diameter on the left side behind in the line of the posterior auxiliary fold, centred 10cm. Behind and 10cm below the left nipple it was bordered by a colour of reddish abrasion 1-2mm wide.
- (2) An oval wound, 14mm x 8mm on the right side in line with the anterior auxiliary fold, centred 9cm behind and 5cm below the nipple.

Left Upper Limb

- (3) An elliptical wound with somewhat ragged margins 12mm x 4mm on the back of the lower forearm, its lower end 4cm above and 2½cm to the left of the ulnar styloid. An oval wound, 23mm x 12mm, on the front of the mid forearm, its lower margin 6½cm above the ulnar styloid.

Right Upper Limb

- (4) An elliptical gaping wound, 58mm x 28mm on the front and inner side of the forearm just below the elbow, its long axis horizontal."

[27] The notes of Dr Carson also refer to the fact that the wounds on the left forearm were connected by a track through the tissues which pass from back to front and upwards at an angle of 45 degrees with the elbow flexed at about right angles and the arms slightly abducted and externally rotated. These wounds were roughly in line with that on the left chest. The arms both being as indicated, i.e. flexed at the elbows, the arm wounds and those on each side of the chest were roughly in the same line but this did not take account of the abdominal wound. In relation to the left lower limb Dr Carson noted a probe could be inserted in this wound in an upwards and forwards direction at an angle of about 45 degrees to the vertical.

[28] In his opinion section on the autopsy findings Dr Carson stated as follows:

"There was no natural disease to cause or accelerate death
or to cause collapse ...

Autopsy revealed two gunshot wounds to the left forearm, one on each side of the chest, a furrowed wound on the right forearm, a further gunshot wound on the abdomen and yet another on the left buttock. It seemed probable, however, that all these wounds have been caused by only two bullets, apparently fired from a high velocity weapon or weapons. The wounds on the chest and forearms could be explained by a single bullet travelling almost directly from left to right, with a slight inclination upwards and forwards. The upper arms being by the sides, with the forearms flexed at the elbows, palms down. This bullet had entered the left side of the chest between the 7th and 8th left ribs, bruising the left lung and then passing through the left dome of the diaphragm before lacerating the stomach and the upper surface of the liver. It has then pierced the right dome of the diaphragm and the lower part of the right lung before leaving the right side of the chest between the 6th and 7th ribs. The other bullet had entered the back of the left buttock at a time when the left thigh was partly flexed at the hip. It had then travelled upwards and forwards and slightly to the right at an angle of about 45° to the vertical, lacerating the large and small intestine, before leaving the front of the upper abdomen, just to the right of the midline. The combined effects of the wounds caused by both bullets are likely to have proved fatal fairly rapidly but not necessarily immediately. When all of the wounds are considered together it would seem that the forearm and chest wounds were sustained first and the deceased could well have been leaning with forearms outstretched at that time, the bullet having come almost directly from

his left on a horizontal level. He may then have pitched forwards or been thrown on to his right side with his left thigh still partly placed. This would account for the track of the second bullet, that which entered the left buttock and passed through the abdomen. This bullet could have come from the same general direction as the first, possibly from the same weapon. The report of the Forensic Science Laboratory shows that at the time of his death there was no alcohol in the body.”

[29] The cause of death in relation to Father Mullan was recorded as (a) lacerations of the right lung, liver, stomach and intestines due to (b) gunshot (high velocity weapon) wounds to the chest and abdomen.

[30] This contemporaneous autopsy was reviewed by a number of expert witnesses some of whom came to give evidence before me as follows: Dr Benjamin Swift, Consultant Forensic Pathologist, filed a report dated 20 May 2018; Dr Nathaniel Cary, Consultant Forensic Pathologist, filed a report dated 15 December 2018; and Professor Jack Crane, Consultant Forensic Pathologist, also filed a report in relation to this.

[31] Having reviewed the papers there was a large measure of agreement between the experts save for one issue. As in the other inquests I recommended that the pathologists have a meeting and on 15 May 2019 the pathology experts agreed the following report:

“Under the instructions of counsel, we, Dr Benjamin Swift, Dr Nathaniel Cary and Professor Jack Crane (Consultant Forensic Pathologist) have been asked to provide a joint statement regarding our further opinions regarding the death of Fr Hugh Mullan.

A discussion took place between ourselves on 15 May 2019, at which time the issues were discussed. We have the following comments:

- (1) We agree that Father Mullan died as a result of at least two, potentially three, gunshot wounds, being likely high velocity ammunition.
- (2) We agree that it is likely Father Mullan was first shot in the left buttock, probably whilst in a crouching position. A further shot then passed across his chest whilst he lay on his back. Injuries to his arms could be accounted for by the passage of the second bullet, though we cannot exclude additional shots having caused these.
- (3) We agree that there would have been a period of initial survivability, during which Father Mullan would have been conscious, able to vocalise and move. It is likely that death would have ensued minutes thereafter.
- (4) We agree that there are no features to indicate that Father Mullan was shot at close range."

[32] The main issue which exercised the pathologists was the number of bullets. It is clear from the reports filed that there was a measure of consensus in relation to this. Dr Swift in his report referred to the minimum number of bullets required to account for all wounds described as two. Dr Cary agreed with that. Professor Crane departed from the others in that he thought that there was likely more than two

bullets. In his evidence he was almost certain that the injury to the right forearm had been caused by the same bullet that had exited the chest so dismissing any suggestion that four bullets had struck Father Mullan. He was satisfied that the bullet which caused the injuries to the left arm could have caused the injuries to the chest, thus the injuries sustained by Father Mullan may have been caused as per Dr Carson's autopsy report by just two bullets. He in his evidence however did not exclude the possibility that a separate bullet could have caused the injuries to the left arm.

[33] There was further debate about this from the point of view of the ballistics evidence and a debate ensued about the relevant expertise. Professor Crane, in particular, considered that the ballistics experts did not have the expertise to give evidence about that. I do not need at all to deal with this in much detail given the level of agreement in these matters. This court is very grateful to a variety of disciplines to help it come to its conclusion. There is a debate between the experts about who should comment on how wounds have been sustained which I understand and take into account, but having stood back and looked at the issue as a whole this is not particularly material to my determination. Indeed, as the evidence progressed and this was discussed in evidence the issue really became a very narrow one between the properly interested persons.

[34] Other complementary evidence in relation to Father Mullan came from the examinations at the time. At 8.00am on 10 August 1971 Dr W H Rutherford, FRCS, was called to the Royal Victoria Hospital and following an examination Dr Rutherford pronounced Father Mullan dead. On 10 August 1971, Royal Ulster Constabulary ("RUC") Constable Alan McCrum took swabs from Father Mullan's right and left hands. The swabs and articles of clothing taken from Father Mullan were handed over to the Department of Industrial and Forensic Science on 11 August 1971. In a deposition for the original inquest dated 26 October 1972, Victor Beavis, Department of Industrial and Forensic Science, reported that no lead residues were detected on the swabs taken from Father Mullan's hands. Mr Beavis

also examined Father Mullan's articles of clothing, which he explained revealed the presence of a number of holes consistent with bullet holes. He said that "some of these can be grouped as having been caused by the same projectile and on account of this I feel that only two bullets have struck the body. It is not possible to relate the dimensions of the holes in the clothing to a calibre of bullet or to indicate the range at which the weapon was fired."

V. THE BALLISTICS EVIDENCE: FATHER HUGH MULLAN

[35] A number of ballistics experts gave evidence in this case having filed reports. Again, they helpfully met and filed an agreed statement; that is the statement from Jonathan Greer, Mark Mastaglio and Anne Kiernan dated 16 May 2019. It is based on the description of the wounds provided in Dr Carson's reports, Victor Beavis' examination of the clothing and the post mortem photos. The experts stated as follows:

- "(1) The wounds could have been caused with the entry and exit of two, three or four fired bullets – it is not possible to definitively determine the exact number.
- (2) The wounds to the chest, abdomen, buttocks and right arm due to their extent must have been caused by rifle bullets. The wounds to the left arm may have been caused by the passage of a destabilised rifle bullet or fragment but one cannot rule out the possibility of a pistol calibre bullet having been responsible.

- (3) It is likely that the shots to his left chest and left buttock were direct shots i.e. they had not struck an intermediate object.
- (4) The calibre of rifle(s) used cannot 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 nominal 0.30 calibre or similar calibre.
- (5) FSNI research has shown that the only known 7.62 x 51mm calibre rifles in use in Northern Ireland at that time with 6R rifling were the SLR and FAL type rifles used by the British military, FSNI (AIPJG) contend that these rifles were also in the possession of both republican and loyalist groups.
- (6) Additionally, we cannot rule out the use of another unknown weapon with the same rifling characteristics.
- (7) There was no indication of any propellant or soot on the body. However, we do not know if the clothing had been examined for close range effects.
- (8) The bullets that caused the wounds to the arms and chest were discharged from the decedent's left and the bullet responsible for the wounds to his buttocks from his left and to his rear.

- (9) The shot hitting the decedent's left buttock indicated that he was lying down, kneeling or crouching when he received this injury. If the wounds to his arms were caused by the same bullet(s) then his arms would have been by his chest when he received these injuries.
- (10) Differences in the bullets' trajectories could be explained by changes to the decedent's position/orientation and/or the shots being discharged from different positions.
- (11) It has not been possible for us to determine the order of the shots.
- (12) It is not possible to determine if the decedent was standing or moving when he was shot.
- (13) One cannot determine from solely the wound ballistics where the decedent was when he was shot nor from what location(s) he was shot from."

[36] I also directed that searches be undertaken by Mr Greer in relation to intelligence records concerning Self Loading Rifles ("SLR") weapons and by letter of 21 May 2019 a reply came back as follows:

"In relation to CIFEX Computerised Firearms Incident Records. This states:

CIFEX Computerised Firearms Incident Records began in September 1971. The database on which they are held is

referred to as DART (discharged ammunition research tool). This is the same source originally referred to as PSNI Firearms Incident Records which was used to produce the information in the email by CIFEX and shared with FSNI on 2 May 2018. The original search was from June 1971 to June 1973 one year either side of the murder/fatal shooting of Marian Brown on 10 June 1972. This was designed to identify firearm types which were available to terrorists at that time. In June to August 1971 the data base is sparsely populated with some incidents added retrospectively prior to its initial use from September 1971 onwards. Hence, comprehensive records are not available for August 1971. The following search may help give an indication of what firearms were available to terrorists in August 1971.

I have conducted a search until the end of 1973 of recovered firearms in 7.62 nato (7.62 x 51mm) calibre with model code LIAI which is the military designation for the self-loading rifle issued to the British Army in that era. Following an error identified with the figures reported on Friday 17 May 2019 (see the revised figures below):

I have identified 29 recovered firearms. Attributed to both loyalist (9) and republican (20). The first recovery of an LIA from an incident attributed republican is 13 October 1971. The first recovery of an LIAI from an incident attributed loyalist is 1 February 1973. Of the 29 firearms recovered during this period we have stolen dates for 14, only two of which were stolen prior to August 1971. The remaining 15 we do not have the stolen

date for them. Clearly, I cannot establish when these firearms were acquired by either faction and therefore if they were in their possession in August 1971. No bullet fragments were found in the body of Father Mullan.”

[37] It was also clear from the hearing of the evidence that on the basis of wound ballistics alone there could not be a determination of where Father Mullan was positioned when he was shot. However, all of the experts agreed that Father Mullan died as a result of at least two, possibly three gunshot wounds but it is not possible to determine the exact number. The ballistics experts consider that it may have been up to four shots. In terms of the position of the body it is clear from the evidence that all of the experts considered that the shots to Father Mullan’s left chest and left buttock were direct shots that had not struck any intermediate object. According to the pathologists the gunshot wounds were likely caused by high velocity ammunition, although the ballistic experts said that this could not be determined solely from wound ballistics. The issue was debated in relation to the type of weapons which could cause such an injury and that led to the investigation from Centre for Information on Firearms and Explosives (“CIFEX”) which I have referred to. It is also clear from the evidence that the shots came from the left of Father Mullan.

VI: *THE PATHOLOGY EVIDENCE: FRANCIS QUINN*

[38] The original pathology evidence in relation to Frank Quinn is also found in the report of Dr Carson who undertook the autopsy at the time. I have seen the report and notes of Dr Carson, which stated as follows:

“Firstly, the following clothing was first removed from the body:

- (1) A brown cotton sweater with long sleeves, buttoned up to the neck, blood stained around the collar and also in a patchy fashion elsewhere.
- (2) A purple short sleeved T-shirt.
- (3) A pair of calf length brown laced boots.
- (4) A pair of brown socks.
- (5) A pair of blue jeans held up by a stout leather belt.
- (6) A pair of white underpants."

[39] Dr Carson reported that there was a gunshot wound to the back of the head just above its junction with the neck and within the hairline. It was an oval hole, 14mm x 8mm centred 3cm to the right of and 4cm below the external occipital protuberance. There was a small area of bruising on the right cheek with a visible and palpable swelling of the tissues of the cheek. When the mucosa was incised from within the mouth a spent bullet was found overlying the outer surface of the upper jaw at this point. The bullet, 29mm long and 9mm diameter was pointed and of a copper jacketed type. The pointed end was bent as by impact. Dr Carson recorded in his opinion on the autopsy findings as follows:

"The young man was healthy. There was no natural disease to cause or accelerate death or to cause collapse.

Death was due to a single gunshot wound of the head. The bullet, of 7.62 calibre had entered the back of the head near its junction with the neck and about 1" to the right of the midline. It had then passed forwards, and

somewhat downwards and to the right through the lower part of the right side of cerebellum, or hindbrain, and had lodged beneath the lining of the right side of the upper jaw. The brain injury would have caused immediate unconsciousness and probably fairly rapid death. If the deceased was upright with the head erect at the time, then the bullet must have come behind him and from somewhat above him and to his left.”

[40] This report was reviewed by the experts in the case, namely Dr Swift, Dr Cary and Professor Crane. There was a large area of agreement in relation to the cause of death in this case from both pathology and ballistics as explained by:

- (a) The cause of death, single gunshot wound to the back of the head;
- (b) The fact that the weapon used was a high velocity weapon; and
- (c) The fact that the bullet recovered from the deceased had been fired by a 7.62 calibre rifle, the weapon used by the British Army in August 1971.

[41] A number of other issues arose in the case of Mr Quinn from both the pathology and ballistics point of view, namely whether or not the bullet had struck through another person before entering the body of Mr Quinn. Also an issue arose in relation to the examination of Mr Quinn’s hands as a result of swabs taken in 1971. If I deal with this latter issue first. This issue arises on the basis of a deposition of Victor Beavis, of the Department of Industrial and Forensic Science dated 17 February 1972. There is a handwritten addition to the deposition and in relation to Francis Quinn which has been transcribed as follows:

“It is fairly uncommon for the ordinary person to come in contact with lead. I was more interested in the

distribution of this lead than its presence. There were six swabs. I found small amounts on the back of his right hand more on his left. I would state with certainty that the deceased was in close proximity with a discharging weapon. I could not say if he fired himself. Normally I would have expected to find more if he had discharged the weapon himself. If a weapon is fired there would be a deposit of other metals as well especially barium (lead) and antimony but they require very sophisticated apparatus and tests and I did not test for these. It is not usual to do so. It could be done in English laboratories. One would also expect a deposit of nitrates, that was the old test but it is not so accurate and not done now."

[42] Death was pronounced by Dr W H Rutherford, FRCS. In his 1972 deposition, Dr Rutherford explained that he examined the body of a deceased person in an ambulance outside the Royal Victoria Hospital. The body was in the same ambulance as that of Father Hugh Mullan. Dr Rutherford was told that the deceased was Frank O'Neill (as opposed to the correct name, Francis Quinn), of 49C Moyard Crescent, Belfast. On 10 August 1971 RUC Constable Alan McCrum went to the mortuary at Laganbank Road, Belfast, and took swabs of the right and left hands and took possession of the clothing. Mr Beavis then examined the swabs and gave evidence at the inquest of Francis Quinn in 1972.

[43] This issue of testing is examined by the ballistics experts, in particular the expert Mark Mastaglio who filed a report dated 14 November 2018 with Angela Shaw. In that report they commented as to the type of tests that were and were not available in the 1970s (principally the absence of the SEM-EDX test), they explained that the sodium rhodizonate test used by the Department of Industrial and Forensic Science in the early 1970s was limited and tested only the presence of

lead. In the report dated 14 November 2018, Mr Mastaglio and Ms Shaw concluded that:

“Lead is a component of CDR therefore a positive result for lead, depending on the case circumstances, may indicate the presence of CDR. Mr Beavis stated with certainty that the deceased was in close proximity with a discharging weapon. I could not say if he had fired himself. Normally I would have expected to find more if he had discharged the weapon himself. This opinion does not take into consideration other possible sources of lead at the time such as lead bullets, fragmented lead bullets, contaminated sources such as military vehicles, ambulances carrying those with gunshot injuries or leaded petrol.”

The opinion continues that:

“Along with lead other metals are deposited from the firing of a weapon and could be analysed for using sophisticated apparatus not available at the time. In the absence of analyse using SEM-EDX, it is not possible to conclude the specific source of the lead particles found on Mr Quinn’s hands. Possible sources include contact with any source of lead, discharging a weapon, or being exposed to the discharge of a weapon.”

[44] In a joint report dated 15 May 2019 the consultant pathologists, namely Dr Swift and Dr Nathaniel Cary and Professor Jack Crane agreed the following in relation to the pathology of Mr Quinn:

- (a) Mr Quinn died as a result of a single high velocity gunshot wound to the head.
- (b) It is likely that Mr Quinn would have been rendered immediately unconscious and that death would have ensued soon afterwards.
- (c) There are no features to indicate that Mr Quinn was shot at close range.
- (d) With regard to the ballistics evidence suggesting that the bullet had already passed through an intermediate target before hitting Mr Quinn, Doctors Cary and Swift agree with this proposition. However, Professor Crane was of the view that it was not possible to come to this conclusion based on the pathological findings (specifically, in his report, Professor Crane stated that the entrance wound described by Dr Carson was oval in shape with slightly ragged margins). However, in his opinion this did not necessarily mean that the bullet was not in stable flight. He stated that the oval or elongated nature of the entrance wound may indicate no more than a non-orthogonal strike i.e. the bullet did not enter at 90° to the skin surface. He stated that to suggest that the bullet passed through another body is purely speculative. In Professor Crane's opinion the bony structures of the head would undoubtedly have caused significant retardation of the bullet.

VII: THE BALLISTICS EVIDENCE: FRANCIS QUINN

[45] There is other evidence in relation to this issue which was placed before this inquest. In particular, I received written evidence from Mr Leo Rossi who had conducted an examination of the bullet on behalf of the Historical Enquiries Team ("HET") at an earlier stage and stated as follows:

"I did not see any evidence of marks or material on the bullet surface indicative of ricochet damage. I am

content that the bullet struck the deceased as its primary target. There is no evidence of the bullet having struck an intermediate target.”

[46] The issue therefore arose around whether or not the bullet was a direct hit on Mr Quinn or whether it passed through another person before hitting Mr Quinn. I will obviously consider this in the round given other evidence that I have to consider, namely and, in particular, evidence of civilian witnesses. The ballistics experts jointly produced a joint note in relation to Mr Quinn which stated as follows:

“14. The decedent had been shot once in the back of the head with a 7.62mm calibre rifle.

15. The bullet which had passed downwards and was recovered from the right side of the cheek was inscribed with rifling marks from the gun that had discharged it.

16. The bullet was identified as being identical to L2A2 military ball ammunition issued at the time.

17. The rifling marks were of the same general class (in number, direction and dimensions) as the rifling used in L1A1 SLR. However, there are other 7.62mm v 51mm calibre rifles that have similar rifling characteristics.

18. FSNI research has shown that the only 7.62 x 51mm calibre rifles in use in Northern Ireland at that time are used by the British military. FSNI

(AIPJG) contend that these rifles were also in the possession of both republican and loyalist groups.

19. Additionally, we cannot rule out the use of another unknown weapon with the same rifling characteristics.
20. There was no damage to the bullet to indicate that it had ricocheted from a hard object.
21. The bullet tip was bent and the lead core was partially extruded – both phenomena are typical of this type of bullet passing through tissue.
22. The circular entrance wound in the skull could indicate the bullet struck base first or tip first, the elongated wound in the skin probably due to the bullet striking at an angle or in yaw and/or the head tilted.
23. The lack of damage to the bullet and the relatively small amount of disruption to the decedent's head indicates that the bullet had lost a significant amount of kinetic energy before it impacted the decedent.
24. In our view it is highly likely that the bullet had passed through another individual, possibly Father Mullan, or an unknown person, before it struck in the decedent.

25. It is not possible to determine if the decedent was stationary or moving when he was shot.
26. One cannot determine from solely the wound ballistics where the decedent was when he was shot nor from what location he was shot."

[47] In his oral evidence Dr Swift summarised the position as follows:

"Having reviewed the latest ballistics reports and with knowledge that it was a high velocity bullet that had entered into Mr Quinn's head and in doing so had not caused massive disruption of the skull but that also this bullet had not exited the head ... it would appear to indicate that that bullet had been slowed down in its passage prior to hitting Mr Quinn. My understanding is that this is also the opinion of Dr Cary. Having discussed with Professor Crane, my understanding from those discussions is that he accepts that it is likely that the bullet had been slowed down but he is unable on the pathological, based purely on the pathology, to conclude that that means that there was an intermediate target."

[48] Professor Crane explained his position in evidence and made it clear that he was not stating that this was an explanation for the nature of the injuries sustained by the deceased and the failure of the bullet to exit the deceased's head, rather he indicated that another possible explanation was the range from which the bullet had been fired, whilst accepting he was not excluding the possibility of the bullet having passed through an intermediate target.

[49] Dr Cary also gave evidence and explained his position in relation to this matter as follows:

“The first thing I should say is that I have quite a lot of experience in this area of high velocity gunshot wounds to the head, having looked at soldiers who came back from the second Iraq war and continue to come back from various conflicts in Iraq and Afghanistan. So I am familiar with the territory and what your expectation as a pathologist may be and it is fair to say that the first expectation would be a high velocity gunshot wound to the head would usually exit; the second point to make is that as was rightly pointed out by Professor Crane, these bullets are associated with a large amount of energy and if the bullet stays in the head, that energy can only be dissipated within the head through breaking bones, primarily or causing a temporary cavity effect on the brain and in this case, although there was some damage to the base of the skull, it was not equivalent to what I have seen in other cases where it is literally shattered by the passage of the bullet and the dissipation of energy. So to me there is not enough evidence of any dissipation that might be anticipated. I do accept, though, what Professor Crane had to say about if a bullet was from a distant range that could be an alternative explanation for it losing its power. Although my understanding of 7.62 bullets fired in a conventional rifle would be that the range is considerable and it may be divided into what we termed an effective range where it could still be reasonably accurate and then a range beyond that”.

[50] I pause at this point to mention evidence that I heard about the potential ranges of the areas. Some evidence was given by Mr Mastaglio that the range of this rifle was roughly 300 metres. The various areas where this could have emanated from were given as follows: Springmartin flats to centre of waste round – 144 metres; Finlay's Factory to centre of waste ground – 135 metres; Vere Foster School to centre of waste ground – 203 metres; and Henry Taggart Hall to centre of waste ground – 202 metres.

VIII. THE CIVILIAN EVIDENCE

[51] I now turn to the civilian evidence in this case, which was presented to me in various different forms. A considerable amount of the evidence came by way of Rule 17 and so it was read into the record and came before me without being tested in evidence. However, other evidence was given orally and it is this which I will concentrate on at the outset. Again I repeat my position that there is no bright line rule about the efficacy of evidence. Some of this evidence was supported by contemporaneous statements, some was not. Some of this evidence altered whilst in the witness box when plans and photographs were presented to witnesses. I bear in mind the obvious frailties of recall after this period of time. I also bear in mind that witnesses were asked at length about various matters and that it was somewhat unfair to ask witnesses to forensically examine locations and events so far on. However, a broad overriding picture can be given and the first place to start is with those witnesses who can give evidence of what actually was happening on the day in question. There are different categories of witness here as well, in relation to what can be said.

[52] There are witnesses who talk about the events earlier in the day at Springfield Park when residents moved due to inter-factional disturbances with the residents of Springmartin. There are then witnesses who can talk about what happened on the waste ground. There are also witnesses who can talk about the aftermath and the movement of bodies. Finally, there is a general cadre of witnesses who can talk

about what was happening in the area generally at the time in terms of shooting and the presence of armed persons in the area. So each witness has something to add and this is very much a case where various strands have to be drawn together to see whether or not a coherent and valid narrative can be formulated.

i. Oral Evidence

[53] First I turn to the direct oral evidence as to events that I heard from seven main witnesses. They are: Mr Bobby Clarke who lived at 60 Springfield Park; his brother, Mr Gerald Clarke, who also lived at 60 Springfield Park; Mr Michael Doherty who lived at 76 Springfield Park; Mr Terence Curran who lived at 90 Springfield Park; Mr Gerard McCaffrey who lived at 84 Springfield Park; Mr Jackie Burns who lived 86 Springfield Park; and Mrs Jane Molloy who lived at 98 Springfield Park.

[54] I start with Mr Bobby Clarke who came and gave evidence to me and who is an important witness in this inquest, given what he said. Mr Clarke's evidence emanated from a number of sources, which is important to recount. Firstly, he gave evidence at both of the inquests in 1972 and I have before me his depositions in the inquest of Francis Quinn, dated 17 February 1972, and also his deposition in the inquest of Father Hugh Mullan, dated 26 October 1972. Mr Clarke has direct recollection of events and he was interviewed by RTE on 10 August 1971 and a transcript of that interview was made available to me. I also received a transcript of a YouTube video of Mr Clarke being interviewed on 16 February 2011. He had a meeting with HET on 21 July 2008 and I have read that, which is provided in some detail. There was a further interview on 2 November 2010, which I have also read.

[55] There is an interview with Frank Martin, a journalist, with both Mr Clarke and his brother which was also put before the court. There is also his own booklet and story provided and a recollection from this is available from St Mary's College in August 2007. Other material relates to being interviewed in various media outlets

and I have considered all of this. Mr Clarke also made a statement to the Coroners Service which is dated 19 July 2017. The court has also been referred to an interview conducted with Mr Clarke for the Nolan Show in May 2018. I also received some photographic imagery of Mr Clarke's injuries from the day in question and in the witness box Mr Clarke showed me his injuries which occurred to his own back as a result of events in the field.

[56] There is obviously then a large body of material from Mr Clarke. I pause to observe though at the very start of his evidence unprompted he said this: "soldiers in Springmartin didn't shoot me, it was ground level from Springhill Park," and he believed it was the Paras. Mr Clarke also said that he made a statement shortly after events to the police where he advised that he had been shot in the field. He thought this was one week after the incident but he did not know why that had come about. He also confirmed that he obviously knew his brother, who had been with him in the field, although their accounts differ as will be seen. He knew Mr Gerard McCaffrey who was a footballer and a neighbour.

[57] The short interview with RTE is first in time. RTE were obviously reporting on this issue and were particularly interested in the death of Father Mullan. In answer to the question "Well what happened?" Mr Clarke said this:

"Well I was moving children from Springfield Park over to Moyard for safety. I had just got one over and noticed two soldiers on top of a roof in Springmartin, they watched me bringing the child over and as I went back into the fields to go to Springfield Park to collect more, a soldier opened fire and hit me across the back. I lay and then I shouted to one fellow that I had been hit. At that, about 8 or 9 fellas came and seen that I was injured and told me not to move till they got a stretcher and then the priest came and he anointed me. He asked me if I had

any qualms about going to a hospital and I told him no, I had not been shooting just moving children and he went to ring for an ambulance and he was shot from a burst of fire from the soldiers – the same soldiers that shot me must have shot him.”

[58] In the course of this interview he was also asked, “Do you think that it was clear enough at the time for British soldiers to know whether it was a priest?” The answer is this:

“British soldiers watched me carrying the child and then shot me after I left the child down. They knew the priest was giving me the last rites and it was clear enough daylight when he went to phone an ambulance he was shot down.”

Interviewer: “Do you think that they could see clearly?”

Clarke: “Clearly.”

Interviewer: “That you were carrying a child clearly and could see clearly that there was a priest ministering to you?”

Clarke: “They could see clearly enough that they could shoot me and shoot him. They could see clearly enough that he was a priest, positive.”

[59] In his deposition, which is first in time, to the Francis Quinn inquest Mr Clarke again reiterated that he remembers 9 August 1971. He was at

60 Springfield Park, his house, that night but he said he had to move his family out because of the troubles. He said he returned to his home about 8.00pm and noticed a group of people at 80 Springfield Park. He then went with this group from number 80 to 64 Springfield Park which he found packed with women and children. He said he then went with one child from this house towards 80 Moyard Park to see if it was safe to go there. He placed the child and woman there. He returned and halfway across (meaning the wasteland) there was a sniper shot which he said struck him on the back. In this deposition he said "it came from a roof in Springmartin where I had seen some soldiers about 20 minutes earlier." He then said "a group gathered around my brother and me, Gerald asked if I could move my leg." Then Father Mullan came towards him and later left him to go for an ambulance. He said he heard a burst of fire and screaming, there was a second burst of fire and he screamed out loud again. He said "the shots were directed towards where we were. My brother said he had not been hit but the head of a chap lying beside him fell back to the ground."

[60] In this deposition Mr Clarke said "we crawled away in the longer grass towards Finlay's Factory and lay there till it got dark. While waiting there we were fired upon from the factory and it sounded a different type of weapon." He said he did not see this man whose head fell back to the ground when hit and he did not know who he was. He said he was taken to a first aid post about 10.45pm when it was dark and the following Tuesday he made a statement to police concerning Father Mullan's death and he mentioned that another man near him appeared to have been shot and he did not know who he was. In this deposition he finished by saying "whilst I was in the field I did not see anyone discharge a gun. The man who had dropped was about 20 years old."

[61] There is some more detail in the deposition given to Father Mullan's inquest, the first part of which talks about moving the child over from No. 64 Springfield Park. This deposition also confirms that on coming back he was shot in the waste ground. In this deposition Mr Clarke said "I shouted I had been hit" and a short

time later after that some people came over to him. He then referred to the priest, Father Mullan, who he said "came up to me and I noticed that he was carrying a white cloth, like a handkerchief, in his hand and then he anointed me." In this deposition Mr Clarke said "he then asked me had I any embarrassment about going to the hospital and I told him no. I told him I had not fired a stone never mind a gun."

[62] Mr Clarke said there was some discussion about where the nearest telephone was and the suggestion was that it would be at the flats in Moyard or his own house. He then said "Father Mullan moved about 15 yards from me when I heard some shots and then I heard him shout and I looked back and I could see him on his back. He was clutching his stomach with his knees bent and he was moaning." Mr Clarke said:

"There was a young fella beside him and I noticed he was wearing a blue denim suit. He was on the ground, with the priest trying to keep him steady and then there were more shots. The priest seemed to be hit again and the fella was hit in the thigh. The shots then came to where we were and the fella who was trying to attend me was hit, I think on the head."

[63] He then refers to himself and his brother sliding away in the grass until approximately 10.45pm when it was dark. He said during this time they were again shot at from about the Ballygomartin Road/Finlay's Factory car park. He then referred to being taken out of the field and tended to.

[64] In his evidence Mr Clarke reiterated all of this. He also told me that he thought Father Mullan had been hit by two rounds of shots. He also disputed the account of IRA gunmen in the area and when asked about his brother's account said that this was wrong and that he must have been drinking. I appreciate that

Mr Clarke is now 85 years of age. Notwithstanding that, he was robust in his evidence although some details were given in a way that could not be exact which I understand. However, he was consistent about the fact that he was shot in the field on his way back from carrying a child over from Springfield Park. He was consistent that Father Mullan was carrying something white when he came to him, attended to him and then was shot and another man was shot who he did not know. Potentially there was another man shot in the vicinity of him. There is a difference between his evidence and his original statements, because in his original statements he said that he thought he was shot by soldiers from the Springmartin flats at an elevation but in his evidence to me he thought that he was shot by soldiers in the backs of gardens, so on the same level as him from the gardens in Springfield Park.

[65] Mr Clarke was also adamant under questioning that there had been no gun battle in Springfield Park before he started assisting people to evacuate. In his evidence he also referred to the fact that having seen soldiers tracking at Springmartin he decided to zig-zag on his way back and that is when he was shot. When Mr Clarke showed me his wounds in the witness box he pointed out an entry wound to the right side of his spine and an exit wound to the left side. In his evidence Mr Clarke also said that no shooting as far as he understood was coming from Moyard flats.

[66] The next witness who gave evidence to me about these events is Mr Gerald Clarke, who is the brother of Mr Bobby Clarke. Mr Clarke's evidence is found in a number of places. Firstly, his statement dated 17 February 1972 into the death of Francis Quinn. Also a statement or deposition and record of oral evidence dated 26 October 1972 into the death of Father Mullan. Mr Clarke was interviewed by HET and there is a typed transcription and record of the oral evidence given to Father Mullan's inquest of 26 October 1972 from that source. There is also the transcript of an interview conducted by Frank Martin with both brothers in July 1998 and finally Mr Gerald Clarke made a statement to the Coroner's Investigator dated 25 April 2018.

[67] In his deposition to the Coroner Mr Clarke said he was 18 years old in August 1971 and was living with his brother and family at 60 Springfield Park. He said he had moved there at the start of the Troubles as Springfield Park was a mixed area. There was no sectarianism in Springfield Park; it was made up of young families from both Protestant and Catholic backgrounds. He then said he woke up on the morning of 9 August awakened by his brother to tell him that the Army was interning everybody. He referred to the situation in Springfield Park. He said in his statement:

“When I got back to Springfield Park (taking the same route as before) adults with young families in Springfield Park asked me to go over to Ballymurphy with them. I can’t remember their names. We went over to the Ballymurphy estate (same route) and talked to certain individuals (I do not wish to supply names) the adults were worried that they wouldn’t be able to defend their homes from the loyalist crowd which had been gathering at Springmartin, which stood on the other side of the fence beside Springfield Park. These individuals told the adults that they would supply them with personnel to help them guard their properties. However, they would not furnish them with firearms. There was a strict warning that if a firearm was used there was no going back.”

[68] Mr Clarke said that there was meanwhile rioting taking place at Henry Taggart Hall. He described this as social rioting which involved youths throwing stones. He gave some evidence in relation to the situation at the Springfield Park/Springmartin interface. He said he heard a shot fired from a shotgun into Springmartin, he saw a man armed with a shotgun run down the

driveway from a house between 116-126 Springfield Park. He said shortly afterwards a fella ran up to him and handed him a double-barrelled shotgun and a bag of cartridges. He does not know the identity of this man. He also said "the next thing two lads (I do not know who they were) took the gun from me they said they were told to take it." He said he saw a chap from Ballymurphy whom he knew on his hunkers, who he named as 'Pistol Shooter,' as he pointed the pistol downwards and he shot it and it blew back into his right shoulder. Simultaneously, he also saw a neighbour of his, a Mr McNulty, in his own back garden with his hands on the top of his head and he noticed a soldier pointing a pistol at him in his back garden and taking the weapon off him. He then said that he went to the back of his house, across the field to the back of the garages, while crossing he saw the pistol shooter also run across the field but he did not see him again on that day.

[69] He said he saw two men standing at the garages before the Moyard flats, they were attempting to shoot at the soldiers who were positioned on top of the flats at Springmartin. He said the soldiers, who he could see clearly, had black berets on and an olive uniform, and they were armed with SLRs. He said these two men were not the same persons who took the shotgun from him earlier. They did have a shotgun and either a bag or box of ammunition. They stood on the right hand side of the garages, if you were facing them, about two metres in front of him. He said he watched them load the shotgun and attempt to shoot twice aiming at the soldiers. The shotgun did not appear to function. Even if they had been successful it would not have reached the soldiers who had been well out of range.

[70] He then refers to further shooting coming from the soldiers and he said "the next thing I hear is a shout 'there is somebody coming across the field.'" He said he saw somebody in front of him hand over a child at the side of the flats. He said that he couldn't see this person and there was a burst of gunfire and he moved up to have a closer look and saw his brother run and then go down. However, he did say that he saw two men standing at garages before the flats in Moyard, confirming what he said in his previous statement.

[71] Subsequent to his evidence, Mr Clarke provided me with the names of the two persons he saw in the area who he said were known IRA men. I provided this information to the parties who conducted their own checks in relation to these men both of whom are deceased. Specifically, the Crown Solicitor's Office ("CSO") informed the Coroners Service for Northern Ireland ("CSNI") in an e-mail of 17 April 2020 that there was some material the CSNI may want to examine in relation to the two individuals. As a result of these enquiries further submissions were received. Also, other material was provided via the Police Service of Northern Ireland ("PSNI") which I was told emanated from the fact that Senior Counsel for the MoD and PSNI in the Springhill inquest were recently reviewing material.

[72] I have reviewed the material received in relation to this issue. It does not mention these events at all. It is comprised of intelligence material, however, which does mention the two men named by Mr Clarke and so I directed that a gist of it be provided. There are two folders, one on each man. This contains intelligence material and also open source material. In particular, there is open material relating to the fact that one of the men named Patrick Mulvenna was shot by the military on 31 August 1973, along with a Mr Jim Bryson, and was said to be a member of the IRA. The other person, Francis (Hank) Lavery is named as a person thought to be a member of the Provisional IRA in Ballymurphy. In relation to him there is a reference I have provided that in June 1971 he was "said to have been actively involved in shootings and other incidents in the vicinity of the Henry Taggart Memorial School", although there is nothing specific on this man in relation to this incident on 9 August 1971.

[73] The import of all of this is that there is evidence that these two men had known IRA associations and so Mr Clarke's evidence was credible in that regard.

[74] Mr Gerald Clarke came across as a very straightforward witness who found this episode traumatic and emotional. I am grateful to him for giving the evidence

which he did. Particularly, I bear in mind that his account differed from that of his brother and that must have been difficult for him to deal with. In this respect I note that the next of kin view his evidence as entirely unreliable and I will assess that in the round in relation to this case.

[75] The next civilian witness who gave evidence to me that I wish to deal with is Mr Michael Doherty of 76 Springfield Park. Mr Doherty provided a statement to the Coroner's Investigator dated 23 May 2018. He did not provide a contemporaneous statement. Reliance was placed upon an interview that he gave to, presumably, Mr Paul Mahon which contains the date of 23 March 1999. He gave evidence to the court orally in February 2019. In terms of the evidence, the salient facts are these. Mr Doherty lived with his family very close to the home of the Clarkes at 76 Springfield Park. He described that in the weeks prior to 9 August 1971 there had been tensions between the residents of Springmartin and Springfield Park and that residents actually had to patrol the area because of threats from Springmartin at night. So the residents of Springfield Park had had to block up the back of their homes. He said that on 9 August 1971 persons from Springmartin had been attempting to come through the back of the railings into Springfield Park so he thought that, in his words, Springfield Park was under siege.

[76] Mr Doherty's interview with Paul Mahon also referred to what he saw in the empty Springmartin flats. He said he could see persons at the windows of the flats. He said he saw two men on the upper floors who used handguns around 6.00pm and that they were definitely not soldiers. However, he then in his interview said that he only saw one handgun and that these people did not shoot anybody. He also refers to the fact that he was aware that Harry McNulty was in possession of a legally held shotgun and had been arrested. His aunt, Joan Connolly, is one of the other deceased in these inquests, and in his interview he said that at approximately 7.00pm he saw Joan Connolly come up the street looking for her two children. At about this time in his interview he said that all shooting started from everywhere and he was caught in crossfire from the back of the Taggart Hall and from Saracens

above Springmartin Road. He said he got down behind a wall and was pinned down for 20 or 30 minutes. When asked to describe the gunfire he stated “very heavy from both directions. We were lying behind a 3 foot wall and bullets seemed to come from every direction.”

[77] The next civilian witness that I intend to comment upon is Terence Curran. He made a deposition for the inquest of Father Hugh Mullan which is undated and suggests he was not actually called at the inquest. He has also provided a statement to the Coroner’s Investigator dated 22 January 2019 and he gave evidence before me on 14 February 2019. It must be noted that this witness did not observe the actual shooting of Father Mullan or Francis Quinn. However, he lived at 90 Springfield Park at the relevant time and so he gave evidence about what was happening in the area. In particular, he indicated that there was tension between the residents of Springmartin and Springfield Park. In fact, this witness only came forward whenever he saw the Coroner’s press release for the inquest at the end of 2018 and made his statement in 2019. He told me that he lived at 90 Springfield Park with his wife and her eight week- old child. He also referred to the fact that on the night in question crowds from the Springmartin estate were throwing stones into Springfield Park from 7.30pm. The estate ran close behind where he lived and he made the point that there was limited separation by way of flimsy enough wire fencing between the two areas. His house was at the top of the bend of Springfield Park. He said the crowd that were throwing stones were Protestants.

[78] In his original deposition Mr Curran said that he had spoken to Father Hugh Mullan at about 9.00am on the morning effectively to ask for assistance for the local people. In his statement to the Coroner’s Investigator he said that that should actually be 9.00pm by which stage his wife had left the home due to stone throwing and there was a considerable crowd at the rear of his house, which he estimated in his statement to be perhaps 100 in total who were throwing and shouting abuse. He makes the point that he had to get away as quickly as possible that his wife was panicking and when she got to the door she could not leave the house. He was

carrying the baby. Mr Curran referred to his neighbour, Gerry McCaffrey, who came along and helped his wife to leave and guided her down the path. Mr McCaffrey lived three doors away and this witness indicated that he was quite famous in the area because he played for Glentoran. He then said that the family walked quite fast down the park and went to a house owned by a Mrs Tully for refuge.

[79] In his statement Mr Curran said he recalls hearing gunfire from about 8.00pm coming from the direction of Springmartin. He said it was rifle fire and it came in bursts. He then said he recalled residents of Springfield Park running down towards the Springfield Road around about between 8.00 and 9.00pm but still in daylight. He said he was looking out the sitting room window of the Tully's house and had a very clear view. He said that the Army came up Springfield Park, they were paratroopers as they had red berets on and they were on foot, possibly five or six of them. He said the Army initially stopped the residents and looked as if they were going to search them. The Army and residents then took cover as gunfire started again. He said he thought it came from the direction of the rear of the house and the Army told the residents to leave the area before making their way up Springfield Park. He said the Army did not return fire at that time. In his statement Mr Curran also said that when he went back to check on his house that night around 11.00pm to midnight he saw two bullet holes, one through his bedroom window and one through his bathroom window.

[80] Mr Curran said that a few days later the Army also looked around his house and he showed the soldiers the bullet holes in his home. During this interaction he said that one of the soldiers took out a pen knife and dug a bullet out of their bathroom wall. The soldier told him it was a 0.45 round which would have been fired from a Thompson submachine gun and he also said to him "they went a bit mad that night." Mr Curran said he took this to be a direct reference to the people of Springmartin and what had happened on 9 August 1971. He made the point that when he spoke to Father Mullan at 9.00pm on the night in question Father Mullan

was in his hallway and Mr Curran said he was asking the Army to come and help them and he was on the telephone with the Army at Paisley Park. The witness said that when Father Mullan was finished he told him that the Army were not coming to help them but they were on their own. He could not recall any other details.

[81] Margaret Curran, the wife of this witness, also made a statement which was read in under Rule 17. Mr Gerard McCaffrey also gave oral evidence to this inquest. There are a number of sources of evidence from the time, firstly, a statement made to Thomas Glynn at the time dated 27 August 1971.

[82] Mr Gerry McCaffrey made a deposition dated 26 October 1972 at Father Mullan's inquest. I was also referred to a transcript from a documentary "A Million Bricks" in which Mr McCaffrey made some comment about events and a statement that he made to the CSNI dated 7 February 2019. It is clear that Mr McCaffrey gave evidence to the 1972 inquest. It is also significant that he made a statement only 18 days after events on 27 August 1971. It is thought that these statements, which are signed by a Thomas Glynn, were taken on behalf of the Roman Catholic Church by the Central Citizens' Defence Committee ("CCDC") however no more exact information about them has arisen during the course of these inquests. In any event, it is clear that they are contemporaneous statements from the time and full copies were obtained in relation to what Mr McCaffrey said.

[83] The significance of Mr McCaffrey's evidence, which was given in a straightforward way, was that he said that there was firing coming from Springfield Park up towards Springfield Road. In particular, reference is made to his original statement where he said:

"There was one man firing from behind a tree at the end of the field near Springfield Park. Earlier, there were about five men shooting from Springfield Park up towards Springmartin Road. About 5 minutes later

Father Mullan came from Springfield Park and seemed to stumble on the way out. I did not see him reach Bobby Clarke. At this time there were about 20 kids and several women in the field.”

[84] It is clear that Mr McCaffrey lived in the local area close by the index event at 84 Springfield Park in Belfast. In his original deposition for the 1972 inquests he described crowds of civilians throwing rocks and bottles at houses in the lower part of Springfield Park. Later in the evening he stated that a very large crowd gathered at Springmartin and the stoning increased. The target being the houses at the upper end of Springfield Park. Mr McCaffrey described that in the later evening families started boarding up houses, including his own family, and he boarded up windows at the rear of his house. He recalled seeing three men at the fence at the bottom of the garden throwing stones and bottles over the houses into Springfield Park. He then stated that he heard a shot ring out, although he could not say from which direction, but he said it sounded like a gunman. He said a youth in Springmartin who had been throwing stones staggered and fell and two youths carried the injured youth back into Springmartin. (There is a reference in the material to a 16-year-old youth from Springmartin, named Jay Vaughn, being injured at the relevant time.)

[85] Mr McCaffrey clearly described the fear that families like his own were in on this night. He said he managed to get his wife and children out of the house and as he made his way down Springfield Park with his daughter he was hit by a shotgun blast across the back of his shoulders. He managed to bring his family to the house of John and Valerie Stewart situated just off the bend of Springfield Park. Mr McCaffrey’s intention was to bring his family across the waste ground or field to a community centre at Moyard, which was considered a place of safety. Mr McCaffrey in his original deposition describes women and children running down Springfield Park in search of a safe place. He states as follows:

“At this stage shooting commenced in Springfield Park and the fire was directed towards other gunmen at Springmartin. General panic set in and people were trying to get away from Springfield Park across the waste ground into Moyard Park for safety.”

He also said:

“At that time there was serious gunfire between Springmartin and three guys who were shooting from Springfield Park. I did not know who the three guys were. I think they came over from Ballymurphy. Two of them were 19 or 20 years old and the third was middle aged. I assumed they were IRA. All three had guns. The middle aged guy had a very large revolver type weapon. The other two had smaller guns. All three were firing up the short cut towards the loyalists.”

[86] Mr McCaffrey could not identify the three men during his evidence. He said the shooting was in the direction of the crowd at the top of the short cut. Mr McCaffrey was clear about this in his evidence in terms of seeing three men. In his full statement, which was recovered for the inquest, reference is made to five men. Mr McCaffrey did not provide this information in his original deposition and in his 2019 statement to the Coroner he explained that he did not disclose to the police that he had seen IRA men given the current circumstances because he feared he would be requested to identify them. He said that due to the shooting general panic set in. People were trying to get away from Springfield Park across the field/waste ground into Moyard for safety and that was his intention.

[87] At this point Mr McCaffrey said that the Army moved on foot from Springmartin into Springfield Park and commenced to shoot at the gunmen in

Springfield Park. These gunmen were based at the lower end of Springfield Park close to Moyard. He said a large crowd of people had gathered at this point but quickly dispersed when the shooting commenced. Initially, a few gunmen emerged from the crowd at Springfield Park and the numbers seemed to increase considerably when the streets cleared. He said it was a gun battle between the Catholic crowd at Springfield Park and the Protestant crowd at Springmartin. The Army directed their fire at the Catholic crowd and at no stage did this witness notice them direct fire at the Protestant crowd of gunmen. Mr McCaffrey was questioned at length about these matters and broadly confirmed his view that there was shooting coming from the bottom of the field.

[88] In relation to the death of Father Mullan there is an original inquest deposition from Mr McCaffrey. In this he referred to seeing several people pointing towards a field in the Moyard area and that he heard gunfire from this field. He said in this deposition that he looked across towards where they were pointing and about 600 yards away he saw a man in a white shirt crouching behind three stumps, left of the centre of the field, and he heard gunfire from this position. At this point he was standing directly behind a rifle man of the 2nd Battalion Parachute Regiment and there were another three riflemen within his sight. He said all four opened fire and the one directly in front of him had his rifle aimed towards the area of the three tree stumps. Mr McCaffrey also saw Bobby Clarke in the field. He said he was first to go across the field with a young child. He got about half way across the field while coming back and Mr McCaffrey said he could see the Army firing from the road in Springmartin Park and several soldiers on the roof of Springmartin flats. There were also civilians firing from Springmartin flats.

[89] Mr McCaffrey was slightly unclear in his evidence about these soldiers on the roofs and said he honestly could not remember that, but he did remember observing soldiers along the back of houses in Springfield Park. Mr McCaffrey gave a detailed account of how he and his family crossed the field in his original inquest deposition. He described the shooting as intense when he was on the field, that there was a

considerable gun battle going on behind them and he said in his statement “I think there was shooting at least from five different points.” He said:

“I found it difficult to pinpoint, it would be fair to say that the army were shooting at gunmen in the Springfield Park area, the army engaged in a gun battle with the Catholic gunmen.”

[90] In his February 2019 statement to CSNI Mr McCaffrey also said that shortly after they got to Moyard, perhaps 10 minutes later, high velocity bullets were being fired from the top of Moyard flats. He said that he could not see who was firing, they must have been stationary on top of the flats. He said:

“Whilst I initially thought that it was the IRA, I recalled that from the velocity of the weapons that it must have been the British Army. As it began to get dark I could see that there were tracer bullets.”

[91] This is a somewhat different view from that expressed in 1999 when Mr McCaffrey was interviewed by Frank Martin. Reference was made to this in the documentary “A Million Bricks” and in particular the transcript of the documentary in which Mr McCaffrey said:

“When we got out of the field I would say probably the worst gun battle I have ever heard in all the troubles erupted because when the field was clear of people the IRA opened up from Moyard into Springmartin at the paratroopers and it just seemed to go on all night, maybe it didn’t, but it seemed to go on all night and I remember distinctly they were using tracer bullets from Moyard, every third or fourth round was a tracer so you could see

it, after the bursts of gunfire every third or fourth round was a tracer bullet, you could see it actually shooting across the Springmartin. We couldn't see the shooting coming back but we could hear it from the paratroopers."

[92] Mr McCaffrey could not actually identify who had shot Mr Bobby Clarke despite the fact that there was considerable questioning on this and also in relation to Father Mullan, whilst Mr McCaffrey was in the general area, he was unable to positively identify exactly from where and by whom Father Mullan was shot. He did say that when he saw Father Mullan enter the field he was wearing a long black robe and he appeared to have been shot in the leg and then presumably shot from another bullet. In his evidence Mr McCaffrey understandably could not be exactly sure about the sequence of all of this, largely because he said he was in a confused and frightening situation. Mr McCaffrey did not witness the shooting of Francis Quinn at all. He did refer in his evidence to a St John's Ambulance man and woman carrying a man out of the field and using a garage door as a stretcher. He could not identify the injured person as Mr Quinn, but accepted in his evidence this could have been Mr Quinn or potentially someone else who was still alive which could have been Joe Millen, who is another witness who gave evidence.

[93] In the documentary 'A Million Bricks' Mr McCaffrey also said:

"I don't know how many were killed. I think there were about six killed in and around Springfield Park that night. I know my wife's aunt was shot dead on the Springfield Road. We believe she was coming up to us actually when the paratroopers shot her dead just at the bottom of Springfield Park there, they shot her from the Henry Taggart Hall."

[94] In his 2019 statement Mr McCaffrey summarised the position as follows:

“As described earlier, we made our way through a dip in the field. I have marked our route on a black and white photograph, which has been exhibited as GMcC3. The Brits, British Army, had arrived at the Ballygomartin Road. They came the same route as used by the loyalists. The Brits started shooting at anyone who moved, it appeared indiscriminate. They were Paras, as I recall seeing red berets. After the Brits arrived, the gunfire from the IRA ceased. I was only aware of the three IRA men I have referred to. I know that Bobby Clarke had been shot prior to us entering the field. I have no doubt that it was the army who shot Bobby, they were the only ones using gunfire at that time. I seen the Brits fire at the Catholic crowd, but at no time did they fire at the loyalist crowd. We did not know if Bobby was dead or alive.”

[95] This completed Mr McCaffrey’s evidence and in fairness to him he was clear that he could not be definitive in relation to the shooting of Father Mullan or Francis Quinn, notwithstanding the general evidence that he gave in relation to activity in the field at the relevant time where he was.

[96] Mr Jackie Burns also made a deposition in the inquest of Father Mullan dated 26 October 1972 and he provided a statement to the Coroners Service dated 3 January 2019. He gave evidence before me on 26 February 2019. He said he was off work on the day in question; at that time he lived with his wife Ellen and three children at 86 Springfield Park, Belfast. Mr Burns also described a large crowd from Springmartin estate hurling stones and bottles into the rear of houses at Springfield Park from morning time, which he said went on until the early evening. He confirmed from his deposition that lorries with men drove into Springmartin.

[97] Mr Burns said that he was part of the Tenants' Committee at the time and he was very familiar with the area and the local people. His neighbour was Gerry McCaffrey. He said he went into Gerry's house to see if their house was clear and there was some interaction between the families and general pandemonium in the area. He also in common with Mr McCaffrey, who he was with at the relevant time heard the sound of a shotgun blast. He said he looked around and saw Mr McCaffrey tumbling to the ground still holding on to his son, Connor. In his statement he said he believed the gunman would have fired from a position of about number 90 Springfield Park but he did not see who fired the shot. He then referred to Bobby Clarke, who suggested that they move the children to Moyard Community Centre, and he was effectively following Bobby. He said he could not recall how he made his way to the field but he did recall that his daughter was with him in the field and he referred to some other people, namely Jim Dempsey and his wife and kids, being there also. In his statement he said:

"I recall gunfire in the area, it sounded like high powered rifles. I remember seeing a man lying down in the field, he had been shot, he was lying face down, he had been running away, facing towards Moyard, he was shot in the back."

[98] In his statement Mr Burns said that at that time he did not realise that it was Bobby Clarke. He met him the following morning and saw the gunshot wound in his back. The evidence then of this witness continued to deal with the issue of Father Mullan because he said that he recalled a priest approaching the man who was lying face down. He said that this priest had his arm raised, he was midway between a standing position to a kneeling position when he saw him go down. The witness said he assumed he had been shot as there had been gunfire at the time. He said he was about 20 yards from Father Mullan and described it as "he was on the high part, I was on the lower part." He said also in reference to his deposition that he saw a youth crawl over to Father Mullan's position but he could not really recall

this in any detail. He said he could not say who was shooting at them, however he was aware that the RUC and Army were in the Springhill area. In relation to his deposition he said that he could not recall making it and the only statement he recalled making was in the Springfield Road barracks to an RUC man. The witness on the typed account's name appears as Eugene G Arthur and he did not know who that was. He also recalled Bobby Clarke being lifted on to a door and being taken away. He understood that a young lad had been shot (presumably Francis Quinn) but he did not see how that had happened.

[99] This witness gave evidence in a straightforward manner. He could not particularly recall matters in his deposition and he pointed out that some of it was inaccurate and he could not recall the making of the typed statement which was signed by Mr Eugene G Arthur in 1971.

[100] Although Mr Burns could not remember the 1971 statement it does evidence an issue that when a problem was raised with the Army, soldiers intervened. This statement indicates that the military were dealing with matters at the interface area and tried to assist. It is also clear from the deposition that Mr Burns was in the general area with Mr McCaffrey. However, he frankly, in both his deposition and in his evidence, stated that much of what he could recount from the field came from what he heard from someone else. There were some differences in this evidence between his statements which again, I think, is understandable. Mr Burns was questioned about various matters which were not in his statement at all and tried his best to help the court with the obvious difficulties that he had in terms of remembering events after such a long period of time.

[101] Jane Molloy also gave evidence to this inquest having made a deposition at the inquest of Father Mullan in 1972. She also made a statement to the Coroner's Investigator dated 19 November 2018. She confirmed that her deposition was mainly accurate from the time although there were certain details that she could not remember. At the time of events she lived with husband, Bernard, and her two sons

and worked as a staff nurse in the Out Patients Department at the Royal Victoria Hospital. She lived at 98 Springfield Park in Belfast. This witness gave impressive evidence about events on the day in question. She said that she got up at 7am that morning and had intended to drive to work. A number of neighbours told her that she would not be able to get down the road owing to crowds of people at Mackie's Factory on the Springfield Road. She then said that she heard soldiers had marched a number of men whom they had arrested along the Springfield Road. She said there were crowds of children and young people around 8.00am throwing stones in to Springfield Park from the flats on the Springmartin Road. She thought that the stone throwing stopped around 9am and the crowds dispersed. The young people who were throwing stones were from the Protestant community.

[102] This witness did emphasise that the upper end of Springfield Park was mixed and everyone got on well together. She said that between 2.00pm and 3.00pm a crowd of men came up from the Springmartin Road and used obscene language to the residents of Springfield Park directed towards all of them. By this stage obviously Ms Molloy had not been able to get to work but she wanted to get milk and her neighbour got her young son to go over to the Shankill Road to get milk for her. She referred to this neighbour as a Mrs Harrison; she said they were Protestant people who she got on very well with. She said when Mrs Harrison's son came back he told them there had been a meeting on the Shankill, he said that a crowd had gathered at the top of the Ballygomartin Road in Springhill. By this stage Mrs Molloy described the tension in the area as extremely bad. She then referred to events later on in the day. At around 6.00pm a crowd of men and young people climbed the fences at the back of her house and ran through the gardens throwing stones and bottles at the houses. She recalled someone saying to her "you've got to get out of here." She then referred to a local lad called McCaffrey who she knew was a professional football player. She said this young man went round and found her son Bernard and brought him to safety to the bottom of Springfield Park. She said her husband and her other son had got to the bottom of Springfield Park and she

had driven down and parked somewhere around the bottom of the Park where she left her car until the following morning.

[103] Ms Molloy said the area she left her car in was in the area of Father Mullan's house. She recalled that Father Mullan's car was also on the road and they parked the car in his driveway. She said that after Father Mullan parked his car someone shouted "someone's shot in the waste land." Father Mullan took his white handkerchief out from his pocket and headed over to what was called the waste ground. Mrs Molloy marked this on a map. She said a young lad called Frank Quinn said that he would go with Father Mullan. She said she would not be sure of his age, "I think he was a teenager", and in her statement she said:

"He was very brave. I would say that the man who had been shot in the waste ground had went to try and save a little girl. The man might have been called Clarke but I cannot recall."

[104] Ms Molloy then said that there were children out but they were scattered after gunfire started. It was still daylight but approaching dusk. She said in her statement that she recalled hearing someone saying that someone had been firing from the direction of Finlay's Factory. It was definitely the Army who had been firing. In her statement to the Coroners Service Mrs Molloy also said that she recalled that she saw a soldier firing from an elevated position on the Springmartin Road and she marked that on a map. She said there was a big corrugated fence between Springfield Park and Springmartin Road. She thought the group of Protestants had removed bolts from the gate to gain access to Springfield Park. She said:

"I had a definite visual view of the soldier who was firing at us, I can still see him doing this from memory. I remember thinking why is he shooting at us."

[105] She said she believed he was firing bursts of automatic fire, he was wearing a British Army uniform and she said that the soldier was approximately 40 yards away and that her eyesight was good. She said "his shots were fired down at us from the bottom of Springfield Park." This witness said there were no shots fired from Springfield Park nor Moyard. She said she recalled a group of wee boys had collected wee bags of stones although what they were going to do with them she did not know. She said a woman called Kathleen Begley came across and took her son Paul from her and Kathleen brought her husband and her sons and herself to a flat at the bottom of Moyard. She said it was a ground floor flat and a woman called McFadden was also brought to this flat. She was looking for her husband and children. Both he and his wife were distraught as their children were still missing. She said at this stage it was still dark and Mrs Begley went out to look for the children and eventually returned with them, the two children being very frightened, as the children had been found hiding behind a galvanised bin. Mrs Begley told them that the bullets had been jumping off the lid of the bin and that it was a miracle they were okay.

[106] The witness then said there were people coming in and out of the flats throughout the night but sometime later she heard that both Father Mullan and Frank Quinn had been shot and killed. She said she believed the gunfire went on to the wee hours of the following morning. She recalled a lull around daybreak around 6.00am. She added that a man had been carried in on a stretcher after dark into the flats at Moyard. The man had been shot through the spine through his back. She recalled that she tried to get back into her home the following day, police and soldiers told her they could not stay there as their homes had been ransacked. They went through the belongings and possessions of the family. The witness ended her statement by saying "I would like to emphasise that there was no gunfire from Springfield Park. It was a good area and everyone got along."

[107] I should say that Ms Molloy gave evidence via a remote link due to some health difficulties and I permitted that her son was with her. She clearly came across to me as a very genuine and sincere witness who was trying her best to help this inquest and to give the inquest as much information as she could. She accepted that some of the matters in her statements were not from her own personal knowledge but she said that she did have some clear personal knowledge from the day in question.

[108] The next civilian witness that I heard evidence from was Mr Joseph Millen. He provided a deposition dated 26 October 1972 for the inquest of the death of Father Mullan. It appears that he may not have actually been called to give evidence but nonetheless this deposition was prepared at the time. Mr Millen was also interviewed by HET and there is a file note of this dated 26 October 2010. There was also a transcript of a YouTube video given at an event at St Mary's College around 2007 which I have considered. Finally, Mr Millen provided a statement to the Coroners Service investigators dated 26 May 2018. He came to give evidence before this inquest. On 9 August 1971 Mr Millen was aged 22. He lived at 52 Ballymurphy Road. Of course, it is important to note that this address is not in the Moyard/Springfield Park or Springmartin area. It is further away south of Springfield Road in Ballymurphy.

[109] In terms of his evidence it is clear that there has been an evolution in relation to that. The reason I say that is that the 1972 deposition was developed with certain important details by virtue of the HET investigation and then again in evidence further details have been given by the witness in relation to events. If I start with the 1972 deposition. In this Mr Millen said that he left his home at 8.45pm in the evening to go to Springfield Park to help people move out of the area because of the trouble. He subsequently amended the time to 6.45pm. He said in the deposition that he was going to go home but he could not because there was shooting going on at the Henry Taggart Hall. The Army started shooting into Springfield Park from Springmartin and he said he ran to the garages at Moyard Crescent. In this

deposition he said he could see soldiers on the rooftops in Springmartin shooting into the Moyard estate. He then said while he was behind the garages he saw a man running across the waste ground towards him. He said there were eight people behind the garages but he did not know any of the others. He then said this man fell on the waste ground.

[110] In this deposition the witness said Father Mullan arrived at the garages and that the men there told him of the man who had been shot and as a result Father Mullan went over to the man. It appears that Mr Millen was with him, because he said that when they reached the man they saw he had been shot in the back. Father Mullan anointed him; he had a white hanky in his pocket and held it in the air and started to move towards Springfield Park. He then said that Father Mullan had only gone about 10-15 yards when he heard a number of shots and saw Father Mullan fall to the ground. He said when Father Mullan fell he lay on the grass, he was lying face downwards and the next thing he had a pain in his back and realised that he had been shot. He said he lay in the field from this time which he estimates at 11.20pm until approximately 11.30pm before some people came and brought him out of the field and he was taken to hospital by ambulance. He said the shooting was still going on when he was lying in the field and he said there had been no one shooting from the Moyard estate and all the shooting was coming from Springmartin.

[111] The HET interview took place in 2010 and it is fair to say that this added to the narrative given in 1972 in some fairly significant ways. Firstly, I note in the HET file note that on the day in question Mr Millen said he was wearing blue jeans and a light blue T-shirt. It is also significant that he said he came from Ballymurphy with some other people. In his interview he did actually name the people, which he did not do in 1972. He said there was a man with him called Mr Michael Russell, who is now deceased, and a man called Charlie Tolan. I pause to observe that in his evidence he added to this and added that there was another man who was Mr Russell's brother called Tom.

[112] Another significant addition to the evidence given in 1972 is contained in the HET note which said “whilst at the flats he saw a man about 20 years with a shotgun but did not see him fire the weapon.” He also saw a boy aged between 18 and 20 who had a silver coloured revolver, the boy was wearing a light coloured T-shirt but he did not see him fire the weapon. This is obviously significant information which was not provided in 1972. It was also clarified in the course of evidence by Mr Millen through some considerable questioning that in fact he said he saw these two armed people in and around the Moyard garages for a brief period but then they disappeared. In his evidence he also suggested that they were more likely 14-16 years of age and that they were carrying the weapons but the weapons were not fired and no one fired at them.

[113] In relation to Father Mullan he maintained the position that Father Mullan came over from Moyard to the injured man, which is somewhat different from other witnesses. Also in the HET note Mr Millen referred to the issue of the man who was lying beside him in the field whenever he was shot. He said this in the HET note. Mr Millen started to crawl on his stomach away from Mr Clarke. He was lying flat facing in the general direction of Springfield Park when he heard a shot and he was hit in the back with a bullet. There was a young man at the side of him who was very close up to him but a bit further back. Mr Millen told the lad that he had been shot and asked for help. The lad did not reply and a short time later Mr Millen realised that the boy was dead. Mr Millen said that the bullet that had struck him had entered his right side just below his right shoulder blade, passed through his right lung and exited the left side of his back. He was sure that as the lad was so close to him the same bullet had then hit the boy. He was of this opinion due to the fact that he had been so close to Mr Millen that it would have been very difficult for anyone to shoot the boy without hitting Mr Millen first.

[114] It was explained to Mr Millen that if this boy was Francis Quinn then the bullet that killed him entered the back of his head and lodged in his right cheek.

Therefore, if he was in the same position as Mr Millen it could not have been the same bullet that shot them both unless Francis had turned his head and looked back at the time the shot hit them. Mr Millen said that was possible, if he had been looking back that would have been towards where Mr Clarke lay injured. At that time they were about five yards away from Mr Clarke. In relation to the HET evidence Mr Millen also confirmed that he sued the Army for his injuries and received £2,000 compensation. That was clarified in evidence, although the figure was revised to £2,250 and I received a medical report in relation to his injuries.

[115] In his 1972 deposition Mr Millen stated that the Army started shooting into Springfield Park from Springmartin. In his oral evidence Mr Millen confirmed that, contrary to his deposition, he did not see the Army or any soldiers shoot into Springfield Park from Springmartin although it is fair to say he assumed this was the Army. It is clear that his case is that because of the shooting he and his friends ran and hid at garages at Moyard Crescent. Now Mr Millen in his evidence referred to seeing gunmen in that general area although he effectively said they were children. In his evidence Mr Millen clarified that the cover was sought by him and his friends behind 82 Moyard Park and as I have said he named persons who were present. In terms of shooting whenever he was hiding behind the garages it is clear, and he clarified in his evidence, that he saw a man running over the waste ground towards him and others. He clarified that this was likely to be Bobby Clarke who he knew was a local butcher at the time. In his deposition he stated that he could see soldiers on the rooftops in Springmartin shooting into the Moyard estate.

[116] In his original deposition Mr Millen did not identify Bobby Clarke but he said he now knows that this was the man in question. He was not specifically able to identify who had shot Bobby Clarke, Father Mullan, Francis Quinn or himself or the location from where the shots were fired. He did maintain however that he saw soldiers on the rooftops in Springmartin shooting into the Moyard estate in terms of pointing rifles not actually shooting. He was clear that there was a soldier on the rooftop beside a chimney and he was aiming his rifle on top of the chimney and the

tenor of his evidence was that he assumed the shooting on all accounts came from the Army. In relation specifically to the death of Father Mullan, as I have said, he believes that Father Mullan came from Moyard into the field and that he was shot three times as he heard three separate squeals from Father Mullan, but he could not actually see who had shot him as he himself said his head was buried in the ground as he had fallen to the ground whenever the shooting began. He had no knowledge of who the boy beside him was although there is a possibility that this may have been Francis Quinn.

[117] There is a handwritten diagram attached to the statement which Mr Millen prepared in relation to the person lying beside him. This was examined in evidence. It was clear from his evidence that Mr Millen could not be exactly certain of the positioning. In particular he could not be certain that the persons were facing in the same direction or that the injuries were as stated. Also, Mr Millen maintained that he could not remember any firing from Moyard estate although he had referred to the two men in the area. Overall, Mr Millen was quite clear that this was a frightening time, and as he said in his evidence, the situation was that chaotic that he was not sure who was on the waste ground. Mr Millen also identifies a man in the field with an English accent, which is in common with other witnesses.

[118] The next witness I heard from who also was injured in the field by way of an injury to his toe was a Mr Sean Daly. He provided a deposition although he was not called to the inquest of Father Mullan. That deposition is for 26 October 1972. He also provided a statement to the Coroner's Investigator dated 20 February 2019 and he gave evidence to this inquest on 26 February 2019.

[119] I pause at the outset to say that I have noted that Mr Daly gave evidence in a very straightforward manner, which impressed me. I should also say that he was quite clear in common with some other witnesses that he did not have an opportunity to sign his original deposition in 1972. He said it was not a particularly fulsome statement and he "did it with a heavy heart" in that it was dragged out of

him. He said he attended the inquest but he was not called and that was really all he could say about what he said was a very difficult time. At the time he was 22, he lived in Whitecliff Crescent, which is south of Springfield Park, so he knew the area well. He was never out of the mountains he said because he was racing dogs and he talked about going to Dunmore Greyhound Track. It is clear from his evidence that he was not directly involved in attending the scene with other people. He effectively went himself to see what was happening.

[120] Mr Daly gave evidence on the basis of a deposition he made to the inquest of Father Mullan dated 26 August 1972. He also made a statement to Thomas Glynn at the time of the events or near to the time of 21 August 1971 and he referred to his statement to the Coroners Service dated 20 February 2019. At the outset I should say that Mr Daly is often referred to as 'Loaf' Daly in the evidence.

[121] I start from the 1971 evidence given to Thomas Glynn. In this, Mr Daly said that around about 9.00pm on the night in question he was behind the flats in Moyard Park. He said clearly in this statement there was shooting from Springmartin flats at this time towards the flats and towards the waste ground in front of them. He said he saw a man come over with a child from the back of Springfield Park. As he made his way back again he was shot in the back. He shouted "are you hit" and he raised his arm. He said a man with an English accent and he ran out and lay down beside the man. He said shortly afterwards Father Mullan arrived and the wounded man said "I'm in no need of that yet." Father Mullan asked him if he would be embarrassed if an ambulance came and took him to the hospital and he said "Yes." All this time he lay about two yards from the wounded man the witness said. He then said he took off his T-shirt and gave it to a man called Russell. He said he was lying on his back at the time. The priest got up and moved away towards Moyard flats, a couple of shots rang out and he screamed and fell. Then the witness said he got hit in the toe and rolled away through the grass.

[122] The witness also said that Father Mullan was about 10 yards away when he was shot. He revised this in his evidence to about five yards. He said that there was continuous fire which seemed to come from Springmartin flats. After more than half an hour he said he made his way to the railings of a factory which adjoins the waste ground and a first aid man got him out. At about 8.30pm there was some gunfire from the Moyard side towards Springmartin flats.

[123] This original statement coincides with the deposition that was given in 1972. It is fair to say that the statement given to the Coroners Service is somewhat more detailed. In terms of why Mr Daly was there at the time he said he walked up towards Springfield Park because he was curious as word on the street was that people were being put out of their houses. He said he stayed as far away from the Henry Taggart Hall as possible because he knew soldiers were based there, so he came up the Whiterock Road through New Barnsley into Moyard Park. He said he was alone, carried nothing and wore a pair of jeans and white T-shirt. He then described seeing Bobby Clarke and also he described seeing a man who had an English accent, given that he was married to one of the neighbours in the vicinity. The only other person he recognised was Micky Russell who is now deceased. He then described going to assist Bobby Clarke and, in particular, he also goes on to describe his recollection of Father Mullan in the field. Actually, he said that he took off his white T-shirt and handed it to Micky Russell intending it to be handed to the priest and he ended up bare chested at the end of the evening.

[124] In terms of the positioning of the priest he said that he was trying to exit the field towards Moyard but had come in from a different direction and he said he saw the priest fall during a burst of gunfire. He cannot say much more about that except that he thinks there were two bursts of gunfire and he was hit in the toe during the second burst of gunfire.

[125] In his original statements this witness did not identify who fired the shots or the position from where the shots were fired in relation to Father Mullan. He,

however, in his evidence stated that he thought the shooting was coming from Springmartin. He also reiterated that he was aware of gunfire from the Moyard side towards Springmartin flats. He said that there was fire from the flats, however he was confident enough to go into the waste ground to provide assistance to Mr Clarke. He in his evidence accepted that he did not see the person who discharged the shot which struck Mr Clarke or from where the shot was discharged. According to Mr Daly he did witness Father Mullan being struck by a bullet although he could not identify who discharged these shots. However, it is quite clear that he in his evidence when pressed about this in some detail said that they came from Springmartin.

[126] Mr Brian McLaughlin also gave oral evidence to the inquest. He was a keyholder at Moyard Community Centre. During his evidence Mr McLaughlin said that he opened the centre on 9 August 1971 to provide people with somewhere to go. He said that he heard that a priest had been shot in the field and he went into the field with others, wearing a white medical helmet. He said he lifted Father Mullan's body and helped move him. Mr McLaughlin also said that he saw one civilian with a revolver in the Moyard estate and he provided the inquest with a number of photographs.

[127] The next civilian witness who gave evidence was afforded anonymity and is known as C4 throughout this inquest. He provided a deposition to the inquest of Father Mullan which is available. He also provided a statement to Thomas Glynn/Eugene G Arthur of 21 August 1971. It appears that this witness clearly did give evidence at the inquest as there are handwritten additions to the deposition which come from the evidence. He was interviewed by HET and there is a note of this meeting of 11 June 2009. There is a further meeting noted with Laura McMahon, Barrister, which took place on 19 August 2009. The witness also made a statement for the Coroners Service dated 21 May 2018. He was interviewed for a production by Frank Martin, journalist, called 'Three days in August' which is dated 2012. There is another file note from the HET in relation to an interview dated

12 November 2010. Overall, there was a considerable body of written evidence available from this witness and he also gave oral evidence to the inquest.

[128] C4 gave evidence over two days on 2 and 3 April 2019. C4 does have an English accent. He is an Englishman who had previously served in the British Army. He also had been grazed by a bullet on the day in question. He had married a local and lived in the local area. I also note specifically in the MoD submissions that the point is made that the evidence of this witness is unreliable. The MoD make the point that his version of events has changed in many significant respects over the years and the reasons put forward by way of explanation lack any credibility, so they ask me not to place any weight at all upon this evidence. It is clear also that C4 whilst giving evidence felt conflicted throughout from 1971 even to date because of his loyalty to the Army. The next of kin rely on his evidence in contrast to the MoD. He was actually Northern Irish however everyone considered him a "Brit" given his Army associations and most people knew him in Ballymurphy.

[129] It is instructive to look at the original statement that was made by this witness which is dated 21 August 1971, as it is close in time to events. In this the witness said that on the day in question stones were being thrown throughout the day from the Springmartin flats into Springfield Park during which there were many civilians on the street in Springfield Park and neighbouring Moyard Park. He said that at about 8.30pm shooting broke out from the Springmartin flats (this seemed to have been civilian fire) and the streets were cleared almost immediately. He described women and children fleeing, sometimes across the waste ground. He said that at about 8.45pm he saw a Ferret scout car come up Springfield Park accompanied by troops on foot. The civilian fire had stopped three to four minutes previously. A short time later which he thought was about 5 minutes Robert Clarke, whom he knew who lived at 60 Springfield Park, carried a baby across to Moyard Park from Springfield Park. He then described what happened to Robert Clarke: and he said he was shot in the lower back and fell to the ground. He said he lifted his arm to say

that he was alive and at this stage a number of people ran across to help, including himself.

[130] The witness then said they got as far as the injured man where they were pinned down by shots from Springmartin flats. These shots were fired by two soldiers with SLRs on the roof of Springmartin flats. There is reference here to a map, which was not made available to me, but in any event the witness continued, there was a shout for medics which brought Father Mullan, who lived in Springfield Park, across from his house. The witness described Father Mullan in that he said he half walked and half trotted across towards the injured man, waving a white handkerchief. The witness then said he was told to get down and Father Mullan administered the last rites to Mr Clarke lying beside him. Then Father Mullan asked Mr Clarke if he had any reason to fear going to hospital. Mr Clarke according to this witness said he had not been rioting and had not had a gun and so had no objection. Father Mullan then said he would get a nurse and he began to crawl backwards, lying on his stomach and with his feet pointing towards Moyard.

[131] The witness said that about 13 yards from where the first man was shot in the back, Father Mullan screamed. He said that he and the other injured men were about 12 yards away from Father Mullan at this time. He said he was facing towards Moyard Park and he looked towards Springmartin and saw smoke from the guns of the soldiers on the roof of the Springmartin flats. He said he kept looking towards the soldiers and about 15 to 20 seconds later, he stopped screaming as he saw a gun flash from the soldier's gun and heard a bullet's impact. He said he was not sure if the same soldier fired twice but he saw the flame and smoke from the soldier's gun and heard the smack of the bullet. He said Father Mullan stopped screaming at the same instant. He then said Father Mullan started to pray in English and Latin for about 10 minutes and then he stopped.

[132] He said that during those 10 minutes shots were still coming in very fast especially when anybody moved. About two minutes after Father Mullan was shot

a bullet nicked his leg and almost immediately Frank Quinn who lay on the other side of the injured man from him screamed "I'm hit, I'm hit." The witness said he asked him if it was bad and he did not reply so he presumed him dead. He then continued to talk to Mr Clarke and he said shots continued at 10-15 second intervals. He said he was not seriously injured but he knew another man was shot in the toe. He said he did not move until the first aid people arrived but others including Mr Clarke crawled to safer parts of the waste ground. He said there was a blonde-haired witness about one yard from Father Mullan as he lay dying and a boy in the vicinity aged 8-9 years. He said at a point shortly after 8.45pm it was daylight, he said in this deposition "I feel that the soldiers knew he was a priest because of his dress and his actions." He said visibility and range of about 200 yards were adequate for identification. He said the shots were still coming from the soldiers on the roof, and after about half an hour two .303s began firing from waste ground behind Finlay's Factory.

[133] C4 said he could distinguish between the deep sound of a .303 and the sharp crack of an SLR. He said this was the first civilian fire since the soldiers had been seen to arrive in Springmartin. He said at dusk, around half to three quarters of an hour later, two first aid men approached and the shooting eased off. He said one went straight to Father Mullan and said he was dead. The other first aid man asked whether anyone here was not hurt and could walk. He said he responded to this and pretended he was wounded and they would pretend to assist him. He said as he passed Father Mullan's body the man lying beside him got up and pretended to help him also. At this stage the young child who was about six yards from Frank Quinn got up and ran. The witness said that as he started to run the Army opened up again. He said the child was not hurt but he believes the first aid man was hit.

[134] As I have said, the witness provided a deposition for the original inquest of Father Mullan and clearly he gave evidence in relation to this explaining the detail

given on the deposition which has been transcribed as accurately as possible given the handwriting, as follows:

“Mr Hutton (Counsel): The army and gunmen had been exchanging shots between Springmartin and Springfield Park, but at this time Father Mullan was shot. Around 7pm there I was ... 43 Moyard Park and I went to the corner and watched the rioting. Then I saw this ... an ambulance come round about the waste grounds. I would ... this ground fire streamed ... Mr Clarke came and left ... can't. Hit Ennis ... remains striking the ground in the vicinity. At that time there was no gunfire from 80 and 82 Moyard Park – I decided to wait till I saw no gunman there. There was firing from Springmartin and Henry Taggart Hall. I did not hear any firing from 17 and 21 Moyard Park. People firing from Finlay's walls contact ... the ground around us and over our heads ... past it. Ambulance got in the way, reflection was the firing in Finlays and ... was leaving and she was then shot ... I was scared but not confused.

Mr Cahill (Counsel): I come from Gloucestershire, I came on early draft ... last. At the time Father Mullan was shot there was no firing from the Moyard area.”

[135] In his statement to the Coroners Service the witness said he did not actually recall making this statement in August 1971 but he did not refute that it was made by him. In this statement he said that the shooting that broke out at Springmartin flats was not from civilians it was from the military. He said the only civilian shot he heard was from Loyalist rioters in the Springmartin side, it was a single shot from a pistol around 6.00pm. He said in this statement that he did not see the Ferret scout

car referred to or any soldiers other than the three on the roof. He said one of them was a non-commissioned officer who had three stripes, the others were privates and did not have any stripes. He said the white handkerchief referred to being held by Father Mullan was much bigger, he would say it was a white tea towel, and he said he was the person who told Father Mullan to get down. He said there was one sketch associated with the statement made by him and labelled "C4" 21 May 18 and signed by him. I have seen this sketch which is available.

[136] C4 then referred to various other matters. He said he was wearing civilian clothing at the time, he said that there were two Saracens parked on the Springmartin Road at the entrance to the factory. When the witness spoke to HET on 11 June 2009 he made a number of other points. He said there was pistol fire from the Springmartin estate into Springmartin Park which he thought was probably from the UDA. He said Father Mullan was holding a white sheet above his head and that he had come to give the last rites to Bobby Clarke. He said Father Mullan was killed on his way to Bobby Clarke. He said 10 or 12 shots were fired at Father Mullan and he was hit three times. He said he believed that soldiers at Henry Taggart Hall had given Father Mullan permission to go into the waste ground and they had supplied him with a sheet to hold up. He said Francis Quinn did not make a sound when he was shot. Further, he made some comment that the police in his view was a paramilitary force working for Protestants. He also in this document appeared to say that back then the IRA did not exist as an organisation. He also said soldiers in red berets were on the roof of the flats and were shooting at people on the waste ground and no guns were fired from Finlay's Factory. In the second meeting with HET on 12 November 2010 the witness stated that he did not know Francis Quinn and could not explain how he knew it was Francis Quinn who had been shot.

[137] As I have previously said, this witness C4 was questioned at length about various matters. He in his evidence accepted that shots were fired from Springmartin and he identified six maybe seven shots. He said that there were

maybe two guns at most in relation to this, but effectively he said he could not see anybody with guns there at the time. He had referred to machine gun fire coming from Finlay's Factory but he was not quite clear about the location of this and he certainly was clear that he did not see any IRA men with guns in the area. He denied seeing any gunmen by the Moyard flats and the garages and he certainly did not hear any gunfire from that area. In relation to the direction of persons entering the field the evidence was somewhat unclear and varying. Firstly, he relied on his diagram in relation to Mr Clarke and that he came over from Moyard towards Mr Clarke. In his interviews with Laura McMahon and Frank Martin he said he had come from Springfield Park. So in relation to his original statement the witness said that most parts of it are the truth "there are just little bits that are not."

[138] In relation to his evidence some inconsistencies were pointed out to him which he answered as best he could. He also stated that he was a serving soldier when he made the first statement and therefore he was under orders from above. In his evidence he said that at that particular time things were being hushed up left, right and centre. However, he did maintain that his original statement was by and large correct. He accepted he gave a number of accounts of what Father Mullan was actually carrying, however he was consistent that it was a white object; whether or not it was a handkerchief, a tea towel or a sheet, he could not actually say. He was adamant about who was actually in the field with him including the small child who he said ran away. In terms of the position of soldiers on Springmartin flats, C4 accepted that he was lying on the ground but he said that he could see the position of the soldiers and he did accept in his evidence that he heard screams from Father Mullan and also that he observed soldiers and smoke coming from what he assumed to be their rifles. He could not say whether that was actually from the rifle that shot Father Mullan.

[139] In his evidence he also made some points about what happened at the inquest which were unsubstantiated by any other objective evidence. He effectively alleged that he was told at the original inquest that the Army opened up on the orders of the

RUC. Under examination he accepted this was only a presumption but he also alleged that a captain called him a traitor and threatened to kill him. He said that the paras came to his house and assaulted him in his home as a result of which there were Courts Martial held. As I have said, upon being asked about this, the witness could not give details of the outcome of the court martial or give any evidence about it at all and frankly, I can say at this stage, that that evidence cannot stand up to any forensic scrutiny whatsoever. However, that does not mean that other parts of this evidence are not relevant. As I have said, just because one part of the evidence is unreliable does not mean that I totally disregard all of the evidence of this witness and in relation to his recounting of what happened in the waste ground he is clearly mentioned by other witnesses and I will take this into account when I assess the evidence as a whole.

ii. Other civilian witnesses in the area

[140] There is an additional category of civilian witnesses who were not injured but who were in the general vicinity at the time and who gave evidence to me. I intend to now deal with some of these witnesses, the first being Francis Corr.

[141] Mr Corr gave evidence to this inquest on 11 February 2019. He made a statement to the Coroner's Investigator dated 24 May 2018. As he said in that statement he had made a previous statement in relation to both the deaths of Father Mullan and Francis Quinn on 9 August 1971. Mr Corr also commented on the death of Mr McKerr, which is a separate incident I am dealing with, the said death occurring on 10 August 1971. The statement that he made in relation to these matters is dated 8 December 2012 and it was made at that time to a solicitor, Desmond J Doherty. In addition to the statement he made to the Coroners Service he also said that he has further information in relation to his meeting Joan Connolly on 9 August 1971. He said he was making his way up to Springfield Park to make sure his friend Paddy Joe was alright. He said he was alone at this time which was approximately after 6.00pm.

[142] Mr Corr said that he met Mrs Connolly at the bottom of the steps at Divismore Park which led directly up to the Springfield Road outside Springfield Park. He said he recalls Mrs Connolly was wearing a dark long coat and was not sure whether she had a head scarf. She asked him whether he had seen any of her children who would have often frequented his home. He had not and told her so. He carried on to Springfield Park going across the green to avoid the steps, she continued on her way. There was rioting ongoing at the Henry Taggart Hall. The witness said there was no shooting at the time. He said he was not aware of times but made his way home when it was dark going from Springfield Park through the back streets of Moyard via the Whiterock and New Barnsley into Ballymurphy. He named a man, Sammy McMaugh, who guided him and said there were just the two of them.

[143] A further statement was located for Mr Corr dated 5 November 2010. This statement was shown to him and in a second statement to the Coroner's Investigator dated 6 December 2018 he referred to it. He said he recalled giving five statements in total. He said the first statement he made was in the Frank Cahill Centre at the top of the Whiterock Road in the 1980s. The second statement was given at the Sinn Fein Office on the Falls Road and the third statement was at a building called the Corn Exchange in Gordon Street, Belfast, which he thinks may have been organised by the families. The final two statements were recorded by the Coroners Service.

[144] It is clear from this train of written evidence that this witness, Mr Corr, did not make an inquest statement or deposition in 1971 or 1972 and so there is no contemporaneous record of events. There is no statement from the Frank Cahill Centre in the 1980s. There is a record of the statement made to the Sinn Fein offices on 5 November 2010 and to the solicitor Mr Doherty on 8 December 2012. There are some differences in these statements which were highlighted in evidence. In the first statement dated 5 November 2010 Mr Corr said that when he was in Springfield Park he heard shooting which he assumed came from Springmartin but he could not

be 100 % sure. He ran towards Moyard into the cover of the Moyard flats and from there he noticed a man in a field coming towards him who suddenly dropped. He assumed that he had been shot. To his right he noticed a man walking out holding a hanky up in his hand. He said he did not realise he was a priest. He said he vaguely remembered another person behind him holding a first aid box with a red cross on it.

[145] In his evidence Mr Corr clarified that he thought the man was Robert Clarke, however Mr Corr's evidence places Robert Clarke coming in a different direction. Mr Corr could not say how Mr Clarke had been shot. He also referred to seeing Father Mullan with a white hanky in his hand which is replicated in other evidence. However, he gave evidence of a man with a Red Cross box following Father Mullan which is not part and parcel of other civilian evidence that I have heard.

[146] Mr Corr had a bit more to say in relation to Francis Quinn because he said he knew him and he said that Francis Quinn followed him onto the waste ground and he also referred to 'Loaf' Daly being there. He referred to gunfire which he thought had been coming from the right- hand side of Henry Taggart Hall. This does not correspond entirely with his statement in 2012 when he thought the shooting was coming from the Springmartin estate. In terms of what else Mr Corr could say he did not say that he saw any soldiers in the Springmartin flats or that he heard weapons. He did say in his 2012 statement that he noticed soldiers on an outside stairwell of one of the flats in Springmartin and two other persons on the roof of another building in Springmartin but he was not sure actually who those soldiers were. He said that he thought there was a gunman in Springmartin flats but he did not identify this as a soldier.

[147] In relation to Francis Quinn, this witness did give evidence about his connection with him. He also said that Mr Quinn got up and began running to the old printing place which he mentioned in his evidence. He said he saw Mr Quinn collapse following a gunshot close to a fence at the old printing place. This is

evidence which only Mr Corr gave and he was not able to give exact details about it or about the circumstances of Mr Quinn on that day. In terms of sequencing, Mr Corr said that 'Loaf' Daly was the first person to be shot, then Francis Quinn and then Father Mullan. He said that Father Mullan was on the ground when he was shot. The witness did not identify who exactly shot at each person but he gave this broad description of events.

[148] I note that during his evidence Mr Corr did become emotional and said that for a long time he felt responsible because if Frankie had not talked to him he may not have been killed.

[149] Eilish Meehan also gave evidence to this inquest on 25 February 2019 about her recall of events. The evidence from Ms Meehan is comprised in a statement she made for the Coroner's Investigator of 24 September 2018. She had also been interviewed on 13 April 1999 by Mr Paul Mahon and a transcript of that was available. Ms Meehan was a young girl at the time aged about 19. She did not live in Springfield Park, rather she lived in Springfield Crescent which is across the road, but her aunt lived in Springfield Park and was said to be at the bottom of the 'U' of Springfield Park.

[150] This lady gave very straightforward evidence, but fundamentally she could not assist in relation to exactly what had happened to the two deceased in the field. Much of the other evidence was put to her which, I consider, confusing at times but fundamentally the lady, as I have said, did her best to assist the court by describing events on the day when she said she thought there was both Loyalist and security force shooting. She also described a first aider going into the field, a man who she described as of Pakistani origin called Ali, who was trying to retrieve bodies from the field. She described a general scene of chaos and panic which she wanted to remove herself from because she was up at her aunt's house and she could see women and children crying and frightened in Springfield Park. She thought there was gunfire coming from Springmartin and she gave evidence that generally there

were people running towards Moyard across the field. She said she saw people on the roof of Springmartin lying flat but she did not actually see any gunfire and she did not know how many were on the roof. She said she did see some man who was injured in the field.

[151] Ms Meehan was clearly in the field and she did give some evidence about the intensity of the gunfire. She said she had crossed the waste ground trying to take children to safety in Moyard and when doing so, felt gunfire bouncing around her ankles. It was her view that anybody in that field was being shot at:

“I don’t know whether they were aiming at me or not, I wasn’t looking round for that, but I do remember the bullets were – they were bouncing off the grass.”

[152] When Ms Meehan got to the area of the Moyard flats at No. 80 she described the gunfire as being in crossfire. She said that the people there including women and children had to stay down because of the intensity of the gunfire and they did not move. She really only heard about the priest being shot and she could hear moaning from the waste ground. At that time Ms Meehan was aware of gunfire coming from both Springmartin and the Henry Taggart she said, and in her Mahon interview she explained:

“There is a gap between the end of the flats and Moyard Crescent and the start of the flats in Moyard Park, and that is what they were firing through. They had a line of fire from the back of the Taggart, straight the way through.”

[153] Stephen Pittam also gave evidence to me on 28 February 2019. He is in a slightly different position from other civilian witnesses in that he was a young student at the time who was in Northern Ireland rather than someone who lived in

the local area. He provided his own perspective of events at the time in a number of documents and he gave oral evidence to me. The evidence in written form was comprised in a statement of 19 October 2018 given to the Coroners Service. The witness also referred to an article he wrote at the time on 20 August 1971, which was published in 'Peace News' and which he said he wrote in the immediate aftermath of the introduction of internment.

[154] In his statement Mr Pittam explained how he was in the Moyard and New Barnsley area at the particular time. He said he was a 21- year- old student at Nottingham University having just completed two years of a three year BA course in Applied Social Science. It was a condition of the course that students undertook a placement during the summer vacation and he had a particular interest in the conflict in Northern Ireland. That led him to negotiating a placement as a medium term volunteer with the Voluntary Service Bureau (VSB), Belfast which in 1971 was organising summer play schemes throughout Belfast. He said he was placed by VSB in Moyard and New Barnsley and asked to help run a work camp organised by the United Nations Association for International Service (UNAIS). This was a three week summer work camp that he helped organise. He said he arrived in Moyard and New Barnsley in mid-June 1971, three weeks before the work camp was due to commence and stayed for at least six weeks after it finished. He said the work camp was over by the events of 9 August 1971.

[155] In his evidence he talked about the fact that the work was directed at intra-community relationships and in particular there was a hope that the new Moyard Community Centre would attract residents from New Barnsley and vice versa for the adventure playground planned for New Barnsley. In other words, there would be a cross-community element going forward. He said that during the summer he lodged with a resident in New Barnsley Grove. The work camp students lived in an empty maisonette on the upper deck of the block at the top of Moyard Parade. He said the students' maisonette was the highest point in the estate and offered an unparalleled view over Moyard, the army barracks at the Henry Taggart

Hall, and beyond to Springhill, and across the valley to Springmartin and over Belfast City.

[156] Mr Pittam then gave evidence about his recollection of the events of 9 August 1971. He drew on his article that he wrote at the time. He said that he was awoken that day by the commotion of the banging of bin lids at about 4.30am. He said he got up to see what was going on but went back to bed and got up again around 8.00am. He said on going outside:

“I began to understand the scale of anger in the community and of its response to internment. The barricade across the road at the junction of Springfield Road and Whiterock Road was built with a scaffolding and timber so carefully gathered for the adventure playground. At the top of the Whiterock I saw a bread van being emptied and a shop looted. There were barricades at various points on the Springfield Road.”

[157] He said he walked down New Barnsley Grove to the students’ flat in Moyard. He said a few work camp participants were still staying there, including Ali Khilleh who he said was a Palestinian refugee living in Denmark. He said walking through the streets there was an intense sense of expectation and there was a deep sense of anger and unrest. He said the teenagers with whom we had developed such constructive relationships during the summer proudly showed us the crates of milk bottles filled with petrol, ready to be lit and thrown at the Army. He said there were disturbances throughout the day. He said he recalled attending a meeting at the Moyard Community Centre to elect a Street Defence Committee in the afternoon. The committee was voted in by the community to organise the community. He said all sorts of rumours were circulating, including that Protestants from Springmartin were planning to invade Springfield Park. Mr Pittam then said that he was able to watch events unfold from the students’ flat. He said he could see a large crowd

gathering in Springmartin who said people in Moyard feared that they were going to be attacked. There were two levels of concern, the Army and the Protestants coming from Springmartin.

[158] Mr Pittam sets out an account of how events unfolded in his article, which was considered in evidence. In relation to that, he said Ali Khilleh and himself went out to assist the injured man. Darkness was falling, they left the Moyard Community Centre wearing Red Cross armbands. They moved carefully along the lower side of Moyard Crescent in the direction of Moyard Park. They were sheltered by the blocks of maisonettes to their right until they arrived at the end of the second block and were about to turn down the hill to the steps leading to Moyard Park. He said that it was there they came under a sustained attack of gunfire and could hear bullets ricocheting off the road around them. Ali had a better awareness of what was happening than him he said and he was grateful to have his advice. He said they dropped to the ground, lay still for a while before slowly crawling back to the safety of the cover of a brick wall on one side of the maisonettes. He said their movement attracted more gunfire and they returned to the Community Centre. They said that later others had found a way to get the injured man to Moyard Parade. The second time they went out was to carry him from a house in Moyard Parade to the top of the Whiterock Road. They said later they heard that the man had survived. They had no record of his name but they think he had a leg wound.

[159] In evidence, Mr Pittam said this:

“I never saw any gunmen, either from the British Army or the IRA, or the UVF. My sense though, was that there was a gun battle going on and it lasted a considerable time.”

[160] Mr Pittam said "I was also physically assaulted by soldiers the next day." He said such assaults were a fairly regular occurrence and on some occasions he was told by soldiers that he was a traitor living with the enemy. On other occasions he felt that the treatment he received was moderated by a knowledge that he had some connections. He said this:

"Some soldiers expressed views to me indicating that they felt uncomfortable with the role they were having to play. Others seemed to relish the opportunity to physically abuse people. Many men living in New Barnsley and Moyard suffered much worse than me."

[161] Mr Pittam poignantly concluded his statement as follows:

"The deaths had a huge impact on the community. It had been possible to undertake constructive community development work in Moyard and New Barnsley earlier in the summer. Internment, and in particular the behaviour of the Parachute Regiment, destroyed the positive sense of community action that had been building in the area. It left the community feeling disgruntled, alienated and angry. It polarised the mistrust and suspicion between the nationalist and loyalist communities. It led to the whole nationalist community uniting in support of anyone who might resist what was seen as an occupying force and to a growth of the IRA. It set everything back by years. It is hard to think of that night as anything other than a total disaster."

[162] Mr Pittam gave evidence in a very helpful and straightforward way. He obviously came from the perspective of being a young student and it was clear that these events have deeply affected him and are etched on his mind. In particular, he recounted the treatment in the community that he received. He was clear about his role along with Mr Khilleh in the field in terms of assisting injured. Other than that, he could not give specific evidence about what actually was happening but he did say that there was effectively a considerable amount of gunfire in the area. In terms of where the gunfire was coming from he could only speculate it was coming from the Henry Taggart Hall and also he said in his evidence that people were shooting from Springmartin.

[163] One other witness who came to the inquest relatively late in the day was Mr Philip Russell, who gave evidence via video link from Canada on 16 October 2019. He provided a statement to the Coroners Service dated 17 October 2019. Mr Russell is the brother of Robert Russell and Gerard Russell and the cousin of Michael Russell all of whom have featured in this inquest. In his statement Mr Russell indicated that he came to give evidence to the inquest by virtue of making contact with Mr O'Muirigh, Solicitor, by email of 30 August 2019. This followed contact from his niece who informed him that his brother Gerard Russell had died. He then decided that he should give his recollection of events. He had moved to Canada in October 1977. He said that in the early hours of 9 August 1971 at approximately 4.00-4.30 am he and his younger brother Robert went to bed, he was 14 and his brother Robert was 13 and Gerard was 24. They resided at 37 Springhill Crescent with his parents and younger sister. He referenced hearing the sound of a woman scream at this time of the night and also the sound of soldiers on foot. He made some comment about seeing people on the streets in the Springfield Road area in front of the Henry Taggart Hall and he alleged that the British Army Parachute Regiment had dragged men off to torture centres.

[164] The witness gave evidence about what he perceived to be tensions on the street at the time. He said that there was a great deal of anger about internment and

before too long people were throwing rocks and bottles at the Henry Taggart Hall. He also described that throughout the day British mobs were gathering in the British Springmartin housing estate. He said the British Army gunmen were on rooftops which overlooked Ballymurphy and were directly above Springfield Park and separated only by an open field. He actually placed these gunmen on the rooftops of 24-28 Blackmountain Grove in the course of his evidence. However, I have already said that some latitude is given to difficulties with marking maps and having exact locations.

[165] He did say that then around 8.30 in the evening the mob in Springmartin started running across the field towards Springfield Park and began attacking the houses and he said a number of people including himself went up to help the people there. He said he was there assisting people being evacuated. He then said he could see the field in which Father Mullan and Frank Quinn died and he said:

“The snipers on the rooftops in Springmartin fired into the flats, and bullets passed through the building and out the other side ... The soldiers in the Henry Taggart thought they were being fired on from the flats and returned fire, and in turn the snipers now thought they were being fired on from the flats and returned fire. This went on for some time.”

[166] It became clear during this evidence, despite being asked to look at various photographs and maps that Mr Russell could not be definitive about where the bullets were actually coming from. There is a suggestion that he referred to crossfire as well, but again that seemed to be speculation on his part and indeed he also in the course of his evidence suggested that 30,000 bullets were fired into his community that night. He then said that at the steps near the Moyard flats, adjacent to the waste ground, there was a person standing next to him and as they started to walk the person next to him dropped to the ground shot. The witness said he did not know

him, did not know if he survived, but he thought he had been hit on the leg. He then described that he jumped behind a low wall and the male he was with either fell or dragged himself up to the other side of the step. He said that in this position there was a woman and two small children but he did not know exactly who they were. He said the snipers were trying to kill him, all of them, by ricocheting bullets off the wall behind them.

[167] He continued to describe the gunfire as heavy and sustained. He also referred to a Red Cross couple and asked why they could not go into the field and get the injured out. He said that this couple of people said to him that they had changed their opinion of soldiers forever: "they are scum of the earth" and "we can't move, the snipers are using the Red Cross on our hat as a target to shoot us." The evidence continued in this vein in relation to the shooting in the field. The witness then said he went to the community centre and two of his friends were there, Liam and Seany. He said the next morning he made his way back home and climbed through the window and went to bed.

[168] Mr Russell concluded his evidence by recounting a rather bizarre story whereby he alleged that he had an encounter on the ferry from Belfast to Liverpool in November 1973 when he sat at a table and was joined by a member of the Royal Navy and a soldier, allegedly a paratrooper. He said that the man wore an SLR bullet on a necklace and that this person allegedly told him a story that he saw a riot going on in front of the Henry Taggart Hall and a priest in an open field in full view with an M1 carbine rifle firing at the Henry Taggart. The man said the priest then turned and fired towards Springmartin with his M16 rifle at which point the man said that he "shot the IRA bastard." The witness confirmed that it was only in September 2019 that he brought his thoughts together and wrote up his statement. He confirmed that he did not make a statement at the time. He also candidly accepted that he did not see anyone shot on the waste ground himself. He said that he had not spoken to his brother Robert following contact with his niece and the signing of the statement and this was his evidence.

[169] Overall, I am satisfied that the witness was trying to help the inquest, however given the fact that he did not make a contemporaneous statement and that his evidence did not really contain eyewitness evidence in relation to how Father Mullan and Mr Quinn came to their death, this is of limited value to me. Overall, it was fairly obvious that this witness was viewing events at a distance and there was exaggeration in terms of what was actually happening on the streets at the time. That is not to say there are not threads here that are correct in terms of the various locations but I could not be confident that this evidence is reliable enough for me to use it as a foundation for any of my findings.

[170] A further witness who gave evidence about surrounding events was Michael O'Hara. He provided a statement to the Coroners Service dated 26 May 2018. His original written documentation dates from 1 March 1999. This was in response to his cousin, Michael Doherty, who had told him that the Bloody Sunday Tribunal were requesting similar civilian evidence in relation to actions by the British Army at the time. So this is the basis of the evidence that he gave to the inquest. It is on the basis of recollections of himself and his wife, Teresa O'Hara. In his evidence he said he was 25 at the time and worked in Short Brothers and Harland & Wolff as a Line Inspector in the main machine shop in Belfast. The family went to live in Moyard estate off the Springfield Road in late 1970. He said that on Sunday night 8 August he and his wife went to bed about 10.30 as he had to get up early for work the next morning. He said the next morning news on the radio announced that internment without trial had been enacted in dawn raids. It had been well-heralded in the days before and so work was cancelled. He said that the whole area was littered with debris from barricades and there was generally a pattern of chaos. He refers to his statement which he gave to the Bloody Sunday Inquiry. He said:

“I can remember the scene vividly: it was chaotic; lorries loaded with furniture evacuating families to safety; windows being boarded up; teenagers rushing to defend

the area; and children of all ages being ferried away in cars. There was no organised evacuation.”

[171] Mr O’Hara said that gunshots rang out and he went into the maisonettes, into the stairwell below his flat. He said it was already packed with children seeking cover, screaming in fear and excitement. He said his neighbour, Geordie, and himself pushed the kids up the stairs to their flat where both their wives had been watching the riots from the balcony. He said:

“An explosion of gunfire erupted all around us. It was frightening in its intensity; it was impossible to hear each other. The children were in hysterics; we all fell into our hallway and slammed the door. Anne had to be restrained by Teresa and Geordie from running up to her own flat where her two babies were sleeping. Teresa brought her own baby down from her cot and we lay there together on the floor hugging the few solid walls of the maisonettes. The gunfire raged on, the noise of the shooting enveloped all the surroundings. It seemed to be on top of us, on all sides everywhere. This lasted 2 to 3 hours. The firing eased off, except for an isolated shot from time to time.”

[172] Mr O’Hara said Geordie and himself crept along the balcony to his flat to get Geordie’s children who were asleep in their cots. He said that as their eyes adjusted to the darkness of the room they could see the room had been devastated by gunfire, holes had been dug out of the walls and the debris of brick and plasterboard covered the floor. He said they ran from the flat, back along the balcony to his home and lay on the floor with the babies between them until day break. He said the whole area was in a state of absolute shock in relation to this.

[173] This witness was clearly very emotional about events, given what he witnessed and that his children were involved. He came across as an educated man who was in the epicentre of something that was extremely distressing for both his family and all other families in the area. It is quite clear from his evidence that his maisonette was in the line of fire as was particularly his neighbour's maisonette at 21 Moyard Park. He described in very vivid detail how the dividing wall of the maisonettes was actually shattered and how the place was a total mess. In the course of this evidence some footage from the time from the BBC was shown which also showed the extent of the damage. He talked about the intense gunfire and whilst he could not say where it was coming from he said there was no threat from his flats. He remembered the TV crew coming around the next day and looking at the cot and the bullet damage.

[174] Mr O'Hara was able to talk about 21 Moyard Park, which is an important venue in relation to these inquests and was the home of Anne Marie Young. Her evidence will be considered later as it was received under Rule 17 for various reasons. It is interesting that Mr O'Hara said that he would not have known anybody from the area outside of his neighbours Geordie and Anne:

“We had come from different parts of town and ended up in an environment where everybody was strangers ... there was no community spirit ... there was no history of our living there so the only people we knew were them.”

[175] Mr O'Hara came to this inquest and clearly stated in his evidence that he had not been in contact with the Youngs since these events.

[176] Mr Hugh McAloran also gave evidence to me on 27 February 2019 in relation to these events. He lived at 34 Moyard Parade at the time. He was aged 24. He said he did not actually see the shootings but a man called Ali came to the Community Centre to report that a priest was shot and that three people had been shot

altogether. He reported someone was shot and Father Mullan went to help and was shot. Frank Quinn went to help also and he too was shot. He did not have any idea where the shots came from but the Army were firing from what is described as the Henry Taggart. This witness said there were definitely no gunmen firing at the Army from the Moyard area. He then refers to bodies being brought up the steps and a Mrs Spence telling him to bring the bodies to her house. Father Mullan was brought to Kathleen Spence's house while Frank Quinn was taken into Hugh McAloran's house. Hugh McAloran therefore gave evidence about Father Mullan's body coming to his house and the body staying in the house until the following morning. This evidence is contained in a statement he gave dated 5 November 2010 and there is also a note of an interview with Paul Mahon dated 23 February 1999 which completes this evidence.

[177] Mr McAloran also said that he witnessed the damage to the maisonettes at Moyard Park, in particular the Young's maisonette. He said he brought a journalist along to witness the damage and he described how it was a miracle that anyone had survived the attack on the flat. He learned that there were two children in the flat on the night of the shooting and somehow their father got them out and he said that the journalist was totally shocked at the number of bullet holes through the walls and the windows.

[178] I also received written evidence from Ms Anne Marie Young who lived in Moyard Park at the relevant time. She was excused from giving evidence after being traced due to personal issues, however I have considered her evidence as her account refers to shooting at Moyard Park flats where she lived. In particular, Ms Young said that she had some short- term memory problems and while not diagnosed as yet, had medication prescribed and that she may be experiencing the early signs of Alzheimer's. She said that her two children were trapped in the flat alone in their cots and were later rescued by her husband and Michael O'Hara who gave evidence to me. In addition, I saw some footage from a TV interview at the time which

Ms Young confirmed she was part of and photographs which showed damage to the flats by bullet holes.

[179] In her first statement of 6 March 2019 Ms Young confirmed that she lived at the time in one of the maisonettes in Moyard Park along with her husband Geordie and two young children aged three and one. She confirmed that she was separated from her husband and did not have any contact details for him. The CSNI attempted to trace Mr Young but could not locate him.

[180] Ms Young said her maisonette was at the very end of the top of the block. She said that the Henry Taggart Hall was directly behind and that she could see two sangars on the roof and British soldiers there. Ms Young referred to an article in the Belfast Telegraph on 10 August 1971 and she confirmed that it was her in the photograph with her baby daughter. She said the photograph was taken in the living room. It shows mother and baby in front of windows shattered by bullet holes.

[181] Ms Young says she remembers that once the firing started she and her husband had to go upstairs and they went on their hands and knees to get the children out of the cot. She said the children had pieces of wood in their hair as a result of bullets striking the cots and that it was a miracle the children were not killed. She said the family were forced to leave their home after that.

[182] Ms Young also referred to knowing Father Mullan and that when she was leaving her home she saw a white handkerchief being waved in the field, and she heard gunfire and the person with the handkerchief go down. She said she later heard Father Mullan had been shot dead.

[183] In the statement Ms Young also said:

“At that time the soldiers were firing from the Henry Taggart hall and the vicinity of the Springmartin Road.

The paratroopers were everywhere. As the soldiers were firing from both these positions it created a crossfire. I am absolutely certain that there was nobody with guns in either the Moyard or Springfield Park area. I have not got a clue why the army were firing at local residents.”

[184] Ms Young was asked to clarify some matters as she could not attend to give evidence. She therefore provided a second statement of 3 October 2019. In particular she was asked to comment on the evidence of Michael O’Hara who gave evidence about these events. She said his evidence broadly accorded with her recollection and upon examining material from YouTube footage and being shown the transcript she thought her flat was number 7U on the second floor. She said she had no further recollections. She also confirmed Hugh McAloran’s evidence and specifically confirmed that he was correct about the damage caused, which was to her daughter’s cot.

[185] Ms Young also said that she recalled two soldiers visited her flat the following day. She said “one of the soldiers suggested that there must have been a gunman in our flat the previous night. At this, the other soldier, who appeared to be of senior rank, told him that had there been a gunman in the flat, there would have been blood everywhere ...” She said her father was there, that he had previously served in the British Army, and he said the same thing.

[186] Ms Young was also asked to comment on accounts that the body of a dead gunman was seen on the balcony of 21 Moyard Park on the morning of 10 August 1971. She said this was untrue. She also said she believed the gunfire came towards her flat from Springmartin but she did not know from whom. She said:

“I believe that the soldiers in the Henry Taggart Hall believed that they were under attack from people in Moyard flats and as such fired at our flats. I believe they

mistakenly thought that the gunfire from Springmartin had come from our flats (from any flat in Moyard) that we would have known.”

iii. Rule 17: civilian statements

[187] I have also had the benefit of a number of statements from residents in the local area. The first tranche of these are residents of Springfield Park and the benefit of these statements is that they were made for the inquests that happened in 1972. These statements were admitted under Rule 17 due to the fact the witnesses were either deceased or in ill health or could not be found.

[188] The first witness statement which is of relevance is from Mrs May Small who is described as a 24- year -old housewife of 80 Springfield Park. She described the day in question from 7.00am in the morning when she was woken to the rattle of dustbins. She also described an issue with the residents of Springmartin. She said that there were lorries moving into the Springmartin area, one lorry she said displayed a Union Jack. She described a large iron- type fence separating Springmartin from Springfield Park. She said that there was shooting from the direction of Springmartin by the Protestant people. This became very heavy and obviously caused a difficulty for the family so at about 7.30 or 8.00pm obviously a decision was made to bring the children to safety. She referred to the person who came to take her child as Bobby Clarke. He was carrying her child across the field and she was also in this area travelling towards Moyard with a large number of other people towards what they presumed was safety. She referred to being asked to give over some white nappies to people to try and stop the shooting which was happening when they were in the field but she said this did not happen. She also saw Father Mullan she said as well as Bobby Clarke. She said Father Mullan had a white cloth in the air and was walking towards the direction of Bobby Clarke and she said in her own words that that he was “hit and hit again”.

[189] This witness said the firing appeared to be coming from the flats at Springmartin and from the Army post at Vere Foster School. She said "I did not see any men shooting from Springfield Park and I did not see any soldiers in that area." Mrs Small's husband, Anthony Small, 25 years of age, a production worker, also filed a statement at the time and he largely confirmed what was said by his wife. He also referred to heavy gunfire which appeared to be coming from the direction of the Springmartin Road, which meant that he along with other neighbours had to leave the house. He said they were crossing the waste ground with the families going in the general direction of Moyard. He also said when this was happening he heard a heavy burst of gunfire and everyone who was in the area lay down. He said this gunfire appeared to come from the back of them which is in the direction of Springmartin.

[190] Mr Small said he immediately looked around upon the gunfire and saw a man fall in a slumped position onto the ground about 30 yards away. Another man in the area shouted to hold up something white and Mr Small said he held up a white child's bib but the shooting was still continuing and he ran for cover behind a wall at Moyard flats. He had a small child with him, about two years old, and he said his wife and other people also took cover behind this wall. He also confirmed that he and his wife went into the flats to look for a child who was being carried across the waste ground by a neighbour, Mr Robert Clarke. He did not see anything else and was informed about the shooting of Father Mullan and Mr Clarke. He finished his statement by saying "at no time did I see any man in the Springfield Park area with firearms."

[191] Another witness from this area, Mr Kevin Moore, also made a deposition for the inquest in 1972. He lived at 50 Springfield Park. There is a statement also from Mr Moore, which is dated 21 August 1971 signed by Thomas Glynn, which obviously pre-dates his deposition. There are some differences between the August 1971 statement and the deposition in 1972. Common to both is that there were obviously difficulties in the area which escalated during the course of the day with a crowd

which he estimated was about 100, gathering to attack the Springfield Park area from Springmartin. This escalated around 7.30pm and the residents of Springfield Park then started to evacuate their children in the direction of Moyard Community Centre. He said he did the same himself. He said he could hear gunfire in the vicinity of Springfield Park. He said at the time the firing seemed to come from the direction of Springmartin flats. From the sound he would say they were shotguns rather than Army guns (this is in his first statement). In that statement he also said “when I came back from Moyard flats I saw soldiers coming down through the gardens at the back of the house in Springfield Park.” He referred to being in the waste ground and he said the gunfire was definitely coming from SLRs and he saw two soldiers with dark berets on the roof of one of the flats.

[192] Mr Moore said that he saw Robert Clarke walking across from Moyard flats and before he reached him he was shot. So he crawled out to help him. He also saw, he said, Father Mullan waving a white handkerchief crouched over Robert Clarke giving him the last rites whilst some women and children were making their way along the grass over to Moyard flats. He said that Father Mullan said he would get an ambulance and walked away in a crouching position waving a white flag, however he was then shot. He said another person was shot and he in the first statement in 1971 said all the shooting at this time seemed to be coming from two soldiers on the roof of Springmartin flats. He said he recognised the sound of SLRs and there was a definite difference from the gunfire earlier on in the night. He said he was trapped in a piece of waste ground for some time and then managed to get to Moyard.

[193] The deposition in 1972 was unsigned and somewhat different from the evidence I have recounted above in that it left out some of the details about where the shooting was coming from and the identification of two soldiers on the roof. It did contain a quote that Father Mullan when speaking to Robert Clarke said “I will get an ambulance for you” and then it stated that a shot rang out and Father Mullan screamed out in agony and rolled up in a ball dead. This deposition also referred to

a man in civilian clothing carrying a first aid box and wearing a white helmet running over to help Father Mullan and also another man who was shot in the head. Reference was made to Father Mullan being bare headed and wearing a black suit and Mr Clarke was wearing a black jacket.

[194] The next statement is from a Mrs Mary Dempsey who is described as 35 years of age, a housewife of 79 Springfield Park. She also has a deposition attributed to her, although unsigned, for the 1972 inquest. She said on the night in question she was at her sister's house at 93 Springfield Park, that is a Mrs Morrow, and around about 8.00pm there was stone throwing coming from the direction of Springmartin estate. The crowd had been there since earlier that day. She said that she left her sister's house shortly after 8.00pm and as she was walking down the park towards her home she heard a shot being fired coming from the direction of the Protestant crowd at Springmartin. She said this shot was followed by a volley of shots also from Springmartin. She said at this stage the men folk from her street were trying to get the children across the field at Moyard to the Community Centre. She said she was going across the field with eight children and as they were crossing the field they were shot at by the military. She said, "I think it was the military because they were in our street." She said she heard people shout that Bobby Clarke had been shot in the field and the next thing she remembered was Father Mullan shouting at them to keep down; he was in the field beside the injured Clarke. She said that she heard more shots ring out and someone said that Father Mullan had been shot. Mrs Dempsey said she did not see him being shot and she got her children to safety and they were not injured.

[195] The next statement I have considered is a deposition which was made by Father Felix McGuckin, 28 years of age, for the inquest of Father Mullan on 26 October 1972. From the handwritten notes and the deposition which have been transcribed, as best they can be, it is clear that Father McGuckin did give evidence at this inquest and his statement is important in that context. It is particularly significant in relation to the movements of Father Mullan immediately before his

death. Importantly, Father McGuckin said that at 8.00pm on 9 August 1971 he left Corpus Christi with Father Mullan going to Father Mullan's house at 45 Springfield Park. When they got to Springfield Road he said he saw a very large crowd of youths in the Springmartin estate stoning houses in Springfield Park. He said:

“As we went into Springfield Park a number of people gathered from the Springfield Road area and they were trying to oppose the crowd from Springmartin.”

[196] Father McGuckin said that he went into Moyard Park and Father Mullan continued on up to Springfield Park. The next part said that when Father McGuckin re-joined Father Mullan he was standing outside his own house trying to get people off the street for their own safety. Sporadic shooting then broke out. The shooting was coming from Springmartin estate. The witness in the deposition said that he and Father Mullan went into his house and he phoned the Army (that is Father Mullan) and told them of the shooting from Springmartin and that it seemed to be directed at people who were fleeing from Upper Springfield Park across waste ground to Moyard estate. The deposition said that shooting continued and about 20 minutes later both of them looked through field glasses at the unfinished flats in Springmartin estate and “we saw soldiers on the stairways of these flats taking up positions.” Father McGuckin then said the firing continued however although the troops were present. He said both he and Father Mullan were crouched in his doorway facing the waste ground opposite when they saw some of the people in the waste ground stop and call for help for an injured person. He said this would have been around 9.15pm at the latest.

[197] Father McGuckin also recounted that Father Mullan decided to go to the injured person's assistance. He took a white handkerchief out of his pocket, and started to go across the waste ground to the injured person; he was waving the handkerchief above his head as he went. Father McGuckin said there was then a particularly heavy spate of gunfire and Father Mullan went to the person and he saw

him duck down in the grass. Father McGuckin said he shouted to him stay where he was for a moment. Father Mullan remained where he was and Father McGuckin then said he immediately phoned the Army to tell them that he had gone out into this area to assist an injured person and that there was still shooting into the area to which he was going. As the soldiers were in the flats in Springmartin, Father McGuckin asked them if it was they who were firing, not to fire at Father Mullan or anyone else out there. The Deposition contains the following:

“The army said they would attend to this but the firing just continued.”

[198] Father McGuckin said that when he looked out again for Father Mullan he had moved from the position he was in and was now out of his vision behind a ridge where the injured person was. Father McGuckin then said he spent a long time lying on the floor and after some time when Father Mullan did not return he phoned the Army and reported this fact and wanted to go out and look for him. The reply he was given was “I was told that in the circumstances I could be shot if seen moving.” He then realised later in the evening that Father Mullan’s body had been recovered. The deposition finished with these words:

“There was no shooting from the waste ground. There was shooting coming from Springmartin and I can’t say whether the shooting was being returned from Springfield Park or the Moyard estate. It is highly unlikely that shooting would be coming from Springfield Park as most of the people there were fleeing with their children to safety.”

[199] There are handwritten additions to the depositions which obviously came about through the inquest process and which are hard to transcribe, but doing the

best that can be done it appears that Father McGuckin added additional evidence as follows:

“Mr Hutton (Counsel): When Father Mullan went out it seemed to me the people he was seeing to had been wounded. After he went out the firing sounded right ... three or four shots, one after another ... after the shooting I did not see Father Mullan again, but I did not know whether he was shot by that firing or not. The firing was not continuous but some of the shots followed by another one or two. I would say there was intermittent fire. The gunfire I heard all gave me the impression it was being fired right by my side. The waste ground was, there had been a river there and it was ... Father Mullan had gone to stop ... I have no evidence of soldiers firing into the Springfield and Moyard areas, but I would be prepared to accept it that gunmen were firing at Springmartin and the army were returning this fire because Major X has said so. Shouted to Father Mullan to stay, he was so I could phone the army and explain who he was. I rang the Army at the Henry Taggart Memorial Hall.

Mr Cahill (Counsel): When Father Mullan spoke to the army he said there were people coming across the wasteland and they were only trying to get to safety, that gunmen were shooting at them and the army should try to stop that. They were leaving too and from between 56 and 66 Springfield Park. I did not see any of them fall as a result of gunfire. I did not see any firing from the Moyard area at these people in Springmartin or the army. No one in the army asked me to try to quiet things in the area.

When I informed the army about Father Mullan I was told I was likely to be shot if I were seen moving in the open space. That was at about 9:30-10pm.

Mr Rankin (Counsel): You cannot see 13-21 Moyard Park from Father Mullan's house but I had returned from that area just before the shooting started.

Mr Hutton (Counsel): I shouted to Father Mullan to stay where he was firstly, because I wanted to warn the army and firstly (sic) because I realised he was in a dangerous position."

[200] There is a further deposition which is unsigned from a Mrs Sheila Morrow, 34 years of age, housewife, of 93 Springfield Park. She also talked about the evening and the crowd in Springmartin throwing stones into Springfield Park and a tense atmosphere with intermittent stone throwing. She made the point that there was a soldier in her back garden about 8.15pm and she could hear gunfire although she could not see who was doing the shooting. She said there was shooting coming from the Protestant crowd at Springmartin. She talked about a Guinness bottle being thrown at her house striking the window frames. She said she remained in her house during the rioting and could see four soldiers positioned in gardens in Springfield Park. She said sniper fire continued into the morning of 10 August but she did not see anyone being shot.

[201] Similarly, there is a deposition which is unsigned of Michael Hemsworth who also lived at 37 Springfield Park. Mr Hemsworth also described the trouble in the Springfield Park area. He said that shooting broke out at about 8.30pm and the streets were cleared immediately. He also said that at about 8.45pm he saw two soldiers wearing dark berets on the roof of the Springmartin flats about 50 yards from his back door. He said he could hear them talking in English accents, they

seemed to be giving directions to one another as to where to shoot, and he could distinguish phrases like "over a little bit", "a bit higher." He said that he watched Mr Clarke cross over from Moyard flats to Springfield Park over the waste ground and then he saw him fall. He did not know he was hit. He said about three to four minutes later he saw Father Mullan run out to Mr Clarke waving a white handkerchief above his head. He said that Father Mullan crouched down over Mr Clarke for a short while and then he started back again holding something white in his hand. About half a dozen yards from Mr Clarke Father Mullan was shot and he fell to the ground. This witness said that he seemed to crawl along for a bit and then he was hit again and a leg and arm seemed to stick up. He said that the firing continued all this time with some of the shooting going towards Moyard Park. Then he said about 10 minutes after Father Mullan was shot two men wearing white hats came out from behind Moyard flats and went over to the priest. He said he also saw two people getting out over by the railings, one of them seemed to be hopping as though he were injured in the leg. At about 10.00pm this witness said he went out into the waste grounds and crawled towards Father Mullan. When he reached him he was dead. He said he then heard a moan and saw a youth lying not far from Father Mullan. He said he asked him if he was hurt and he said no but that there were others further on up who were.

[202] Mr Hemsworth then said that he crawled further on up and saw a chap lying on his face and he was shot in the back. He ripped his coat and stuck his handkerchief on his wound. Another man lay beside him who was shot in the head. He was about one yard away from the man with the injured back. About 10.30pm he went up to the first aid post in Moyard Crescent and got a camp bed and brought it back to the injured man and took him off the waste ground with the help of about four others. He said about the same time somebody lifted the body of the dead man beside him. Then somebody went out to lift the body of Father Mullan but he said firing broke out again at that point. He was on his way back to help carry out Father Mullan's body when he got pinned down in a ditch by gunfire and he lay there for about half an hour after which he crawled back to his house.

[203] A further deposition which is again unsigned and prepared for the 1972 Inquest was made by Tom Callaghan of 38 Moyard Crescent. He refers to the fact that the residents of Moyard held a meeting on the night in question at 6.00pm to discuss internment. At this, the residents of Springfield Park attended and complained about people from Springmartin flats invading the Springfield Park. He said some of the Moyard residents went down to the waste ground behind Finlay's Factory and saw a crowd from Springmartin flats throwing stones into Springfield Park. Some stones were also being thrown back. He said the Army chased them all from Springmartin flats and took up positions on the roof of the flats between 7.00-8.00pm. It was rumoured that the Army were coming down from the top of Springfield Park so everybody scattered. This witness said this in the deposition:

“The army opened fire from the Springmartin flats and the Vere Foster School while women and children were crossing the field.”

[204] In the deposition Mr Callaghan stated that he saw Father Mullan coming out waving a white handkerchief and he was shot on the way back towards Moyard. He said two first aid men ran out to help him about 10 minutes later and they were pinned down on the field by gunfire from the Army. He said Father Mullan was shot twice – at another point in the statement he said Father Mullan was shot about three times. He said about 10.30-11.00pm he helped to carry out the priest's body and the body of a young man shot in the head. He said he tried to get the priest's body down to Corpus Christi but the soldiers would not let them past the barricade. He finished his deposition by saying the army in the Springmartin area wore black berets and those in Vere Foster School wore red berets.

[205] Michael Russell made a deposition, which is again unsigned, for the original Inquest. It will be remembered that this witness has been referenced by others. He did not actually live in the area – his address is 58 Ballymurphy Road and the

previous evidence from witnesses is that he came to the area with others to assist the residents there. His deposition said that he arrived in Springfield Park at around 8.15pm on the night in question. Stones were being thrown from Springmartin flats at the time. He said that "I could see soldiers in the area of Springmartin flats but they took no action against the mob. He said that about 8.30-8.45pm he thought the shooting started. He stated that soldiers started to climb on to the roofs of the Springmartin flats. There were soldiers and civilians on some roofs. This witness said that he made for cover in Moyard flats. A man left the flats and headed across the waste ground; about half way across he was shot in the back. The witness said that "6 or 7 of us ran out to him from the flats when we reached him we were pinned down by gunfire." He stated that Mr Russell said after a few minutes he saw Father Mullan arrive and give the last rites to the wounded man. He said he got a loan of a T-shirt from a man lying nearby and started to crawl back with him.

"We were a dozen yards from the injured man when Father Mullan was shot. He drew his legs up in front of him after he was shot. There was another shot and he screamed again, then he started to pray in gasps."

[206] The statement contained an averment that his arms and legs were moving from side to side and attracting gunfire from Springmartin flats. The witness also stated:

"I could see about 5 soldiers and several civilians scattered through the flats. One bullet hit the heel of my shoe and another nicked me in the leg. Shortly after Father Mullan was shot I heard somebody else cry out and about an hour later some first aid men came out from the flats."

[207] He said that he helped a chap with an English accent with one of the first aid men and a young kid ran towards the flats and attracted some gunfire. He said he was lying about a yard away from Father Mullan facing towards Moyard flats.

[208] A further deposition was provided for the inquest of Francis Quinn by Anne Quinn. This is again unsigned and there is a note in the margin that the witness was not called. Anne Quinn is the widow of Francis Quinn. She said in the statement that she resided at 49C Moyard Crescent with her husband and daughter. She last saw her husband on 9 August 1971. He was unable to get to work that day because of the rioting on the Springfield Road so he was in the house all day. She said he went to the front door several times during the day to see the rioting. She said that she went to bed with her baby daughter between 9.00 and 9.30pm. Her husband was still at home at this time. She said that early the next morning a priest called at her home while she was still in bed and told her that her husband had been shot. She said she was not aware that he had been out through the door during the night.

[209] A letter has been provided dated 17 August 1971 from a Mrs Carson of 17 Moyard Park, Belfast, dealing with events at Springfield Road. This letter has been hard to read but transcribed as best as possible it refers to the fact that Mrs Carson was out visiting her father and when she went home she found she was unable to get up the Springfield Road so she went back to her mother's. She said early the next morning at 8.30 she went home and found that the girl next door's hall had been riddled and in her own home a bullet had gone through the frame of one of the bedroom windows and travelled across the room through a wardrobe ... through there ... across the landing into her bedroom, through the curtain and right through the window and out. She said she found locks broken on the door, electric sockets out, her sister's wedding presents destroyed and she made a complaint in relation to this but was told by a clerk that there nothing that could be done.

[210] There is a further account in a statement form from a James Connolly, 14D Moyard Crescent, Belfast. This typed document is not dated but appears to be from the time and purports to be an eyewitness account regarding the death of Father Mullan and Frank Quinn. It said that at approximately 8.45pm a man was shot in a field beside Finlay's Factory. He went to his assistance waving a white flag and was joined about two minutes later by Father Mullan and a few lads from the area. He said that after reassuring themselves the injured man was not going to die he wanted to clear the field while waiting for first aid. On returning to the field he noticed Father Mullan's body leap through the air as a result of the impact of a bullet as Father Mullan screamed he had been shot. A lad beside Father Mullan was also shot but not seriously and left the field by himself. Mr Connolly then referred to first aid men approaching Father Mullan on the field. He said there was continuous heavy gunfire during this time and for two hours from the Springmartin estate and it was about 11.00pm before himself and a Mr Bobby Murphy were able to collect the bodies of Father Mullan and Frank Quinn. He said he was unable to gain access to the field due to heavy gunfire and was observing what had been described by him at a distance of 15 yards beside a block of flats at Moyard Park.

[211] Mr Connolly said that after removing the bodies during sporadic gunfire they asked the Army at the Taggart Memorial Hall for permission to remove Father Mullan's body to Corpus Christi and were told in no uncertain words to go or they would join him. So he said they were forced to leave his remains in a house at Moyard Parade and the remains of Frank Quinn were also removed to a house at Moyard Parade. He said in this document that it was approximately 9.00pm when Father Mullan was shot. He said that there was continuous fire from the fire point at Springmartin estate directed towards the flats beside the field in Moyard Park. He said he believed that the white flag he had was acknowledged on his first entry into the field as he was not shot at. He said no one in the field had any weapons or discharged any shots. There was no weapon with the injured. It was still broad daylight and it must have been obvious to the people manning the fire point that

they had gone into the field to render assistance to the wounded man. The statement finished with the following:

“Observations on the bodies as I found them:

- (i) Father Mullan was lying on his back with head inclined to right. As I tried to lift him I put my hand on wound and recoiled in horror the wound being on his right hand side. Later on I found two wounds entrance and exit wounds on left and right hand side.
- (ii) Frank Quinn – As far as I could see he was shot through the back of the head whilst lying on his stomach.”

[212] There is a statement from a James Gray which is a statement witnessed by Eugene Arthur BSc and so must have been from around the time in 1971. James Gray was noted to be a resident of Moyard Park. He said in this statement that he was at the junction of Moyard Park and Springfield Park on Monday 9 August in the evening at 8.00-9.00pm trying to get home. He heard shooting and lay down to take cover and bullets hit the wall near him. He said he could see one soldier and the gun of another on the top of Springmartin flats wearing bullet proof jackets. He saw a man running from Moyard Park to Springfield Park to the women and children. About 10 minutes later he came back with a child in his arms. The soldiers shot at him and missed. A woman and child came over next and the soldiers shot at her too but missed. As far as I could see there was no other shooting taking place. He said the man ran back across the field and was shot in the field. Father Mullan came out from his house and in his left hand he was waving a white handkerchief. He was walking slightly crouched with this flag in his left hand. The Army shot at him and missed. He went on and fell as he got to the wounded man.

[213] A similar type statement, although it appears to be incomplete, was provided from a Mr Robert Hutchings of 57 Moyard Crescent. He said that he heard there was some fighting in Springfield Park and several of them went down there about 7.00pm to see. He said he went right up the back of Springfield Park and joined a crowd confronting a crowd from Springmartin. He said that a man was shot in Springfield Park with some shotgun pellets in the neck. At this, two shots were fired from Springfield Park, followed by four more. The Springmartin crowd scattered and the gunmen left saying that if they returned then bottles and stones should contain them. At that moment the Army was spotted, three behind Springfield Park and two on the roof of Springmartin flats. Mr Hutchings also stated that:

“They started firing indiscriminately into Springfield Park thus commencing about 35 seconds after the last shot from Springfield Park. The marksman on the roof aiming up Springfield Park did not fire initially but the one giving him cover of fire did fire. The three coming down from Springmartin also fired.”

[214] Mr Hutchings referenced that the soldiers on the roof had SLRs and they were wearing red berets. He said that he could not see what colour of berets the others were wearing. The witness said at this stage he was lying in the road at the junction of Springfield Park and Moyard. He dashed for the garages at Moyard Park immediately for cover. He said no shots were returned towards the Army. He said about 10 minutes after reaching comparative safety he heard automatic fire directed towards the Army from the back of the garages. This went on for about some time and people were dashing for safety and were shot by the Army and he thought that it was wise to stay where he was between the two gunmen. He said the gunmen kept firing for about two hours after this. He said this was about 200 yards from the field which was not in any line of fire. He said after about 20 minutes four or five women started to cross the field from Springfield Park also with children.

[215] The first page of a statement from the time from an Alex Mitchell was made available. It seems to me that this is signed by Eugene G Arthur BSc so it is from the time. It said that the witness spent 9 August 1971 in Springfield Park observing stone throwing from the flats. He said people in the park were obviously concerned. Police mingled with the mob at various stages and both the police and the Army made no attempt to disperse the mob in spite of phone calls from the Park for protection. He said a lot of people boarded up windows and at about 8.20pm his wife shouted to him "they are in the Park" and upon going out he saw a stoning battle going on opposite his house, which appears to be No. 89 Springfield Park. A mob were climbing the railings and coming through a gate in the railings, they were screaming abuse. Various other parts of the Park were also under attack. He said he left his house and went to the bend of the Park which was under heavy attack from stones and bottles and he heard windows being shattered. He said that he headed back for his own house and heard shouting from Springmartin and he concentrated on getting the women out. While they were moving people down to the back garden he heard her shout "the Army's coming." A portion in brackets said that the crowd now included lorry loads of people who had arrived about 8.20pm opposite the park.

[216] After that, this witness said:

"I could clearly distinguish the shooting was due to the army as it was heavy and clear like an army rifle. I ran up to the back of my house and the army had passed my house and missed me by some chance on their push down through the garden. The mobs were coming in behind them and all shooting at this stage seemed to be from the army. I think they were also being shot at but I did not see anyone firing on them."

[217] Then the witness said that about 8.50pm he went into the kitchen and heard quite distinctive rifle fire. He said "I looked and saw two soldiers on the ridge tile of one of the Springmartin flats. They were shooting from there." He said there were children still being carried across and the Army kept firing in their direction. He said the two soldiers on the roof were doing most of the shooting. He then said he went out to his back door and he could see through the gap in the houses an unarmed man running towards Moyard on the waste ground who appeared to be shot in the back and fell to the ground. The next person who came into view through this gap was Father Mullan. He was in a crouched position. He said: "I saw him fall as I heard a shot." He said immediately after this he heard another shot and he did not get up again. He said another man running from Moyard direction towards them was also shot and he fell before getting to them. Another man ran as shots were directed towards him. He said: "In my opinion Father Mullan was shot from Springmartin flats by the two soldiers on the roof because from where I was standing I clearly saw both of them, I clearly saw both the target and the marksman." Then he said he spent the night on the floor listening to windows being broken and shooting until about 2.00am. He said the soldiers who came into the Park were wearing maroon berets but he could not tell what colour of berets the ones on the roof were wearing.

[218] There are also two statements from Josephine Murray and James Murray who lived at 25 Springfield Park at the relevant time and were a married couple. Josephine Murray's statement is undated, James Murray's statement is dated 11 March 1999. The Murrays set out the issues that were pertaining to the Springfield Park residents who were under attack from the Springmartin residents. Interestingly, the Murrays also pointed out that Father Mullan who was the local priest and who lived in the local area arrived on the scene and tried to help people. The Murrays refer to neighbours helping each other. Mr Murray's statement referred to intense gunfire which broke out and seemed to last a very long time. The heaviest firing seemed to be from the Army SLR rifles firing from the Springmartin direction and Mr Murray said these particular guns had a very distinctive bark when discharged. Mr Murray said he heard the screams of a young person coming from

the direction of the waste ground and he realised somebody had been badly hurt but it was not possible for him to go out to help.

[219] Mr Murray was involved in the Residents' Association and he said poignantly that the following morning he proceeded to the top of Springfield Park to see some committee members and discuss the situation. He said:

"I found the street littered with debris, some houses were abandoned and others were being evacuated. The families were in complete shock. I was told that the first houses attacked with petrol bombs from the Springmartin estate were in fact unionist neighbours' homes – so clearly the mob were unaware of the make-up of our street which was approximately 70% nationalist and the remainder were unionist."

[220] There is then a note of an interview with a Mr Frank Toner taken by Paul Mahon of 20 April 1999. This witness said he was with others near the Moyard flats when he saw somebody being shot on the field. He was asked whether it was Bobby Clarke and he said no but he went to assist the injured person and he said there was shooting at the time. He said it must have been coming from the Springfield Park way, it could not have come from anywhere here, maybe a bit of shooting from the cardboard factory. He said he was with Davy Russell at the time. He said the priest came over to the flats and he was beside them and we said "don't be going out there he is still alive" but he went anyway. He said he watched as Father Mullan was shot, he was standing and he went right over. He could not remember much else in terms of what was happening in the field. He repeated that he thought the fire was coming mostly from the Springfield Park direction and in terms of how many people were shot in the field he said he only knew two. The fellow from Turf Lodge and the priest. He said that the fellow from Turf Lodge said he had been shot in the ear.

[221] There is also a handwritten note from a Miss Amy Wardlow which has been transcribed as best it can be. This is undated and it refers to Mrs Wardlow's recollections as she lived at 94 Springfield Park. She said herself, her husband and her four children had to leave due to the bottles and stones being thrown from the Springmartin flats. She said she went up to the community centre at Moyard Park to get a stretcher and when she got to the field she saw Father Mullan and passed him and people said he was dead. She said the fellow Father Mullan was about to attend to was injured and moaning and he was got on a stretcher, she assisted, and taken away. She said Father Mullan had on his priest's clothes and there was a clean hanky not far from the priest and she used the hanky on the wound of the injured man. She said he was taken away on a stretcher and she went to the community centre. She refers then to having to go back the next day to her house and finding it effectively wrecked. She said they moved then into No. 2 Stockman's Gardens with most of their salvaged household effects and that this caused quite a bit of financial difficulty given that they had been lent money to buy the new house at 94 Springfield Park that they could no longer occupy.

[222] There is also material from a Patrick Fennell who made a deposition to the original inquest. He later told the HET that he saw 2 men with handguns shooting towards Springmartin from a ginnel at 51-53 Springfield Park. Mr Fennell said he attended to Bobby Clarke when shot.

[223] Further handwritten notes from Paul Mahon's interviews in 1999 with a range of people have been provided, although obviously these are of limited value and so I will summarise some highlights from them. None of them I should say are evidence of such strength or value that they are of particular probative value save that they give an overall view of events. There are notes of interviews with Margaret Connolly, a Sean McCrudden, a Hubert Gallagher, a Gerry Mooney, a Kathleen Spence, Phyllis O'Hare and a Michael (surname unknown) in relation to this.

[224] As I have already said in the introductory sections of these inquest findings, some care must be taken in relation to these interviews which were introduced late in the day in this inquest and are obviously not best evidence and sometimes are hard to decipher and may be partial. It is of note for instance that various opinions are given throughout the interviews. For instance, in relation to one of these witnesses, that is Gerry Mooney, Mr Mahon appears to comment “dubious witness.”

[225] It is clear that the witnesses all refer to difficulties on the morning of 9 August. I do not take much from many of the witnesses at all. For instance, there is another problem if you look at the narrative from Sean McCrudden. He was aged 12 in 1971. He said he was playing in the vicinity of Moyard and he heard shooting coming from Springmartin. He was in the field at the back of Springfield Park. One man actually fell off the flats and he heard people screaming and shouting for help.

[226] Hubert Gallagher referred to Protestants from Springmartin attacking houses in Springfield Park, which is uncontroversial. Although he did say in the handwritten note the figure on top of Finlay’s roof was not a soldier he also referred to a Protestant gunman and paratroopers on rows overlooking Springmartin. There was a body lying in the field. All shooting was from Springmartin and the back of the Taggart. Father Mullan had a white handkerchief, he held it up. It took him three hours to get home.

[227] Phyllis O’Hare referred to Father Mullan speaking to her sister-in-law at the gate, obviously by way of trying to give assistance. The most substantial interview is with Kathleen Spence, which seems again to have been taken by Mr Mahon. She again talks about the difficulties in the area in Springfield Park being under attack from Springmartin. In the handwritten note though she said this:

“Everybody knew that the IRA was in existence, nobody knew who they were, I didn’t anyway but you saw

people that you knew walking about with ammunition and guns wrapped up in carpets, it was a fascinating thing, nobody knew what was going to happen but you knew something was going to happen so you got the children in even on a lovely day with the sun out. Your first priority was the kids."

[228] Ms Spence appears to have been with other women and children going to the Moyard Community Centre which she said was packed. She did refer to being able to see tracer bullets coming in the sky and she was helping out, it is clear, with the children. She said that a soldier was shooting constantly from a look-out post at the Taggart and this she had a problem with as she was trying to go to a baby in the flats and some interaction appears to have happened with the soldier by way of shouting to tell him to stop. She said a person with all the strain took a heart attack in the Community Centre. She then talked about how the priest was brought to her house and she described that he was put on her wee girl's bed and tended to at her actual house, and that the people there said the Rosary and lamented about the whole thing and then the ambulances came in the morning to help. She said a worker called Ali came into her house that morning and she said the thing he did "I'll never forget him for it." She said that up her whole landing and around the paper was all blood where the blanket had touched. She said she had not even noticed it, but that "wee fella" came into her house and cleaned it all before her children came in.

[229] She said as far as she knew there were five bodies taken out of Moyard, "I do not know who they were but they were in different people's houses." She said that she could not stand over that figure or swear by that. There was more than one ambulance in the street. There was talk of bodies being in the empty flats. There was talk that there were three bodies in the flats. She said that "it is only hearsay" but "the talk was the three bodies that people had put in the empty flats because they were supposed to be IRA men and that is why people could not take them in their

own houses – that is what I was told. Whether that is true or not we don't know, we don't know yet."

[230] This witness also stated: "I know there were volunteers in the area." She referred to two figures standing in the Moyard Crescent area who were armed. She said they had handguns and they put them into their back and they got away. The statement by the person known only as Michael regarding 9 August 1971 is dated 1 June 1999. Again, this is an interview with Mr Mahon, again it refers to the dangers at the back of Springfield Park from the people in Springmartin. He said there were Protestants waving Union flags. He said:

"I didn't see them firing any guns, I saw no one firing guns but shooting had started."

He said when the shooting started it was heavy shooting, they had never heard anything like it and was scared.

"I was inside the flat which were riddled. There was a child in the cot in one of the flats, how the child was never killed is beyond me, we were in the hallway lying on the floor and about 10pm that night I saw the fellow lying there, then I saw priests come down, I didn't know at that particular time that the priest had been shot I thought he was waving something. I came out of the flat and ended up at the back of New Barnsley, somewhere at the top of Moyard and there was a fellow lying on the ground. Someone said his face was blew off, I don't know and they were searching him to try and get ID off him but we couldn't find out who he was."

[231] There is also a handwritten statement from Francis McNulty dated 11 September 2018. She lived with her husband Harry at the time in Springfield Park. She also described the difficulties in the area when internment was introduced and the fact that the homes were coming under attack from the Springmartin estate. She said it was totally chaotic, people were running everywhere and panicked just trying to get somewhere safe to stay. She confirmed what others said that people were running through the fields between Springfield Park and Moyard Park trying to get to safety while shooting and absolute hysteria were everywhere around them. She said to highlight just how manic it was a baby was handed to Harry from a local resident while running down the street of Springfield Park. Harry McNulty has been mentioned in this inquest before as he was arrested on the day in question in possession of a shotgun.

[232] Mrs McNulty said this about that situation:

“To protect our property my husband stayed at home, he legally held a single-barrelled shotgun and he was taken from our home by British soldiers who severely beat him and threatened to shoot him, they also confiscated his shotgun. He was dragged from out of her house and through the gardens of her home and taken to the Springmartin estate where soldiers handed him over to a loyalist mob who continued to severely beat only stopping when a soldier fired a shot. He was then transported to Springfield Road Police Station where by chance he recognised a Senior RUC Officer and called him by name. The officer did not recognise him due to the state of his face and arranged to get the blood wiped away. This officer knew his name and address as Harry had previously been the site foreman when the Springfield Road Police Station was being refurbished.

He was then taken from the Police Station to the entrance of the Springmartin estate on the Springfield Road and left to make his own way home. A neighbour in our street who was a nurse took him into her house and cleaned and bandaged his wounds. He was beaten black and blue. From that day until he died he was in constant pain and using pain relief. A few months later the shotgun was returned to my husband and he was never charged with any offence and just to clarify the gun was never fired."

[233] There is a statement from Elizabeth Adams who was Elizabeth Callaghan at the time, the daughter of Davy Callaghan. She gave general evidence about what was happening at the time and confirmed in relation to her father that he was taken to the barracks having been shot and that this had a profound effect on him. This lady was very young at the time and her evidence really related to events in Henry Taggart Hall and how people were treated there, which I deal with in relation to Incident 2.

[234] Anna Breen also gave evidence to me, but again this related more to Incident 2 and the death of Mrs Connolly as she was Mrs Connolly's neighbour. She made a statement to the Coroner's Investigator dated 12 September 2018. It is interesting in that she talked about Father Mullan. She said that earlier in the day Father Mullan had been in the street and she would have spoken to him. She said she thinks he had relatives visiting his house and he asked if the kids would help him prepare for his visitors and get a few groceries for him. Later on that day her daughter Linda, who was 13 at the time, went along with Briege Connolly and another girl, Eileen Kennedy, to assist the priest. I deal with this evidence in more detail in relation to Incident 2.

[235] The final civilian witnesses I considered are Thomas and Nuala McAllister. Mr McAllister gave evidence and Mrs McAllister's statement was admitted under Rule 17. Mr McAllister had completed a statement at the time dated 21 August 1971 witnessed by Thomas J Glynn and provided a statement to the Coroners Service of 5 June 2018. He confirmed in evidence that he was living at the time at 69 Moyard Crescent and on 9 August he went round to Springfield Park to see what was happening with people being put out of their homes and to offer his help. He described the riot situation. He said he did not see any police or British Army within the area at that time. He said he did see people running across the field. He helped a man with a foot injury. He said he thought this occurred before what he would term as the big shooting and that his original deposition had got the sequencing wrong. He said: "I don't think I would have heard handguns and put this injury down to the possibility." He said he took this man with the foot injury to his own house, he did not know how it happened.

[236] In his statement to the Coroners Service the witness said he would say that the heavy shooting only happened after the women and children had cleared the field between Springfield Park and Moyard. He could see the British Army on three or four different chimneys of the nearby new Springmartin flats. They wore camouflaged uniforms. No one else was present on these rooftops who did not wear an Army uniform. He said the Loyalist crowd had dispersed. This witness was clear in the statement to say:

"It should be noted that there was no firing when the women and children were crossing the field. However, when the women and children got to safety gunfire just opened up on us. The British soldiers were shooting directly into the field."

[237] Mr McAllister said that he took cover behind the flats and there were medics wearing white hats. He said he took a hat off a wee lad as he was too afraid to go

into the field and he went to help with others. He said he did not know the wounded man in the field at the time. He did know Father Mullan and he did give an account in relation to Father Mullan. He said Father Mullan entered the field from the direction of Springfield Park. He was alone. He said he was closer to the railings near Finlay's Factory and he marked his position when he was pinned to the ground. He said Father Mullan made his way towards the man who had been wounded. Once he saw Father Mullan it was less than a minute later when he saw him being shot. He said he was still close to the man he appeared to have been giving rites to. He could not hear him and would not have heard him make any mention of a nurse. He said no young kids were in the field at this time but a teenager of 13 or 14 years was in the field when shots were fired. He came from Springfield Park and was close to Finlay's Factory and the witness said he helped him to his own home at 69 Moyard Crescent. He said he did not see any civilian with a weapon that day. He said that he and his neighbour, Gerry Haughey, took the body of Father Mullan to Moyard Community Centre and four of them then took the body of Francis Quinn from the Community Centre past the Henry Taggart Hall home to Ballymurphy.

[238] The statement of Nuala McAllister referred to an interview that occurred with her and her husband undertaken by Mr Paul Mahon in 1999. She said that there had been a mix- up of the recollections with those of her husband in that interview which is instructive in terms generally of the reliability of these interview notes. She said in her statement to the Coroners Service which is dated 22 January 2019 that she was awakened around 4.00am by a humming noise and loud vibrations that day. She heard screaming and dogs barking and it was a frightening environment. She said they were hemmed in, the estate was blocked off by the British Army. She said they could hear drums and jeering from Springmartin and they knew they were Loyalist due to the type of drums being banged. She said everyone was wondering why nobody, police or Army chased them. She said mid-morning around 11.00am her sister Una O'Reilly came over. She lived in the maisonettes and came over to the Green to tell her that Betty's shop had been looted, this was the local Spar- type shop.

She saw Father Mullan trying to intervene and stop the people but they carried on. She said she did not see him getting punched in relation to this incident as she had said to Paul Mahon in 1999 and she corrected that account when read to her.

[239] She said that due to the number of Protestant families leaving Moyard there were a number of empty flats. She knew the maisonette at the top of the block facing the shops was empty and she noticed the door was open. She said both Mary Haughey and herself went up. She said there may have been a couple of other women with them around 7.00pm. She said the maisonette's back window allowed them to see right into Springfield Park and past into Springmartin. So they had good visibility. From this vantage point the witness said:

“I saw a police jeep go up Springmartin Road. I presume it came from Springfield Road but could not see this. The jeep did not stop and I don't know what its purpose was. I never saw anyone get out or in of this vehicle; it did not stop and I did not have any interaction with any of the crowd.”

[240] Ms McAllister said that at this precise time the crowd surged forward and began to come over the railings at the back of Springfield Park. She saw that they were screaming, and there was the sound the glass smashing and crashes. She said: “I could see my own people had no weapons. I could not see whether the crowd from Springmartin had any weapons or not.” As a result of all of this she said that they left the maisonette and ran to their own homes. She said she never saw any Army at any time. She heard shooting when she got back home but did not see anything and could not describe the shooting or the direction from which it came. She said the next thing she knew was two babies were left at her home aged eight months and two months, their mummies were not far behind them. She said: “it was getting dark when I saw my husband, Tommy McAllister, and others carrying the

priest Father Mullan about 11pm/12am but I cannot be sure of that.” She said she recalled the people carrying him out of the field.

[241] Some other evidence was read in under Rule 17 in relation to the identification of the deceased. Thomas Quinn was Frank Quinn's father. He made a deposition to the original inquest dated 17 February 1972. In that he said that he went to the mortuary on 10 August 1971 and at 12.30pm he identified the body of his son to Detective Sergeant Wilson. Jane McMenamin was Frank Quinn's mother-in-law. She also made a signed deposition to the original inquest dated 17 February 1972. In that she said she identified the body at Belfast City Morgue at 9.30am on 10 August 1971. Father Francis Harper made a deposition to the original inquest of Father Mullan which is dated 24 February 1972. In that he said he went with Father Patrick Murphy and Father Gerard Coll to the mortuary at Laganbank Road, Belfast at noon on 10 August 1971 and saw the body of Father Hugh Mullan.

iv. Other witnesses in relation to alleged UVF/IRA activity

[242] I also heard oral evidence from a witness who was anonymised as C3. The context of this evidence is set out in his statement to the Coroners Service which is dated 8 March 2019. In it he said:

“About three years ago I was at a friend's birthday party and got talking to someone else about the troubles. He mentioned the gun battle at Springmartin when a priest and a gunman were shot dead. This guy also told me that the BBC news the next day had stated they had identified a gunman. I understood that he had actually heard a soldier say he had positively identified a gunman before shooting just as I had.”

[243] In his statement C3 said that what the person told him was exactly how he remembered it. He said he did not wish to name the person and he did not wish to come forward himself. He said this recollection simply reinforced what he remembered and gave him the confidence and strength to come forward. He said that in 1971 he was 16 years of age and lived locally in the relevant area of Springmartin Road and Springfield Park, in the Loyalist community. He said he could hear shooting in his home around 5.30/6.00pm and he left his house to go and see what was happening. He said it took him less than five minutes to get there. It sounded like continuous shooting. He said he went towards the top end of Springmartin near the bus terminal and he could see Finlay's field and Moyard flats from there. He said it appeared that shots were being fired from four separate positions: the 'Prods' at Springmartin, the Army at Springmartin, Moyard and Ballymurphy.

[244] C3 said the British Army was positioned on the Springfield Park side of Springmartin Road just down from the bus terminus and sporadically positioned until the junction. There was a Ferret scout car at the top end with four to six soldiers outside it from the Parachute Regiment who were wearing red berets. He said he saw two men, one with a rifle, on the Springmartin flats. He was lying in the grass at the time. He said they went down behind the flats which lined the front of the road. He said he could see the rifle being carried but not being used and it was a .303 type weapon with a long wooden handle. He said the men were definitely loyalists and had woolly faces (balaclava). He also said he saw eight gunmen walking from Finlay's Factory/Moyard. All eight were armed with long arms. They wore civilian clothes and their faces were not covered. He said he could see these eight men past the gable end of Moyard flats and the maisonettes. He said the men were running across the field in a hunkered position in single file behind each other with a weapon in their hand running towards some foliage such as hedges or trees maybe for cover. He said seven of them got to the foliage and the last one was shot by the Army. He said he did not see where on the body he was shot, he just said he saw him go down. He said just before the man was shot there was continuous firing from Moyard and

Springmartin, the 'Prods' were shooting from the Springmartin side and he saw flashes coming from the position at the flats.

[245] C3 said the Loyalists were separate from the Army. He said a crowd appeared in the field including a priest, women and children, the crowd and the priest approached the injured man. He said that as the priest lifted the rifle from the gunman he heard a soldier say, "I have identified a gunman and fire a shot at him." The soldiers were within ear shot and were shouting, he said, "I think the soldier who shot the priest was an officer as I recall Pips on his shoulder. There was that much gunfire I am not able to say how many times both men were fired upon or indeed shot." He said however he was certain that only two shots were fired from the Army who were positioned in and around the Ferret scout car.

[246] He said that he had been asked if the Loyalist gunmen could have killed the priest as there was so much gunfire. In reply he said: "I do not believe this was the case as I heard the Army identify him as a gunman and then shoot." It is possible that the Loyalists or Army had shot the initial gunman. That is the extent of this evidence, however in a further statement upon my request C3 did provide the nickname of the person he met at the party some three to four years ago. He said "I heard on the grapevine that this person may be deceased and I cannot be sure." Subsequently, investigations were made but this person could not be traced.

[247] The other evidence in relation to Loyalist activity on the day in question in relation to Incident 1 comes from Witness X whose evidence I will also deal with in the context of Incident 2. Witness X is in a position of being an interlocutor for Loyalist veterans. He did not give oral evidence in this case given that he required to be shielded from lawyers as well as families. It is therefore unfortunate that I did not have a first-hand account from him, however an agreed summary of his evidence and selected extracts were read in on 22 October 2019 to the inquest along with other documentation about UVF activity.

[248] The process was adopted after submissions from the parties which I considered and ruled upon. The MoD required this evidence to be called in person. The Next of Kin (“NOK”) submitted that I should exclude this evidence altogether. I did not consider it appropriate to compel this witness who was giving evidence second-hand and who had no direct knowledge of events. However, I considered that I should receive the written evidence in some way and so through a collaborative process between counsel an agreed summary was read in. I have therefore considered this evidence as part of the overall picture as follows.

[249] In his formal statement of 26 May 2018, X said that his role involved liaising with ex-Ulster Volunteer Force (UVF) combatants in the transformation from conflict to peace. He said he had worked with veterans to assist on other legacy cases and as the inquest into the Ballymurphy deaths approached there had been a flurry of media articles which prompted the veterans to put their story. He refers to veterans as the source of information supplied to him. He said there were a number of different sources, everything was relayed to him verbally, he made no record of same and he was not able to supply any further information in relation to it. He said in his statement he was being asked if he had sought to test any of the information and he had not viewed that as part of his role. The rationale for making the statement was:

“The veterans are adamant that they want the truth to be told and to correct other versions of what occurred. It is important to state that they do not wish to add to the hurt or anguish already suffered by the families.”

[250] The thrust of the information given to this witness is that a number of UVF ASUs (Active Service Units) took part in a gun battle over a three-day period from 9 to 11 August 1971. It appears that the UVF became aware of armed Republican activity on 9 August 1971 following the introduction of internment. In answer to questions set by the Coroners Service, Witness X said through his solicitor in answer to Question 7:

“Protestant areas were attacked by republicans. UVF ASUs were engaged in gun battles with the IRA in other areas of Belfast such as Ardoyne. UVF volunteers became aware of hand to hand fighting and stone throwing in the Springmartin and Springfield Road areas which had then escalated into IRA gunmen shooting into Springmartin. Volunteers who lived in the Springmartin area requested assistance from UVF leadership for additional volunteers to be sent to defend the area from attack.”

[251] In answer to Question 8, which was “How many Republicans were reported by UVF members to be present in the vicinity and who made the sightings?” the following answer was given:

“The veterans cannot be exact as to the number of IRA/Republican gunmen present throughout this gun battle as gunmen appeared, disappeared and then reappeared throughout the period. Veterans recall one republican gunman being apprehended by the army in the Springfield Park area. Veterans also recall IRA gunmen coming (sic) an alleyway in Springfield Park (the mucky lane) close to a house that was occupied. It was the veterans’ belief at the time that the man in the house was a member of the republican movement and had been billeting these armed IRA/republican gunmen. Veterans now accept that this may not have been the case, but maintained that the IRA and other republican gunmen used the mucky lane beside this house as a shortcut to get from one part of Springfield Park to another to enable them to attack Springmartin.”

[252] In terms of the further questions put, Witness X confirmed that the IRA fired shots from Springfield Park, Moyard and Springfield Road. The heaviest IRA gunfire came from Moyard. He said that no UVF volunteers were injured. In relation to the point made that there was a sniper and a spotter in place the answer given to Question 12 was that Volunteer West (who was the sniper) and his spotter remained in the flats (Springmartin) from the afternoon of 9 August until nightfall. He said veterans could not be certain as to the particular firing points taken up by Volunteer West and his spotter on 10-11 August. He said other volunteers were in place for the duration of the three- day battle.

[253] Question 13 was this: "Witness X has stated that the sniper fired towards targets in Moyard, Ballymurphy and the Springfield Road. Can further details be provided with respect to (a) the events taking place within those three locations at the time shots were fired, (b) whether any persons were hit by that gunfire; and (c) whether it was apparent that any person was killed or injured as a result of that gunfire?" In answer the veterans said:

"(a) There was IRA gunfire directed at Springmartin and republicans were rioting when Volunteer Tommy West shot with the Mauser gun.

(b) Yes, people were hit by their gunfire;

(c) Yes, it was believed by Volunteer West and the spotter that people were hit by the gunfire and probably killed."

[254] Question 19 was: "Are the former UVF members able to say which deaths the sniper was responsible for?" The answer given was this:

“Volunteer West confirmed hits in the field between Moyard and Springfield Park and also on the Springfield Road close to the Henry Taggart Memorial Hall. The identity of the deceased was not known to either Volunteer West or his spotter.”

[255] In relation to the weapon used, the Coroners Service put the following question:

“20. Witness X has stated that the Mauser rifle used by the sniper was modified by a professional gunsmith by the addition of a Parker Hale battle sight and so as it could fire 7.62 calibre rounds. He has stated this modification was made to the rifle prior to its purchase from J Braddell & Sons, Belfast, in 1971 the modification for the purpose firing 7.62 calibre rounds resulted in a shortening of the barrel and the removal of the wood around the barrel. Can it be confirmed by former members of the UVF that these modifications were in fact made to the weapon and can details of any other modifications made be provided? What is the identity of the person who made those modifications and when and where was this work carried out?

The answer given to this was:

“The veterans confirm that the Mauser was modified to fire 7.62 rounds, a Parker Hale battle sight was fitted to it and the barrel of the weapon was shortened. These modifications were made to the Mauser prior to its purchase by the UVF. The veterans do not know the

identity of the gunsmith who carried out the modifications. There was no other modifications made to the Mauser by the UVF.”

[256] In relation to further material which appeared in the press, Witness X denied the press reports from the Sunday World on 13 May 2018 and, in particular, he said that Trevor King who was named by the Irish News on 4 May 2018 was not involved in any way in the events of 9-11 August 1971. In relation to the ITV news report of 4 May 2018 which reported that the weapon used by the sniper can be ballistically linked to certain shootings at Ballymurphy the answer given, through the solicitor, was that the veterans were absolutely sure that the Mauser was used by Volunteer West. The ballistics testing of the weapon and ammunition was a matter for the authorities to undertake. In relation to the RTE news of 2 May 2018, which reported that relatives of the deceased were questioning why (a) the UVF did not acknowledge responsibility for any of the killings at the time they took place and (b) the UVF was only coming forward with the information in 2018 the reply was as follows:

“It was not common practice for the UVF to claim responsibility for each and every incident in which they were involved. In order to give a comprehensive answer to this question, the veterans would need to make reference to the following incidents; the Dublin and Monaghan bombings of 17 May 1974, the McGurk’s Bar bombing of 4 December 1971 and the T-Sport Arms seizure of November 1993. These incidents will give an important explanatory background to the answer that the veterans will give but can and will only be given by the veterans if properly interested status is granted to the interlocutor. The veterans are coming forward now for a number of reasons.

Firstly, the veterans formed the view that they wanted to set the record straight regarding the grave events of 9-11 August 1971 and to show that the UVF were acting in a defensive way to protect the Protestant/loyalist community of Springmartin from attack by the IRA and republican rioters. They acted largely with the support of the population of Springmartin.

Secondly, in January 2018 the Coroners Service put out an appeal for witnesses to come forward who had any information regarding the events of 9-11 August 1971.”

[257] In addition to this evidence in relation to alleged UVF activity, I have already heard some evidence in relation to alleged IRA activity in the area from a variety of witnesses. In addition, Mr Gerry Adams also attended and gave evidence before this inquest on 8 May 2019. He did not make a statement of events at the time but he recounted how he was in the area on the day in question. It is, of course, correct as MoD submissions stress that Mr Adams was not a witness to any of the events with which I am concerned. This means that his evidence is of limited value.

[258] Mr Adams was however asked to explain his position on IRA activity on the day in question and whether or not he was a member of the IRA. I deal with these matters in Incident 2. For the purposes of Incident 1 Mr Adams gave very limited evidence. However, I do note that he said that he saw two masked men appear on the day in question in relation to the shooting of Eddie Butler, which was in the field.

[259] In relation to IRA activity Mr Padraig Yeates also gave evidence on 10 September 2019 primarily due to a pamphlet he had written on 8 August 1971 entitled ‘The Battle of Belfast.’ I deal with this also in relation to Incident 2, but one limb of this evidence which was drawn from his experience with a radio station on

the day in question was that he said there was an awareness of the UVF threat to the Catholic community in this area.

[260] He said he went to a house with an acquaintance to look for a gun to defend himself from the UVF but when no weapons were forthcoming he went to the NICRA office to get some other form of help. All he could say was that he heard gunfire from around 8.00pm which he believed was coming from Springmartin. He also candidly said that he could not be fully sure of the accuracy of events he reported on given the nature of what he was told being hearsay and the fact that he was writing a pamphlet which he openly accepted was for propaganda purposes.

IX: EVIDENCE FROM RUC WITNESSES

[261] I now turn to the evidence given both in written and oral format by serving RUC officers on the day in question in relation to the events which concern Incident 1. The first of these witnesses is Mr John Jackson who very helpfully attended to give oral evidence to the inquest on 29 April 2019. Mr Jackson gave evidence on the basis of the depositions that he made at the time and he presented in a very straightforward way as he did not add or embellish what he had said at the time in his depositions.

[262] There are a few different versions of these depositions but they all touch on the events relating to Father Mullan's death and the witness could recall completing the deposition although he said he did not attend the inquest or give evidence. He said he obviously did not have as full a recollection now and so he relied on his statements at the time. He said those statements were a full account of events. The deposition stated that the witness was a Constable of the Royal Ulster Constabulary at the relevant time stationed at Andersonstown. It stated that he remembered Monday 9 August 1971. At 4.30pm he went to Springmartin estate where he performed duty with Constable McGookin. He said at the same time there were four constables from Springmartin Road detailed to perform duty in the estate. He said

most of the police were in uniform trousers with civilian coats. He said he was in civilian clothes. He said when he arrived in the estate there was a small crowd, mostly youths and children, standing at the wire fence on Springmartin Road overlooking the Taggart Memorial Hall, where a large crowd were rioting and attacking the Hall.

[263] Constable Jackson said that the military were using the water cannon to control the rioters and several barricades had been erected on the Springfield Road. He said at about 8.00pm the number of people on the Springmartin Road grew to about 300 in number. A number of this crowd were families moving into empty flats on the Springmartin Road. He said as darkness fell the rioters gathered in groups behind the barricades and some small groups could be seen moving about in the Moyard estate. He said at about 8.15pm someone from the Ballygomartin Road end of Springmartin Road shouted "the Fenians are attacking the Springfield Park." He said he was some way from Springfield Park and he did not see if there was any attack. The crowd on Springmartin Road ran from the wire fence in the direction of Springfield Park and attacked the houses with missiles.

[264] He said the crowd that attacked the Springfield Park numbered about 200 and they were uncontrollable. He said when this attack started he asked for assistance on his pocket phone and a few seconds later two military Ferret scout cars arrived on the Springmartin Road and they were informed of the situation. He said more military had to be summoned. He said at this time he saw a number of youths from Springmartin climb the fence into Springfield Park and then he heard some of the crowd shouting that a youth had been shot. He said he did not see the injured youth. He said the military arrived in large numbers at 8.30pm and as they entered Springfield Park from Springmartin Road a number of shots rang out. He said the military detained a man in Springfield Park and brought him to Springmartin Road. They had difficulty in getting the prisoner into an Army vehicle as some of the crowd wanted to attack the prisoner. He said the military fired three shots into the air, this dispersed the crowd and the prisoner was removed in an Army vehicle. He said at

this stage a number of shots came from the Moyard direction and the military returned fire. Most of the crowd in Springmartin Road took cover at the rear of the houses.

[265] Constable Jackson said at about 8.40pm a heavy gun battle, lasting until 9.50pm, took place between military and unknown civilians. He said at least 500 shots were fired. He said during this time he took cover behind the houses and he did not know the identity of the military who they were shooting at. He said from 9.50pm onwards sniping between unknown civilians and military went on. At this time he was in the Black Mountain Primary School and he could only hear the shots in the distance. He said he left Springmartin at 11.15pm and returned to Tennent Street. He said during his turn of duty he did not see any gunmen in Springmartin estate nor did he see any person injured by gunfire.

[266] The evidence of a civilian Mr McCaffrey was put to this witness that over the course of the day he saw two RUC men laughing and joking with the crowd who were attacking Springfield Park. This was denied by the witness. He denied that the RUC watched and did nothing. He also accepted that the Springmartin area was elevated over Springfield Park.

[267] A fellow RUC officer, Mr Rolf Crawford McGookin, also gave evidence to me at this inquest. He had also made depositions at the time and he agreed with the accuracy of those. He said his memory of 9 August 1971 was now vague and he could only go by the deposition. He did not give evidence before the original inquest. This witness recalled being there at the time with Constable Jackson. He thought that he might have been in uniform but he could not be sure. Mr McGookin also denied the allegation made by Mr McCaffrey and put by the next of kin counsel that the RUC stood back and did nothing whilst the Springfield Park residents were attacked by the residents of Springmartin. The deposition that was made at the time in 1972 largely coincides with Constable Jackson's. This witness also confirmed that sniping between unknown civilians and military went on for some hours and

military ordered all persons in Springmartin to leave the area and go to their homes. He said police assisted in removing this crowd and police then remained in the background.

[268] A number of other RUC witness statements were read into evidence and admitted under Rule 17. The other evidence came from a Constable Eric Aiken who said he was a Constable in the Royal Ulster Constabulary attached to Springfield Road, Belfast. He said that on Monday 9 August 1971 at approximately 8.30pm while on duty at Dunboyne Park with Constable Megaw, a woman reported that two factions were throwing stones and bottles at each other, one in Springfield Park and the other in Springmartin Road. He said Constable Megaw and himself proceeded in the direction of Springmartin coming out on to the Springmartin Road and then three military Land Rovers and a lorry passed them going to the incident. He said Constable Megaw and himself then returned to Dunboyne Park.

[269] He said a short time later there was a single shot, which sounded like a shotgun, then all was quiet for a considerable time, and as it got dark shooting started from the Ballymurphy/New Barnsley and Moyard areas. He said at this time soldiers on the Springmartin Road returned the fire along with those stationed in the Taggart Hall. He said this went on to approximately 10.15pm. There were a number of shots fired at intervals. He finished by saying at one time there were bullets striking the houses in Springmartin Road. He left the Springmartin Road at approximately 3.00am.

[270] A further statement was given by Constable Henry Bennett of Springfield Road RUC Station, Belfast. He stated that on Monday 9 August 1971 at about 4.14pm he was detailed with a party of men to do duty at Springmartin. He said several people had gathered about the front of the Springmartin estate overlooking Springfield Park and Moyard but things were comparatively quiet. He said from about 7.00pm onwards the crowd increased considerably and several strangers were

obvious in their movements through the crowd moving in twos and threes throughout the local crowd. He said that young children and youths had been throwing stones into Springfield Park from earlier in the afternoon and stones had been thrown back from that direction as well. He said Constable R Thompson and himself had moved these children on several occasions and at one stage they moved the crowd back from the wire fencing at the Special Care School but almost immediately the crowd pushed back. He said he left the scene to see if he could contact any of the local committees but none of these men could be located. When he returned, the stone throwing had increased and he said he saw a crowd at the back of Springfield Park, roughly about 80 in number, moving towards Springmartin.

[271] He said behind this group in the field coming from Moyard, "I saw about 12 men, well apart, running in a crouched position. These men appeared to be carrying something in their hands, I assumed them to be armed." He said he contacted communications by RT and informed them of a situation and requested immediate military presence and was informed that the Army was on its way. He said he telephoned to give a more detailed report and when he finished doing this he was making his way back up the hill and was informed that a young boy from Springmartin had been shot in the back with a shotgun. He said this was later confirmed by other residents who said the youth had been taken to hospital by ambulance. He said at this time a larger grey furniture- type van drove up the Springmartin Road from the Springfield Road direction and it was packed with men and youths standing. It stopped at the top of the hill and the passengers got out and mingled with the crowd and there was a barrage of stones flying to and from Springfield Park. He said several shots were fired in the near vicinity but he could not say whether they came from Springfield Park direction or not. He said, "I certainly did not see anyone in Springmartin fire a weapon, but several people had gone behind the partly constructed flats at this point and were not in my view."

[272] This witness then said that a detachment of the Parachute Regiment arrived and immediately took up position on the roadway. Immediately the firing from

Moyard became more intense and the military returned fire from lying positions adjacent to the flats under construction. He said at one stage he saw a person wearing a white shirt fire from a field in the Moyard direction. Later he said he saw him run and fall, presumably shot, and another person, dressed in black, stooped beside him. He said the second person also fell and he assumed he too was shot. From a top end flat in Moyard, he said he could see puffs of smoke occasionally coming out of a window. He said he informed a paratrooper of this and that he took up position to cover this spot. The witness then said he moved back to a safer position and eventually moved into Black Mountain Primary School. The firing continued in varying degrees of intensity and bullets could be heard whizzing overhead, coming from Moyard, including an occasional tracer bullet after dark. He said he was relieved at approximately 2.30am and left the area to return to Tennent Street Police Station.

[273] A further deposition was read from Rex Thompson, a Constable in the Royal Ulster Constabulary stationed at Springfield Road. It is evident that this witness did give evidence at the inquest of Father Hugh Mullan because there is a recount of oral evidence, which has been transcribed as far as possible, written into the deposition by the coroner. This witness in the deposition said he was a constable and at 1830 hours on 9 August he was detailed for duty at the Springmartin estate. He said he found a crowd there when he arrived and the crowd was warned many times by Constable Bennett of the situation and himself to keep clear of the fence, but he said they took little heed of their advice.

[274] On the estimation of Mr Thompson the crowd had swelled to about 400 strong and then moved to the area adjacent to the bus terminus on the Springmartin Road. He said the Army was in attendance at this time in the form of two Ferret scout cars. He said at about 2055 hours he spotted a few young boys creeping towards the area of Springfield Park from the Moyard estate and a few minutes later stones and bottles rained into the Springmartin Road from the Springfield Park area. He said the Protestant crowd retaliated with the same missiles and this battle continued for

about five minutes. He said he approached one of the Ferret commanders and asked for Army cover and he called for assistance on his radio. At about this time the Catholic crowd of about 100 in strength suddenly withdrew from the Springfield Park area. He said he again saw the Ferret commander and told him to hurry his troops up as the Protestant crowd had followed into the Springfield Park area. He said he saw some of the Protestant crowd running back towards his area and a couple of people ran up to him and told him that a young boy had been shot by the Catholic crowd and he established that an ambulance had been called for this person.

[275] Constable Thompson said at about this time, ground troops of the Second Battalion Parachute Regiment and the Second Queen's Regiment arrived and positioned themselves at various points. He said he was behind the Ferret scout car and there was heavy gunfire coming from the Moyard area, in to the Springmartin estate. He then said:

"I suddenly saw several people pointing towards a field in the Moyard area and heard gunfire from this field. I looked across towards where they were pointing, about 600 yards away, I saw a man in a white shirt crouching behind three tree stumps, left of centre of the field, and I heard gunfire from this position. At this point I was standing directly behind a rifleman of the Second Battalion Parachute Regiment and there were another three riflemen within my site. All four opened fire, and the one directly in front of me had his rifle aimed towards the area of the three tree stumps. The man in the white shirt suddenly appeared to fall forward on to the ground, but a few seconds later he got up and started firing again. The paratrooper in front of me fired three shots and the man fell forward, and firing ceased from this position. At this point a figure in dark clothes ran across the field from

the left, and appeared to be lifting the man in the white shirt, when the paratroopers opened fire again, and as they were firing a third person ran out and he either dived for the ground or fell. Firing continued from the Moyard area and the paratroopers at one time opened fire on a window in a block of flats from where I heard gunfire."

[276] The witness finished by saying that at no time did he recognise any of the three men as a priest and at no time did he see a white cloth being waved. He said the Army in his view did not have any telescopic sights or binoculars during this incident. In answer to some questions which were put to this witness at the original deposition the following transcript, which is not entirely complete but transcribed as best we can from handwriting, reads as follows:

"Mr Hutton (Counsel): The youth who was shot was ... and he was shot from the Springfield Park area. I could not see the Moyard flats at first but heard shooting coming from that area.

Mr Cahill (Counsel): I lost my notebook in an explosion in the Springfield Road explosion. I did not make notes at the time but made a rough statement. This was ... after reading the papers. I feel that ... the soldiers said about Father Mullan but they did not know what they were doing. I do not know of anyone other than the youth having been shot that night. The crowd did not disperse in Springmartin when requested.

Mr Hutton (Counsel): The soldiers fired at this man in the white shirt because the firing seemed to be coming from

them. The crowd in Springmartin was behind the flats though some of them would have been ... to Springfield Park. We could hear shots firing overhead.”

[277] There is also a deposition of Constable David Carson Megaw who was attached to Springfield Road and who said that he was on duty at approximately 8.30pm at Dunboyne estate with Constable Eric Aiken. He said a young woman reported to them that crowds were throwing stones and he with Constable Aiken proceeded to the Springmartin Road. He said they came down the road near the telephone kiosk and saw stones and bottles being thrown from Springfield Park and Springmartin Road. He said two Army Ferret scout cars came on the Springfield Park. He said as Constable Aiken and himself were returning to Dunboyne Park he saw three Army Land Rovers and an Army lorry going to an incident. He said Constable Aiken and himself returned to Dunboyne Park and a short time later they heard a shot and then everything went quiet for some time. As it got dark, shots were fired which to the best of his knowledge came from New Barnsley/Ballymurphy area. He said this time the fire was returned by military in Springmartin and Henry Taggart Hall. The gunfire he said lasted until 10.15pm after which there were a few shots fired at intervals. He said Constable Aiken and himself left the Springmartin area at 3.00am approximately.

X. THE MILITARY EVIDENCE

i. General overview

[278] The military evidence in this case is disparate and it has been hard to manage in that it involves a number of different regiments. These core regiments are: 2 Para Support Company which had tactical control of the area; 3 Queens B Company which came into the area to assist; and 2 Para B Company which was at the Vere Foster School/Henry Taggart Hall.

[279] The new evidence also involves some different source material, principally the logs and also a 2 Para operations report which I have been referred to. I have had the benefit of some evidence from relevant military witnesses although it is fair to say that other important military witnesses remain untraced. Some have also been unable to attend this inquest due to ill health. Some are deceased. In addition to the witnesses that have come forward and are identifiable, there are ciphered statements from the soldiers who were interviewed for the inquest into Father Mullan and Mr Quinn's deaths. These are not entirely satisfactory due to the confusion about the inclusion of 2 Queen's A Company soldiers within those inquests. As will be apparent from this part of my determination, it seems to me that these military witnesses were not relevant to the shootings of Father Mullan and Mr Quinn due to the fact that they were not deployed in the area until after midnight on the night in question.

[280] I also examined the evidence in relation to the remaining military sections, namely 2 Queen's A Company, who I have already said gave some evidence, but were not actually, it seems to me, in the area at the relevant time. The company which had tactical control for this area was clearly 2 Para Support Company and I will deal with their evidence although unfortunately the Officer Commanding, M12, was unfit to give evidence and so all I had was a statement from that officer. There is also an issue in relation to M1341, who is thought to be Soldier U, who was unfit to give evidence. The issue with 2 Para Support Company is that they fall into three platoons - machine gun platoon, anti-tank platoon and mortar platoon - and I will try to unravel what each was doing at the relevant time from the evidence I have heard.

[281] The second relevant battalion that was in the area is clearly 3 Queen's B Company. Soldiers present in Springmartin at the time were comprised it seems of both 2 Para Support Company (ATP) - that is anti-tank platoon - because from the records at about 2045 hours 2 Para Support Company ATP were deployed to Springmartin in Ferret scout cars. Also 3 Queen's B Company were deployed. The

Springmartin area and the Springmartin flats was in the tactical area of responsibility for 2 Para Support Company. The records state that 13.50 on 9 August 1971 B Company 3 Queen's (Call Sign Y2) came under the command of 2 Para Support Company and were deployed in the Springmartin area. This is contained in the 2 Para Watchkeeper's log, of 9 August, serial 112.

[282] In relation to 3 Queen's B Company I have heard limited evidence from witnesses which I will deal with, namely that of M68, M579, M575. As I have already said, it is highly significant that no RMP statements were taken at the time in relation to soldiers from that company. In that regard the statement of M26 who was the investigator taking statements will also become relevant.

[283] The third Company which is relevant is 2 Para B Company. They were not in Springmartin it is clear. Their base was on the Springfield Road. But they were stationed at the Vere Foster School and Henry Taggart Hall and essentially the question is whether soldiers on the roof of the school were responsible for shooting the two deceased. The evidence of the Officer in Command of this Company, namely M45 whom I heard in person, will be relevant to this question.

[284] The 2 Para Support Company base was in Paisley Park and so it is separate from the 2 Para B Company who were based at Vere Foster School and Henry Taggart Hall although the entire battalion of 2 Para were based at the Springfield Road.

[285] I am going to deal with 2 Para B Company first, as they were the soldiers at Vere Foster School and Henry Taggart Hall and so they are obviously detached from the Springmartin flats area, but they gave some relevant evidence about what was happening at the time and there is a question mark about whether or not these soldiers could actually fire on the field, and also issues of crossfire that arose in relation to what they were shooting at in and around Moyard.

ii. 2 Para B Company

[286] The most obvious starting place is the oral evidence and written evidence that I heard from the Officer in Command of this regiment, namely M45. M45 gave evidence on 13 March 2019 and he also made a detailed written witness statement for the benefit of the Coroner's Investigator dated September 2018. Attached to that is a deposition from the time from the Royal Military Police, which is designated 'statement of Soldier C.' It is dated 15 August 1971 and was witnessed at Vere Foster School. There is a file note from an interview with HET which took place on 5 October 2001. There was also a considerable amount of additional material attached to the witness statement by way of logs and mapping. Some additional evidence was given by M45 utilising various contemporary photographs. M45 also filed a second witness statement of 20 December 2018 dealing with certain matters that were put to him, principally issues relating to the Yellow Card/warnings. Also other issues from the Watchkeeper's log, the post tour report and BBC footage were put to the witness which were explained to him which includes an interview with General Howlett who was a lieutenant colonel at the time in which he spoke about an incident that took place in Belfast in July 1971. The video shows the Henry Taggart Hall and a sangar that was rebuilt in the days following 9 August 1971.

[287] M45 was 86 years of age by the time he gave evidence to me. He presented in a calm manner and was willing on some occasions to accept that he may have made some errors in terms of interpretation of events due to the passage of time. It is fair to say that he was questioned over a lengthy period of time about various matters some of which touch on Incident 2 rather than this incident. In relation to Incident 1 he was really being asked about two major points. Firstly, whether or not soldiers on the roof of Vere Foster School could have fired at the waste ground where Father Mullan and Mr Quinn were shot. Secondly, whether or not the deceased could have been shot in crossfire between soldiers in Springmartin and his soldiers

due to a lack of communication between the two companies. In addition, M45 gave quite substantial evidence about planning and control matters which I will turn to.

[288] The first documentary evidence is from the time, and M45 accepted that he was Soldier C in the Mullan inquest and that he gave the statement to M26 on 15 August 1971. In that, he said that he was stationed at Vere Foster School on the day in question and that at 4.30am his company took part in an internment operation in Ballymurphy and the Turf Lodge areas of Belfast. He said that during this his company detained 18 male persons who were brought into Henry Taggart Hall. He then talked about seeing a crowd of persons outside Henry Taggart Hall during the day, which is a matter relevant to Incident 2. The statement then continued that at about 1800 hours the crowd dispersed and he returned to Vere Foster School. At 2103 hours whilst in the school he said he heard a heavy concentration of fire coming from the direction of the Taggart Memorial Hall and it was reported that the Hall was under attack from a number of gunmen from the area of open ground on the north side of Divismore Park. It was also reported that his men were engaging with the gunmen and that this lasted 10-15 minutes. Again, this really relates to Incident 2.

[289] However, the statement went on to say that during the latter part of this attack the Vere Foster School came under fire from one of the flats at No. 21 Moyard Park where two gunmen were firing, one an automatic weapon and one a rifle. At the same time a rifle was also being fired from the same block of flats in the direction of Springmartin. The witness said fire at the school was also coming from Springmartin and the Moyard Parade area. He said that he ordered three men on the school roof to engage the gunmen at 21 Moyard Park. He said a short gun battle ensued between his men and the gunmen and after a short time the latter ceased firing. He said that during this exchange he could hear shots from the area of Springmartin, some of which were directed towards the school and others he believed from Moyard. He said although firing from automatic weapons could be heard from the Ballymurphy area all shooting directed at his position ceased at 2146

hours until 2237 hours when fire from a .22 weapon and a high velocity weapon was directed at the Vere Foster School from Moyard Parade. As a result of this attack one soldier was slightly wounded in the right upper arm. He said five shots were heard at 2323 hours but were not directed at this location and sporadic firing continued until the early hours of the morning when all firing ceased.

[290] He said considerable movement was observed in the whole area from 0200 hours until 0600 hours and at 0555 hours the body of a man was seen lying on the balcony of 21 Moyard Park. Two unknown civilians came to the school gate to report that three bodies, including that of a friend, were lying in houses in Moyard Parade. He said this was at 0600 and a civilian ambulance arrived at 0655 hours and collected a body from 38 and from 46 Moyard Parade. The witness in this statement also said that during the morning of 10 August Sergeant M26 SIB arrived and wished to view from the school roof the position where the priest was killed (marked with a black flag). The priest had been killed on the waste ground behind and between Nos. 80 and 82 Moyard Park. It was apparent that the sentries were unable to see or shoot into that area as in one case the view was obstructed by trees and in the other by a block of flats. The only position in the whole school from which the black flag could be seen was some three yards north east of the southern exit from the school. At no time was a soldier on duty at this door as it was totally unnecessary.

[291] When he was interviewed by the HET in 2011 the witness gave a comprehensive view of his military history which is contained in his statements that I will come to. He said one part of his statement to HET has been stressed, namely on the second page when he was talking about the soldiers on the roof of the Vere Foster School. He said whilst at the school he had gone on to the roof where at least three of the soldiers were positioned. They were all armed with SLRs, none of them had a sniper's rifle. He was unable to remember exactly where the soldiers were positioned. He remembered at one stage coming under fire from the direction of Springmartin. He now believed that those shots could have been from their own

troops who were positioned there. The witness then talked about the fire from 21 Moyard Park in keeping with his original statement.

[292] In relation to the deaths of Father Mullan and Francis Quinn the HET report records as follows:

“He was unable to name the soldiers responsible for the shooting of the people killed that night. He had no knowledge of the death of Francis Quinn. He did not know who was responsible for shooting Father Mullan but was adamant that the troops on the roof of the Vere Foster School would not have been able to hit anyone on the waste ground where he was killed. He said that if soldiers were responsible for Father Mullan’s death then the shots would most likely have come from soldiers positioned on Springmartin who were under the command of the Major in Support Company 2nd Battalion of the Parachute Regiment.

He was unaware that soldiers from the Queen’s Regiment had been supporting the Major that night. He said that the only troops at the Vere Foster School and the Henry Taggart Hall were from B Company Parachute Regiment. No other soldiers came to their location until the following day. No soldiers from 1st Battalion of the Parachute Regiment were in Ballymurphy or immediate area that night.”

[293] In his first statement M45 said that 2 Para were posted to Northern Ireland in around April 1971 until the end of August 1971. He said he was the Major Commanding B Company of 2 Para during this deployment. He said second in

command was Witness M130, the Company Sergeant Major was Witness M151. He said at full strength B Company would have had 150 soldiers, however it never actually had that number and it was more likely a maximum of 120 soldiers. The witness did give a list of persons whom he thought were in B Company at the time and in particular he referred to Witnesses M274 and M174, who was a lance corporal, along with M43, M86, M61 and the medical orderly, who he said was M290.

[294] In his statement at paragraph 12 he also said as was the case for every tour, every soldier was issued with a Yellow Card for Northern Ireland. He said it was difficult now to work out exactly what the Yellow Card was telling them to do but he recalled that it basically said:

- (1) Don't shoot until you are shot at.
- (2) Fire single shots at specific individuals – you cannot sporadically fire.
- (3) Only shoot at petrol bombers, or hand bombers generally, if there is a real danger to life or property.

In this statement he said:

“According to Rules of Engagement, if someone is coming towards you with a nail bomb then I imagine you could shoot him, though that never happened. Further, in Ballymurphy we never shot at anybody who was just throwing petrol bombs, despite them hitting the front of a military vehicle.”

[295] He also confirmed in this statement that each company had a sniper rifle, “I think it was a .303.” He said the sniper rifle was never deployed in B Company during this deployment because it was not zeroed to be used by a particular

individual. A sniper rifle has to be zeroed he said to the person firing it, which can take hours and they did not have that kind of time. He confirmed that B Company's base for the deployment in Belfast was the Vere Foster School and the Henry Taggart Hall, which were to all intents and purposes the same location given their close proximity. He said it was standard military practice to give companies tactical areas of responsibility. Bordering on his company was Support Company of 2 Para which was led by M12. He referred to his area being just north of the dotted line on the relevant map in terms of the tactical area of command and he said that Springmartin was within this area. He also confirmed in his statement that he recalled reading somewhere that a Company from Queen's was assisting Witness M12 but he does not remember anything more about that.

[296] The witness then confirmed in his original statement and the HET report that his company was involved in the internment arrests and obviously witnessed events outside the Henry Taggart Hall, which are pertinent to Incident 2. In relation to this incident he came back to the school he said at around 9.00pm. He said in his statement at this stage he realised that shots were coming from almost everywhere. He said Support Company was on the other side of Moyard flats and he thought shots they were taking may have been coming in their direction. He then referred to the gunman who he saw on the balcony at 21 Moyard Park. A large part of the witness's evidence was taken up by questioning on this and the witness was firm in relation to seeing the gunmen in Moyard Park, stating that these gunmen fired first, agreeing that he gave the orders to fire back, and seeing the body of a gunman the next morning at 5.55am hanging over the balcony.

[297] Whilst the witness was very clear on these matters he could not give anything to this inquest by way of evidence as to the amount of rounds fired. It was put to him that 60 rounds were fired on the basis of other statements provided under cipher to the Mullan inquest. The thrust of the questioning was that if experienced soldiers were firing with highly calibrated weapons they should have been able to shoot these

people without needing to fire 60 rounds and there was evidence from Mr O'Hare and others about a huge amount of damage to Moyard flats.

[298] The witness could not really say very much about this because he said he was not the person firing the shots. In relation to the death of Father Mullan, at paragraph 39 of his first statement he said:

“We did hear very quickly that a Catholic priest had been shot. It was just not possible that anyone from our location could have shot Father Mullan. After Father Mullan was shot, a black flag was put there to determine whether that spot could be seen from the school. We could not see the flag apart from one place just outside the school on the north east corner.”

[299] He confirmed in this statement that there was no one at that position. M45 who was, I should say, questioned over three days from 12-14 March 2019 was also asked about this issue of coming under fire potentially from troops positioned at Springmartin. In answer to some questions he quite candidly said in relation to this issue:

“Well some of them, yes. See I was actually trying to be helpful and they were firing 180° from us, which means, of course, their shots are coming towards us, but they were higher than we were, being on Springmartin, and so their fire would have been plunging fire and so, less likely to come and hit us. But any shot that is fired in our direction we would hear and we would hear very loudly, because again, Springmartin is only about 300 yards away.”

[300] He was pressed on this issue of whether he thought “shots they were taking, may have been coming in our direction.” In relation to the question, the witness said there was a concern that the shooting from Springmartin may, in fact, have come from Support Company or indeed 2 Queen’s. In relation to this issue he said in evidence:

“Yes we spent some time on this – it was – it’s always a possibility – if you are firing 180° inwards, you are going to be firing at each other. Luckily, Springmartin is higher than the Vere Foster School and so, their fire is a plunging fire and should, technically, not hit the Vere Foster School. So, it is possible to do that ... but by the same token any shot that misses the flats and flies over the Vere Foster School, that is going to be like a high velocity round being fired in your area.”

[301] M45 also confirmed in his evidence that it appeared at one stage that an instruction was given to soldiers in Queen’s to stop firing, because they were unfamiliar with the location of the Vere Foster School and there was a concern that they would, in fact, be firing on their own soldiers. This was presented to the witness from the logs and he had not necessarily been fully aware of this issue before but accepted that it was recorded. In addition to M45, in looking at the issue of who was on duty at the school and involved in the shooting incidents, there are other ciphured soldiers who are relevant. Soldier A in the Father Mullan inquest in his ciphured statement stated that he was accompanied by Soldier B in a sandbagged emplacement on the north east corner of the roof of the Vere Foster School. He said he commenced duty at 1900 hours and remained in that position until 2215 hours, during which time he stated that they were continually being shot at by a gunman positioned in the block of flats in Moyard Park. The statement said:

“This particular gunman was armed with an automatic weapon, he position himself in 21 Moyard Park. Owing to my position I was unable to return fire at this gunman although he was shot at by other members of my platoon positioned further down the roof of the school.”

[302] Soldier A in the Frank Quinn inquest recalled the timing of the attack at 2020 hours to 2030 hours when the school came under fire from three points which included the block of flats running in a north/south direction adjacent to Moyard Park. He claimed that the rounds fired from the Moyard Park area came from heavy calibre automatic weapons, possibly a Thompson .45 calibre submachine gun with about 50 rounds in bursts and single shots.

[303] This statement refers to two gunmen and contains the following information:

“I saw muzzle flashes coming from the veranda of the upper maisonette which I believe is No: 21, the fire being directed towards Sentry positions in the school. I fired three aimed rounds of 7.62mm SAA at the men on this veranda, after which the first ceased. As I did so D called to me that there was a man firing from the window on the northern side of the veranda, on the same floor which I believe as part of No. 21. I ordered D to engage the gunman which he did together with E. I have no idea how many rounds were fired by D and E towards this target. After a few seconds of this engagement the firing ceased and no further fire came from this block of flats, in that night, which was about 150 metres from my position.”

[304] In addition, Soldier B in his ciphered statement indicated that from his position, which was alongside Soldier A, he also saw two gunmen. He said in his statement that he came under fire from a block of flats in a north/south direction in Moyard Park. The firing came from the veranda of the upper flat at the southerly end which he now knew to be No. 21. He said on the instruction of A he engaged the gunman with A, firing appropriately 5 rounds at some gun flashes coming from behind a dustbin on the veranda. He said A engaged the same target but he did not know how many rounds he fired. He said the firing from the veranda then ceased. Almost immediately afterwards, D and E engaged a gunman firing from a window next to the veranda which he had fired at. He said he saw gun flashes coming from this window but neither A, nor B himself, fired at this target. After the target had been engaged by D and E the firing ceased.

[305] It was thought that Soldier B may be the witness ciphered M1011. He asked to be excused from giving evidence and produced some medical evidence to that effect. I would have very much preferred to have heard M1011 in relation to this incident. He had legal representation and made various submissions about his medical position. As I explained in my ruling in this case and in others, the purpose of a witness such as this giving evidence is not simply to satisfy the next of kin submissions that he should, but rather to allow the witness to have a chance to give his account. I indicated that I would ask the witness in the first instance to perhaps answer some questions, that I would employ special measures but ultimately through the submissions of counsel I was told that this witness was not fit to engage in any of the suggested mechanisms and he was therefore excused from giving evidence which, as I have said, is unfortunate.

[306] In relation to this issue, Soldier E in the Quinn inquest also gave an account of three gunmen operating from the flat using a submachine gun, a rifle and a pistol. In his statement he said he was positioned in a roof gully about 20 metres north of A's sangar. He indicated that on instructions from A, he and D engaged the gunman located on the flat window, the gunman on the veranda having been silenced by A.

He said he saw this man thrown backwards from his position behind a dustbin after being fired upon from A's position. For the next 20 minutes D and this witness E engaged the gunmen in the flat. E said he fired about 25 rounds of 7.62mm ammunition and that these were all aimed shots. He said while D was firing at a man using a submachine gun, he saw a man thrown backwards into the flat as though he had been hit. He said that after about 20 minutes the firing from the veranda ceased.

[307] E's statement went on to claim that D fired about the same number of shots as he fired and that about midnight whilst in the school hall area, he looked towards the veranda using a starlight telescopic night sight. He said he could see the body of a male person lying on the veranda. He did not see any persons removing the dead or injured persons from the flat in question on the night of 9 or 10 August 1971. The statement of Soldier D in the Mullan inquest also included the following:

"At this time, approximately 2110 hours, the platoon of 2 Queen's Regiment was still deployed forward on the flats towards Springfield Park. I could not see them and therefore sent my Company Sergeant Major to find them and control their fire. The troops with me were engaging gunmen on the third floor of 21 Moyard Park and 13 Moyard Park and two gunmen in the area of the walls and steps immediately east of 78 Moyard Park. Because of the danger of our shots striking the Vere Foster School I ordered all firing to cease."

This soldier is M12 who as I have said was unavailable for this inquest.

[308] Hence, there appears to be two statements from soldiers of B Company 2 Para based at the Vere Foster School/ Henry Taggart Hall that are relevant to this issue. They are Mullan, Soldier B which I have recounted above and which correlates with

Taggart, Soldier P. The Mullan Soldier B is M45 and so he is also the Taggart Soldier P. M45 is therefore a highly material witness.

[309] A large number of other witnesses were called from this regiment many of whom had little to add in terms of them being direct eyewitnesses to the shootings of Mr Quinn and Father Mullan. They were inevitably asked about activity in the area and whether they could identify further soldiers. But overall this was a protracted exercise which in truth did not yield much by way of result in helping me as to how Father Mullan and Francis Quinn were killed. I will recount some of the salient evidence from these witnesses in the following section. However, I am not going to refer to each and every witness in the same detail as in some other areas for the reasons I have given. That is not to say that I have not considered all of the evidence that I have heard. However, there was a considerable amount of repetitive evidence about what the companies were doing in the area at the time, weaponry orders and such like which is of more general assistance rather than allowing me to reach specific conclusions about the evidence of any of these particular individuals.

[310] For instance, Witness M140 provided a statement in relation to involvement at the Vere Foster School. At paragraph 16 he said, "whilst I cannot be sure, I think I was on the Sanger of the roof of the school at some point during 9 August 1971." He said he thinks his shift was with M554. He said, "I imagine I would have been up therefore at least four hours. I cannot remember any events that took place whilst I was in the Sanger. After the shift in the Sanger M554 and I returned inside the school."

[311] It is interesting in paragraph 15 of this statement that the witness said, "from the Sanger you could see the rioters at the front of the base. I have been shown an aerial photograph of waste land which I now produce." He said he did not believe that he would have been able to see the wasteland which was behind the school from the sangar on the rooftop. He said, "we were usually looking in the direction of the flats which were close to the base." Therefore, it appears likely that M140 was in the

north east sangar and unlikely to have been able to see the rioters on the Springfield Road.

[312] M1300 is also of some import given his position in relation to resupply of ammunition. He said in his statement for the Coroners Service that he was tasked with taking ammunition to the soldiers manning the sangar on the roof of Vere Foster School. He said the sangar was on the roof the school at the far end overlooking the nearby flats. He said it was still light though getting dark when he went to the roof of the Vere Foster School travelling unarmed. He said he was walking north along the flat roof when he was fired at from the flats to the east of the base. He said he did not see the person who fired at him, he could just hear bullets. He thought the person had a Thompson submachine gun. He said he immediately dropped flat on the roof and waited and he did not hear any return fire. He said when the firing stopped he continued making his way to the sangar and delivered 50 rounds of ammunition to the sangar. He said he did not ask the soldiers in the sangar if they had fired any shots. He said he gave the ammunition out and left. In keeping with many of the other witnesses from 2 Para B Company this witness was involved in internment arrests and he was able to give evidence about Major M45 being in charge and other members of the various platoons.

[313] In addition to M45 and M1011, as I have said, a considerable amount of witnesses have given evidence in relation to their position at Vere Foster School or the Henry Taggart Hall. Much of this relates to Incident 2 and much of it does not really assist me in relation to Incident 1 however, as I have said, there are a number of witnesses that are worthy of mention. The first is M506 who made a statement for the Coroners Service dated 19 February 2019. He had also been involved in internment arrests and there is a RMP statement in relation to that from the time which was verified by M506. Through his solicitor he filed a second statement dated 10 April 2019.

[314] M506 gave evidence to me over two days on 10 May and 9 September 2019. In this evidence he generally accepted the internment arrest and he accepted that he was billeted at Vere Foster School. He had no recollection of anyone being shot but he did refer to himself being in sangar at the highest point of the school and he referred to this in his evidence by indicating it through various maps and photographs. It must be stressed that M506 said that he had undertaken four tours and never fired save at the firing range. The evidence that he could give in relation to actual firing at the Manse was limited, however he did make some reference to Springmartin and Moyard Park. He also recalled M45 was the major in charge and he could remember M57 and M218/289.

[315] In his statement he came to the time of the evening around 2045 hours when he said he was woken up and rioting was still going on. He said from the school you could look over the roof of Henry Taggart Hall and see Divismore Park, Springfield Park onto the waste ground. He said soldiers were firing rubber bullets and CS gas canisters and he recalled someone saying that they had run out and needed a resupply. He said, "I recall that whoever was firing the CS gas canisters were very accurate on hitting their target and the canisters were landing by the petrol bombers." He said, "as the canisters landed you could hear the loyalists in Springmartin cheering." He said he also remembered seeing a fella with a rubber bullet and he must have had matches in his pockets as he caught fire and people were trying to put the fire out. He said he was positioned on the roof of Vere Foster School on a sangar. His statement recorded:

"I did not fire my weapon at any time and I dispute M138's account of firing 20 rounds himself with other soldiers doing likewise and of standing up to look from the location of the incoming gunfire to return fire. I am unsure who was with me but M138 would have been one of the soldiers in charge of my platoon."

[316] The witness was a private at the time and he referred to the fact that there was a general fear as to what would happen when it got dark and a fear of being potentially overrun. He said in his statement, "around 2115 hours the crowd that was attacking Henry Taggart then turned their attention to the loyalists in Springmartin and set off towards them." In and around 2120 hours he said he recalled seeing two removal- type lorries/Luton vans arrive near the junction of Ballygomartin Road where it T-bones Springmartin Road and the back doors of the lorries opening. He said he saw people getting out of the back of the lorries and within 30 seconds of these people getting out he heard high velocity shooting coming from Springmartin down towards their location. He said the crowd of 30-40 persons who had set off to attack the Loyalists started to run back towards Ballymurphy as they were now under fire. He said he then heard shooting coming from Ballymurphy up towards the Loyalists so there was shooting coming from behind and in front of them. He said that it was only then that the soldiers in Henry Taggart and Vere Foster School started to fire back due to the incoming fire and threat. He stressed in his evidence the soldiers showed a great deal of restraint. He also said:

"I did not actually see any of our guys firing from Sangers on the roof in Vere Foster School but when I had to go to Henry Taggart Hall I saw soldiers standing on benches firing out the broken windows, but I cannot identify any of them as they had their backs to me and we were under attack."

[317] He said he did hear shooting coming from within the Vere Foster Camp whilst he was on the roof but it was not from the area of the roof. He was asked whether he was shot and he said no but a bullet did come through a window narrowly missing him and hitting the wall during that period. He said in his statement that he did not recall seeing any Loyalist or Republicans with weapons but he did hear the sound of various guns being used which he said were not military.

[318] In his second statement M506 did refer to two people falling. He said he could not be sure that they were shot but that they fell in the Manse waste ground on the opposite side of Springfield Road from Springfield Park. He said gunfire was coming from different directions from Ballymurphy but he did not see any gunmen and was going on the sound. He could not see any of the gunmen and he could not say anything more about the shootings in the Manse. He also referred to M45 and said he heard his voice from outside the front of Henry Taggart Hall on a tannoy calling for a ceasefire to pick up the wounded.

[319] It is clear that the sangar that he was occupying on the roof of the school was near to 21 Moyard Park and so some questioning was directed at this issue. This witness, as he said, did not have cause to fire his weapon and he was not aware of any other soldiers on the roof firing nor of any re-supply of weaponry. He was asked, 'Did you see a body hanging over flats in Moyard Park?' and he said he did not.

[320] The HET note from M138 was put to this witness. M138 was not mentally fit to give any statement prior to his death in November 2018. In his HET account, which was recorded in File Note 42, he said that the night was one of heavy gunfire starting around 9.00pm and he was off duty at the time in the Taggart and due to go on patrol at 10.00pm. He was a corporal in 4 Platoon B Company at the time. He said there had been intense incoming fire for a considerable time and he was instructed to take two of his men to the Vere Foster School to provide support to the men stationed in the sangars on the roof. He said he remembered one of the men with him was M506/M175. He said the three men ran whilst under fire to the school via a path, they climbed a wooden ladder fixed to the outside wall of the school to reach the roof and they were being fired at. He said M506 dropped his magazine and spilt his rounds of ammunition on the roof; he started to collect them but was out in the open and so M138 grabbed him and took him to the safety of the sangar. He said the sangar was the one at the front of the school and he said there was a full scale

armed assault by many gunmen and in excess of 50 shots were fired at them whilst inside the sangar.

[321] M138 quickly identified that the shots being fired at them were passing well above their heads and he said, “the next time we get fired at, we all stand up and look for gun flashes and fire.” He said it may seem a stupid thing to do but it was the only way to identify the positions of the gunmen. This witness was said to be clearly upset when he was speaking to the HET. He said he could clearly identify gun flashes from gunmen who were located past the Henry Taggart Hall and on the other side of the Springfield Road and he was unable to say if he had hit anyone. He said the return fire was well controlled and within the laws of engagement. He said he remembered a call going out on the radio saying “ceasefire, ceasefire, do not fire back, repeat do not fire back.” He did remember some of his comrades, including M506, but overall the witness was extremely upset about this account to HET and, as I have said, could not make any further statement prior to his death in November 2018.

[322] There was another HET report from a witness who did not give evidence, M146, who simply said that M506 was in his company which he thought was either 4 or 5 Platoon B Company. I am not sure this is particularly controversial as it seems M506 accepts that he was in 4 Platoon of B Company. M157 was also based at Vere Foster School. He provided evidence by way of a witness statement to the Coroners Service of August 2018 and there are two HET notes of his recollections at the time. He also gave evidence on 21 March 2019. It is clear that he was also involved in the internment arrests and he was based in Vere Foster School. On looking at his evidence he could not actually give much by way of an exact eyewitness account of events. He referred to stories that he heard on the night of internment. For instance, a story of a woman who was caught in crossfire as she got off a bus on the corner near to the green of the junction of Springfield Road and Divismore Park. The other deaths that he knew occurred he said he only heard about recently, including that a priest was killed.

[323] He did refer to the issue of the sangar on top of the school and the location of the flats in Moyard estate. He referred to the sangar being a good vantage point to see everything. He said that there was firing towards the Vere Foster School particularly at the person who was based on the sangar of the roof. At paragraph 17 of his statement he did raise a point that during the firing that went on they were asked to go out towards a small playground next to the school to try and see who was firing at them from the flats on the estate. He said he did not remember who ordered him to do this, but he remembered that he was told that the firing was being aimed at the sangar on the roof of the school. He said he remembered taking cover behind a wall to try to pinpoint anyone who was firing from the flats but they did not see anyone. He said he knew he was with someone but he could not remember who this was. They both had weapons with them but he could not recall that they were provided with any other equipment. He said he believed the firing was coming from single-shot weapons but he was not aware of who exactly was firing the shots, he just presumed it was the IRA but he was also aware that the UDA were based on a council estate somewhere further out of town. He said the only reason they would have fired on someone would have been if they were about to shoot at them. That was the only real justification they had to shoot. He said he never fired a weapon during his time in Northern Ireland on either of his two tours here. In relation to going to the playground the witness accepted that this was totally overlooked by Moyard and that he would not have had any particular protection.

[324] M1300 also prepared a statement for the Coroners Service dated December 2018 and he gave evidence on 1 April 2019. He gave some relevant evidence in relation to the day in question when he was based at the Henry Taggart Hall. It is really paragraph 16 of his statement which is relevant, where he said:

“About half an hour after the first shots were fired at the base, I was tasked with taking ammunition to the soldiers manning the Sanger on the roof of Vere Foster School.

The Sanger was on the roof of the school at the far end overlooking the nearby flats.... It was light, though getting dark, when I went to the roof of the Vere Foster School. I travelled unarmed."

[325] He said he was walking north along the flat roof when he was fired at from the flats to the east of the base. He said he could just hear the bullets around his head - "they did not miss me by much" - and it was obvious that the fire was targeted at him. He said his impression was that the fire came from one gunman who he thought had a Thompson submachine gun because it was automatic fire. He said he immediately dropped flat on the roof and waited for the firing to stop. The firing lasted for about 15 seconds. He did not hear anything by way of return fire. He said when the firing stopped he continued making his way to the sangar and he delivered 50 rounds of ammunition to the sangar. He said he did not ask the soldiers in the sangar if they had fired any shots and he did not say anything about the shots that were fired at him. He said he gave them the ammunition and got out of there as quick as he could and went straight back inside Vere Foster School and reported to the Company Commander what had happened.

[326] This witness then referred to a Watchkeeper's log of 2 Para from 9 August and a message at 1925 hours from B Company to TAC HQ which states: "Shots from Divismore flats." He said he thought that might have been when he was fired at because there was no further gunfire in the 3-60 minutes following the incident and the Watchkeeper's log is silent for a period following that message which reflects the period without any fire at the base. He said he thinks about the same time he visited the sangar on the roof of the school, the storeman took extra ammunition to the sangar outside Henry Taggart Hall. The exhibit from this witness whereby he marked certain locations in particular the sangar are attached to this statement.

[327] I found M1300 to be an impressive witness. He said in his evidence that his background in education had set him apart and that is why he was effectively a clerk.

He said he did not smoke or drink and did not fit in with regular soldiers. He simply referred to this incident which was obviously a frightening incident in relation to the resupply of ammunition and he could not add anything more in evidence.

[328] Other soldiers gave evidence from this general area including M1374 who referred to not being able to see the waste ground and could only give general evidence about the direction of fire at Henry Taggart Hall.

iii. 3 Queen's B Company

[329] The next evidence I want to turn to is that of 3 Queen's B Company. As is apparent, there are no contemporaneous statements or RMP evidence from any 3 Queen's B Company soldiers. However, it is also clear to me and has been established in evidence that 3 Queen's B Company were in the area at the time. The arrest report for Harry McNulty points out that he was arrested by M68, and M68 gave evidence to the inquest by video link on 11 June 2019. He also had provided a statement to the inquest and in that he said he was a private in 3 Queen's B Company, his Platoon Commander was M579. The only other evidence that I have from 3 Queen's B Company are two statements which were read in from M575 and M579, which I will come to.

[330] In his statement M68 indicated that around midday on 9 August 1971 he was deployed in Springmartin due to inter-factional tensions. He said that when there they came under fire and the gunfire lasted some 12-14 hours. He said, "A sniper and a radio operator from 3 Queen's went onto a roof at the Springmartin estate to find out where the bullets were coming from. The sniper with his telescopic sight had a better chance of seeing the shooters than I had with the naked eye". In his statement M68 also said that he witnessed gunmen hiding behind women and children and that despite receiving shots from the crowd he did not see any soldiers firing back from their side. He and his colleagues were, he said, "disciplined, well-trained, highly motivated soldiers and morally correct in everything we did."

The arrival of 3 Queen's in the area was around about 2.00pm according to the evidence given in relation to this. M48 maintained that from this arrival at 2.00pm for the next 12-14 hours there was sporadic fire.

[331] A particular feature of this evidence was what was described as gunman using others as human shields. However, upon questioning the witness could not really elaborate upon this. It was also clear when the witness was questioned by virtue of the logs that his account of a prolonged period of shooting from 2.00pm did not really accord. It was put to him that the HET had described him as cagey when asked if he had fired that day and he in evidence said that he was not being cagey he simply had difficulties in talking to strangers. It was clear that there were also some memory difficulties on the part of this witness. As a result of this, information was obtained from Mr Clarke of HET in terms of an email attendance and that effectively confirmed what had been said. Overall, whilst M68 establishes that 3 Queen's B Company were in the area at the time, the evidence was not particularly concrete about their actions and there was no identification of particular shooting vis-à-vis the waste ground.

[332] The only other two witnesses from this military unit, M575 and M579, had their statements read in starting with M575. M575 in his statement said he was posted to 3 Queens in and about January 1971. He was Company Commander at the rank of major. He said he reported to the Commanding Officer of 3 Queen's at the time. He said B Company consisted of 3 Platoons and the Company was based at Ballykinler some miles south of Belfast. He said in his statement that he recalled that on 9 August they were told to go to Belfast and they remained in that location for one or two days. The area where the Company was instructed to go was a few hundred metres from the Springfield Road Police Station. The witness in the statement said, "we were told to observe and keep the area quiet, we were instructed to check any vehicles travelling in either direction along the Springfield Road." He said in his statement he had been asked if his Company was placed in that position in order to

protect the Headquarters of the second battalion of the Parachute Regiment located at Springfield Road Police Station and he believed that to be likely. He said:

“During our time in that location we could hear sporadic gunfire in the distance. However, we did not see any firing and we were not fired upon. We did not encounter street trouble at all, the gunfire consisted of a number of bursts of 4-5 rounds as well as single shots. It was never a full magazine being fired in quick succession.”

[333] He said at no point during this time did he have any idea of the location or actions of anyone within or under the control of 2 Queen's. He said he did not receive any situation reports or updates about what was happening with other military units. He said he was never knowingly under the command of 2 Para and he never reported to anyone in 2 Para during that tour. The witness then commented on 2 Para radio logs and said he was shown an extract of a typed version of a radio log of communications with 2 Para Headquarters and asked about serial 150 recorded at 1810 hours. It is recorded as being sent by Y29. He said that message did not look familiar to him. He was also shown a message at serial 211 recorded 2242 hours referring to the firing of baton rounds sent by Y2. He said once again, “I confirm that I did not come under the control of 2 Para nor reported information to them at all. Further, we did not fire our weapons at any time nor receive any fire.” He said neither of these two messages referred to his Company and Y2 must have been referring to some other unit. He was also referred to the report of Operations.

[334] He said that they did not move to Springmartin and that the paragraph in the report shown to him referred to 2 Queen's. He referred to the 2 Para report suggesting that control of the Turf Lodge area was handed over by 3 Queen's at 1515 hours on 9 August but he said he was not in Turf Lodge and did not take control of Turf Lodge. He also disputed the report which suggested that Andersonstown and Suffolk were handed over to 2 Queen's and he said he was not in those two areas and

his soldiers did not take control of those areas. He also referred to ciphered statements which he said appear to have been made by 2 Queen's and he said he knew nothing about 2 Queen's operations. He was shown a document in respect of M1860 entitled "Confidential Report - Soldiers." As Company Commander he stated he was one of the reporting officers and he wrote a short report recommending M1860 for promotion. He said he agreed with everything he wrote in that form however nothing was related to anything that he witnessed in Belfast between 9 and 11 August 1971. He said they were located on the Springfield Road in the following days until the end of the operation and they travelled back to Ballykinler after 2-3 days.

[335] Next is M579 who was also in 3 Queen's stationed at Ballykinler and was a lieutenant and a Platoon Commander of 5 Platoon within B Company. He said he could not remember anything about the internment operations. He said at paragraph 14 of his statement:

"It has been suggested to me that B Company of 3 Queen's was deployed to the Crossmaglen area on 9 August 1971 and then sent to Belfast on 9 or 10 August 1971. This does not sound familiar to me at all, I do remember being deployed to Crossmaglen at some point, as this was a notorious area. We were usually deployed as a Platoon, rather than a whole Company. I do not recall that particular deployment, nor do I recall being deployed to Belfast for one night, but it could have happened. We were being deployed all over Northern Ireland at that time, sometimes as a Platoon, sometimes as a Company."

[336] M579 also said in his statement he was never required to discharge his weapon in the 1970-71 tour nor at any other time and the only incident he recalled

was one at Flax Street Mill. He said he had never had any interaction with the 2nd Battalion of the Parachute Regiment on the 1970-71 tour or the 2nd Battalion of the Queen's Regiment. Overall, this statement therefore has nothing substantial to add to the events.

iv. 2 Para Support Company

[337] I now turn to look at the witnesses who gave evidence from 2 Para Support Company. It is fairly clear from these witnesses that 2 Para Support Company were in Springmartin on the night in question. They were effectively a Support Company for 2 Para B Company who were stationed in Vere Foster School/Henry Taggart Hall and it makes sense to think that they were called from their base at Paisley Park to this area to assist after the Hall came under attack earlier in the day.

[338] It has been quite difficult to piece together who exactly was present and I heard a limited amount of evidence from soldiers who were actually part and parcel of this company. One I did hear from was M139 who was a private in the Anti-tank Platoon of Support Company. He made a statement for the Coroners Service dated 20 August 2019; attached to that is an interview with HET and he gave oral evidence to the inquest on 15 October 2019. He said that he was a private at the time and he confirmed that he was based in Paisley Park and involved in the internment arrests. There is an arrest statement attributed to M139 which details his involvement in Operation Demetrius along with others who are referred to in his statement, namely M1341, M1270, M1354 and M603/M1231. That was, of course, earlier in the day but later in the day this witness said that he was called out to assist B Company due to an attack on Vere Foster School/Henry Taggart Hall. In his statement M139 therefore described arriving on the Springmartin Road in the back of a Pig/ APC.

[339] In common with his HET account, M139 said that he left his SLR in the back of the Pig/ APC and took a riot gun and he described this as idiotic given the circumstances. He thought that there were about 8-10 soldiers in the Humber

Pig/APC when it arrived and when pressed to identify who they were the only person that he thought it could have included was M1341. M139 then confirmed that he was effectively deployed to the Springmartin Road, where the soldiers disembarked, but ultimately to the Springmartin flats. In his statement at paragraph 25 he said:

“We disembarked the Pig and walked towards the nearby flats. The flats overlooked Vere Foster School and Henry Taggart Hall. The Pig was then sent up to the injured, with my SLR in the back of it. I knew that the Pig was going to pick up injured because I could hear soldiers on the ground shouting that fact as we moved into the flats.”

He continued in paragraph 26 to say, “we could not see Vere Foster School and Henry Taggart Hall from where we were but we could hear gunfire.”

[340] A part of his evidence which was particularly concentrated on was the next observation, whereby M139 said that he noticed green tracer bullets coming towards him from overhead and he said that he knew the British Army had red tracer bullets rather than green tracer bullets so it was not the Army. He was pressed upon this in his evidence but maintained that they were green tracer bullets. He said he could not see the shooters. He said that effectively they were instructed to cover the back of B Company’s position so that nobody could get around the flats to aim fire on the school or the hall. He said he went up to the third or fourth floor of the flats to get a height advantage; he could see the flat tarmac roof of Vere Foster towards his left - hand side. He said he could see two or three people moving around on the ground but they were probably 300 yards away from their position and they were moving away from Henry Taggart and Vere Foster School and away from him towards his right. He said they appeared to be civilians. He said his instructions were to observe the area and if they were fired on to return fire as per the Yellow Card. He said he remained in that position for a couple of hours and he could hear shots fired but he

did not see any shots. He said he did not see any soldiers discharge their weapons and he did not discharge his riot gun at any point. He then said they were called back to Paisley Park and later in the evening, or perhaps the following evening, he said they were called out to the bottom of the Springfield Road near Mackie's Factory in relation to another matter.

[341] In evidence he was asked whether there were trained snipers in his Company and he said yes there would have been one, but he could not identify who that was. M139 was asked at length to identify the other people with him. He essentially said that there were a number of Support Company soldiers split across a number of flats and one soldier was with him in his flat but he could not recall the name. He was prepared to accept that this soldier could have been Soldier T. Whilst M139 said that he did not fire his weapon himself he said he was aware of soldiers shooting from other positions in the flats because he could hear the noise of gunfire. Other than that, even though pressed at length, he could not identify other ciphered soldiers and he could not give any clear evidence about who was firing on the soldiers or gunmen in the area. M139 also accepted that he had knowledge that Queen's Company soldiers were in the area. In his evidence, when questioned, he accepted that inadvertent fire was a possibility and that some of the shooting towards the Springmartin flats could have come from Vere Foster School. He could not say anything more about conversations that happened after this incident between soldiers going back to Paisley Park or at Paisley Park.

[342] M206 also gave evidence on 21 October 2019 from the perspective of Support Company. He made a statement to the Coroners Service dated October 2019 and he had also met with HET on 9 March 2001. In his statement to the Coroners Service M206 took some issue with the note. Firstly, the date should be 2011 and there were some inaccuracies in relation to his tour of duty. He did however confirm that during the 1971 tour to Northern Ireland he was based with Support Company at Paisley Park and was part of Anti-tank Platoon. He remembered being part of the internment operation and arresting a person.

[343] In his evidence M206 also gave an account of being dropped off in the Springmartin area with other soldiers and ending up in a flats complex. In his evidence he suggested that the role was to help women and children to safety but in any event he indicated that there was heavy firing when he was in this area, although he said that he did not discharge his weapon at all and nobody around him discharged their weapon. He said he could hear shots in the area but he did not know where they were coming from. In his note to the HET in 2011 he referred to tracer fire coming from soldiers in B Company. In his statement M206 clarified this point. He said:

“I recall noticing that the tracer rounds were green however I cannot recall whether the tracers were going between the blocks or over the top of the blocks.”

[344] He said so far as he was aware the military did not use green tracer rounds. At paragraph 11 of his statement he also refuted part of the HET note by stating:

“The HET notes at the bottom of the first page that ‘he was later told that the tracers and gunfire had probably come from ‘B’ Coy that night and people had been killed.’”

He said in his statement and reiterated in evidence:

“I do not now remember being told the fire was coming from B Company. I note that Henry Taggart Hall was downhill from our location. The fire coming towards us was going over us. It would seem strange if the fire was coming from B Company because of the green tracers I could see. However, I am not sure.”

[345] He was asked in quite some detail about persons in his Platoon and he effectively said he had three particular memories of M12, M592 and M450. In relation to M259 and M1341 he said the names rang a bell but they were not in his Platoon. He clarified that they were in Support but not Anti-tank. He was generally unsure when looking at the various lists of ciphered witnesses and could not help the inquest in great detail with who was with him. So whilst this witness was clearly at the location he could not say anything about what exactly was happening regarding shooting at the persons on the waste ground which led to the deaths of Father Mullan and Mr Quinn.

[346] The other Support Company witness that I heard from was M1270. This witness gave evidence to the inquest at the latter stages on 2 March 2020. He made a statement dated December 2019. Attached to that statement is an RMP statement form which dates from the time and clearly indicates that M1270 was involved in arrests on the morning in question. In that arrest statement reference was made to him being with M603, M139 and M1341. He said that he was with Anti-tank Support Company during this time. He said that they were based at Paisley Park. He said all soldiers had self-loading rifles which used 7.62mm ammunition and they would have been carrying 80 rounds while out on patrol, which was four full magazines. In his statement he referred to the Yellow Card which he said was a very important part of the training and its importance was constantly emphasised. He said in accordance with the RMP statement that he made an internment arrest. Once the arrests were made they returned to base.

[347] M1270 said that normal patrols went out though he was on rest but during the morning the Operations Room at the base received a telephone call from Mackie's, the engineering factory. The caller was concerned about the watchman working at Mackie's at that time. He then said he was separated from his main section and was put in charge of an ad hoc patrol which included M139 from his Section and four other men. They were deployed in a Pig/APC or a Land Rover to Mackie's where

there was a crowd across the street. He then described what happened at Mackie's in that there was a watchman who was dead inside and it appeared he had been killed by a blast bomb and there was a crowd outside. He said they were fired upon from the crowd for a few split seconds from what he thought was a Thompson submachine gun and he then engaged the crowd with CS gas and rubber bullets before they dispersed. He then said RUC relief arrived which allowed them to leave that location.

[348] He said in his evidence that they then deployed to two or three other incidents in the Springfield Road area that were happening that day. He said he did not recall these very well but they were keeping the crowds moving and not letting them consolidate. He did point out that they were fired upon several times. He said these incidents took most of the day so they were running out of rubber bullets and gas and at some point they were restocked in the street with gas and rubber bullets by the Company's Colour Sergeant and he also brought them a meal. He said it was shortly after they had been restocked that they were informed that B Company were under heavy attack at their base. He said that his Company were then deployed to Springmartin in an area of high ground which overlooked the Moyard area.

[349] In his statement he said, "I understand that B Company were under fire coming from Moyard flats and we could not have assisted from the bottom near the Henry Taggart as there was a crowd." In relation to what happened then he said it was still light when they arrived in Springmartin. He was with the same people, they could hear gunfire as they drove to Springmartin and they knew the location of the flats at the time so they deployed in a position where they could see the flats. He said he moved forward to a position with one other soldier on a balcony in flats in which they could overlook the Moyard area. He said M139 was with a soldier in a position to his right about 10-15 metres across from him. He said he could not see them but he could verbally communicate with these other soldiers.

[350] M1270 then said this:

“From my position I could see three gunmen on the right hand side of the Moyard flats. I knew they were gunmen because I could see they had rifles. One gunman was alone next to a dustbin at the corner of the building, using the bin as cover. He was to the right of the other gunmen I describe in this paragraph. There were two gunmen together on the left just outside what looked like a catchment areas for bins. I do not recall how far away they were from me but they were not close. I shouted to M139 that the gunmen were firing down towards the Vere Foster School and gave their position. However, I think he could not see the gunmen from his location. At this time the two gunmen on the left spotted us and fired a couple of shots at us. We could hear the crack in front that sounded like a high velocity weapon being fired closely over our heads. The fire was not automatic and we did not hear any automatic fire. I did not see any tracers.”

[351] M1270 then said that he fired two shots at the man next to the dustbin. He thought the shot hit the dustbin which exploded with the pressure of the shot. He said he did not hit the gunman but he would have been hit with shrapnel and the gunman scrambled into a crawling position for cover. He said the two gunmen on the left ran into the bin area and he did not engage with them. He said when he turned back to the man on the right, next to the dustbin, he had disappeared. He then fired a few shots at a wall nearby to the men to get a ricochet going towards them. He said that this entire engagement took perhaps one minute, possibly two, and he fired no more than seven rounds. He said he believed at some point that M139 deployed inside a house but he could not recall details about that clearly. He then said that he believed there were men inside the Moyard flats firing at them

because they could hear a crack as if bullets were shot at them but the thump was muffled which would have been explained by the fact that the gunmen were inside. He said he could not locate the gunmen inside the flats. He said in his statement:

“We could hear gunshots from every direction; it was all around us. I could not hear any gunfire from Vere Foster School, I imagine it could have been too dangerous to have a soldier placed in the Sanger above the school.”

[352] He then said, “we backed off into cover and were coming under fire but we could not identify the location to return fire and when we got back to cover Major M and M1019 were there.” He said as the initial engagement with the gunmen was over they were still receiving sporadic fire in his direction so he ordered his section which would have been five men to watch and shoot. This meant that the soldiers would scan their line of fire and would have the right to open fire without warning on a gunman they believed to be a threat. He said he then gave Major M a quick briefing on the situation and what had just happened. In relation to the Queen’s soldiers he said that a patrol of soldiers from the Queen’s Regiment appeared from deeper within Springmartin. He said he had no idea that they were in Springmartin until that moment. The Queen’s soldiers had a prisoner and the weapon this man had been using, which looked like a bolt action gun. He said a crowd of Protestants were coming towards the soldiers in order to access the prisoner and they assisted by stopping the crowd. He said the Queen’s soldier put the man in the vehicle and drove away.

[353] He said they then redeployed to a deserted factory near Celtic Park which acted as their base for the night and they were deployed during the night around Springfield Road and the Falls area to various incidents. He said that they did not attend in any location near Henry Taggart Hall and they did not fire their weapons again during the night. He said he had been asked whether he saw a priest at any point that evening and he said he did not. He said he was asked whether he could

see a waste ground from Springmartin and he said, "I think from my position that would not have been possible, though in any event I was focussed on only the Moyard so do not remember."

[354] This witness was shown ciphered statements and said he could not put a name to any of the ciphered soldiers' statements and he did not, and could not, identify himself as one of the ciphered soldiers.

[355] A considerable amount of time was taken in evidence dealing with these matters, which are important given what M1270 referenced as an engagement with gunmen at Moyard. He was quite clear in his evidence that there was engagement with the gunmen although it is fair to say that when pressed about absolute specifics of where they were he was at times a little unsure. In relation to the persons that he knew, he said M139 was part of his Section and he knew him well. He also said he knew M1354 well. In relation to M1341 he said he could not recall him being there but accepted that he may have been.

[356] M1270 was questioned at length about his knowledge of what happened on the waste ground. This is unsurprising and was entirely merited given that he is the only soldier to give evidence who admitted firing shots from Springmartin into Ballymurphy. However, he maintained that his firing of shots was at gunmen at the bin area in Moyard flats. When pressed about what was happening on the waste ground he said he did not see women, children and other people running across the waste ground at any time and he effectively maintained that he was unable to see the waste ground because of his position. Whenever he was asked about his position being on a balcony he said it was at ground level and he could not see the waste ground at all. This point was pressed a number of times given the whole issue of the flats being in an elevated position with balconies and so it is hard to understand how soldiers would be at ground level.

[357] M1270 was also asked to confirm the position of the gunmen with the use of maps. He did mark the position of the gunmen on a map as Exhibit B1/35 which, it was suggested to him, given the shape of the flats meant that the firing from the flats could not have been down towards Vere Foster School as that was blocked by the four storey building immediately between their position and the school. He was also pressed by the use of maps and more effectively by contemporary photographs in relation to his position on the flats. It was put to him that from a position on the balcony in the flats there was a view across to Moyard which would have allowed M1270 to see the waste ground in which Father Mullan and Frank Quinn were shot. The witness maintained that this was not right because whilst he had said he was on a balcony he said this was at a low level. He placed himself between two blocks of flats in Springmartin, unable by virtue of the gable end walls of the flats to see to his left or his right and at ground level. He said he was not able to see the waste ground at all and he said he did not go up any steps and the reference to balcony should be interpreted as being in the gap between the blocks on the ground floor.

[358] Also in evidence, M1270 admitted that having looked at the maps he realised that the gunmen he described probably could not see Vere Foster School. Instead, he, in his evidence, said that the gunmen were firing in almost the opposite direction from Vere Foster School, not at soldiers in that location nor at soldiers in Springmartin but instead at an empty waste ground beside the Springmartin flats. This is an area where there has been no evidence of any activity at all by gunmen or soldiers. It is hard to believe that the gunmen were firing at an empty area whilst there were clearly soldiers in Springmartin flats and at the Vere Foster School. This is the only time that a witness gave evidence in relation to this issue.

[359] The evidence in relation to the positioning of M1270 contrasts with that of M139 who described being in an elevated position and so there are two issues with this evidence. M1270 had clearly changed his evidence in relation to the gunmen and where they were shooting and so it remains to be seen whether this evidence can be relied on. What is clear is that M1270 maintained that he had no vision of the waste

ground, that he did not fire on the waste ground, that he was not responsible for the death of Father Hugh Mullan or Frank Quinn and that he did not know who might have been. The point was put to this witness that he was part of a small platoon, Anti-tank Platoon, having approximately 24 soldiers. The point therefore arises why this soldier could not have more information about what happened on that day either from his own knowledge or from what was said when the soldiers returned to their base and discussed this matter. The point was put that the death of a priest, in particular, was an event of notoriety.

[360] In terms of other relevant witnesses the position of M1341 is significant. Unfortunately, M1341 did not attend this inquest. This is a matter of considerable regret. The next of kin in this case submitted that M1341 should attend the inquest. However, ultimately I received evidence of a medical nature which militated against that. The circumstances of this are entirely unsatisfactory because the inability to give evidence arose after investigations took place by the Coroners Service in relation to M1341.

[361] Fairly late in this inquest, as a result of investigations, I raised a query in relation to calling M1341 to this inquest. I had not initially been advised that this was going to be a core witness. However, due to the efforts of the Coroners Service I decided some investigation needed to be made. This led to a rather convoluted process. Eventually, some material was provided by the MoD in relation to M1341. I should say at the outset that M1341 was represented by counsel and argued that the material was privileged. I gave a ruling that the material was not privileged, a transcript of which I attach.

[362] That led to a situation where I required M1341 to give evidence. However, it became clear that a medical excusal application was going to be brought. Prior to that medical excusal application I had asked that a statement be taken from M1341 on a discrete issue, namely whether or not M1341 was Soldier U. I required this on

the basis of the material I had received from the MoD. M1341 did file a statement dated 11 September 2019. In this at paragraph 3 he stated:

“For many years I have had in my possession a single page of a Royal Military Police statement from a Soldier U. I have been asked to provide an explanation of the circumstances of how this came to be in my possession.”

[363] At paragraph 4 he said:

“I found this piece of paper amongst the bits and pieces in my house which separately included my red book and my Australian passport. The piece of paper was not inside the red book, but was located in the same place as the red book.”

At paragraph 5 he said:

“I do not know why I have this page in my possession and I am unable to say whether I am Soldier U or who Soldier U was.”

[364] Attached to this is the first page of the RMP statement from Soldier U. As I have said following this revelation M1341 through his representatives argued that he was not fit to give evidence and ultimately he did not attend or participate in any direct way. That means effectively that I am left with the statement to decide whether or not M1341 is on the balance of probabilities Soldier U. As I have consistently stated in this inquest there is a prejudice to the person who potentially may have evidence to give or evidence to refute in this process. The fact that M1341 did not attend means that I have to proceed on the written evidence. I should say that I did suggest various different mechanisms whereby M1341 could come to give

evidence including special measures, including the answering of various questions in the first instance, but effectively all options were closed and M1341 was adamant through his representatives that he would not give evidence to this inquest. I therefore have to determine in the round whether there is enough evidence that M1341 is Soldier U.

[365] The other evidence in relation to a ciphered soldier comes from M34 who did give evidence helpfully to this inquest on 3 March 2020. M34 was a late witness but helpfully he did provide a statement of December 2019 to the Coroners Service. He had also provided a first statement in January 2019 to the Coroners Service. In relation to that, he said that the first statement was not correct. It stated that in August 1971 he was a lieutenant in B Company of the 2nd Battalion of the Parachute Regiment known as 2 Para. It said he believed he was in Northern Ireland at the time but had no memory of being in Ballymurphy during the events in question. In the second statement M34 stated that he was in fact a corporal in Support Company of 2 Para at the time. He said he saw this error when he signed the statement in February 2019 but he did not amend it. He was pressed in relation to the reason for this and he said that he wanted any involvement in giving evidence in the inquest to be finished as quickly as possible and he thought it would be quicker and easier to return a signed copy, despite this error.

[366] As I explained during the course of this evidence, I was concerned about that and happily a second statement was taken which is significant in that it points out that this person was actually a corporal in Support Company of 2 Para at the time. The significance of the evidence is in relation to whether or not M34 was in the position of a sniper. He said in his statement that on one tour he was issued with a .303 rifle from the Company armoury instead of an SLR but he does not think that it was this tour. In any event he said he never discharged his .303 sniper rifle on any tour in Northern Ireland. He said he did not have any clear memories of being involved in the internment operation in Belfast but he did have a vague recollection of being involved in an arrest around this time. In relation to the accounts of other

witnesses he confirmed that he had been told that other soldiers have named him as potentially being in Ballymurphy in 1971 and potentially firing shots. He also said he had been told that other soldiers had identified him as carrying a .303 rifle on the 1971 tour to Belfast. He denied this and said he did not think he was in Ballymurphy on that tour. He said, "I do not think I had a sniper rifle on that tour" and did not believe that it was in 1971 because he arrived late to that tour and he imagined that he would have been given an SLR instead because training was required before a sniper rifle would be issued.

[367] The point at issue is whether this witness is Soldier T and he was shown a copy of that statement. He said that he did not believe he was Soldier T. In particular, he pointed out that Soldier T's statement was made on 19 March 1972 at Dunmore Park and that it stated that Soldier T was based in Belfast at the time. He believed he was based in Northern Ireland in March 1972 but did not know where. So overall M34 did not accept that he was Soldier T who fired shots on the day in question from a .303.

[368] M1354 was also called towards the end of the inquest. He spoke to the Coroners Service on 23 January 2020 and said that he had no memory of being in Ballymurphy during the events in question. He was responsible for an arrest, because there is a Royal Military Police statement which is ascribed to M1354, and so he was asked to provide a second statement which is dated January 2020. In that statement M1354 confirmed that he was with Support Company of 2 Para in Northern Ireland. He had a Royal Military Police statement and whilst he did not have a formal statement there was a note of a meeting with the Coroners Service of 23 January 2020. In that, he confirmed he was a member of Anti-tank Platoon which was part of 2 Para Support Company. He said he did not recall being in Springmartin flats. Reference was made to the fact he was shot accidentally in 1972; he replied "yes" but he could not remember anything more about it. It is recorded in the note of his conversation with the Coroner's Investigator that in response to being asked about these matters, he stated "what is all this about?"

[369] It was explained that this was an inquest and he said he had a poor memory and could not say anything more about it. He was questioned about this and whilst he could recollect some people who were part of Anti-tank Platoon and he had confirmed that he did have a nickname which M139 referred to, he could not remember anything in relation to what happened or he could not remember any discussions that had taken place between soldiers who were in the same Platoon. Overall, this witness could not really recollect anything at all.

v. Other Anti-tank Platoon witnesses

[370] Three further witnesses gave evidence of being in Anti-tank Platoon. The first I refer to is M88 who gave evidence on 11 September 2019. He made a statement in December 2018. In his evidence he confirmed that he was part of Anti-tank Platoon which was part of Support Company 2 Para. He could not remember the names of others who were involved save the Support Company's Commanding Officer was a Major M12. He said he had no direct recollection of events. He said he did not make any statement at the time and really could not offer anything by way of assistance to the inquest save general evidence about what was happening in the area at the time.

[371] A further witness is M158 who also made a statement to the Coroners Service in August 2018 and gave evidence on 11 September 2019. Again, he said he was a private in Anti-tank Platoon. In 1971 he was Corporal still in Support Company of 2 Para. This witness in his statement gave general evidence about the movements of his Company and Platoon. He also gave some evidence about daily routines. In relation to the events in question he said he did not recall arresting anyone as part of the internment operation. He did recall some patrols at the time.

[372] In answer to the question whether he could recall an incident on 9 August 1971 he said that he could not recall any specific incident. He said that he came under fire at Vere Foster School and Henry Taggart Hall every day so there was no

incident that stood out. He said he had no recollection of seeing or hearing any soldier or civilian being shot whilst he was at the base. He said he could not recall being on the roof of Vere Foster School and he could not recall any debriefs after this event. There is a file note in relation to this witness from HET dated 8 November 2011. In that it stated that he was at Ballymurphy on internment day based at Vere Foster School. He remembered there was heavy firing during the evening and at one stage he was on the roof of the school but did not discharge his weapon.

[373] This witness then made a second statement dated September 2019 in which he said that soon after giving his previous statement he realised that the content of the statement may have been inaccurate. He then stated in the second statement that he was not in Northern Ireland in August 1971 and he was not part of Operation Demetrius. Further, he stated he was never in B Company of 2 Para nor in any other rifle unit of 2 Para. He said his first tour to Northern Ireland was for Operation Motorman in February-June 1972. In relation to his previous references to internment he said he was describing an operation that took place during Operation Motorman. He said that the events referenced in his HET account were correct however they must have occurred during 1972 and not 1971. He said in this statement he mistakenly believed that he had been at an incident the interviewer referred to as at Vere Foster School and he said the Commanding Officer M12 had been there. He said that he assumed the interviewer must have been talking about the incident he could recall which he believed was in 1972. So overall, this witness distanced himself from having any involvement in the events in question.

[374] The last direct witness from Anti-tank Platoon who gave evidence was M742. This witness provided a statement dated September 2019 and he gave evidence on 17 October 2019. He said he was not interviewed by the Historical Enquiries Team and in his evidence he said he was not entirely sure that he was in Ballymurphy in August 1971. He did say he had recalled being in an arrest operation but he was not sure whether that was internment on 9 August 1971. He had no direct evidence to give in relation to the events in question and he could not remember a debrief or

conversations about the events in question. He did however give some helpful evidence about others who he thought were in Anti-tank Platoon on 9 August 1971 which included some of the witnesses that I heard from, in particular, M139 and M1270. He did not have any particular recollection of anybody apart from M139 and M603. He had no recollection of M1270 or M1341. He also referred to M34 remembering him as a sniper who was attached to Anti-tank. He agreed that it was a relatively small unit but he said in answer to considerable questioning that he could not recall conversations about what had happened or who might have been involved in events at Springmartin.

vi. 2 Queen's A Company

[375] I now turn to the role of 2 Queen's A Company on the night in question. The issue in relation to this is whether or not 2 Queen's A Company were in fact stationed in Springmartin at the relevant time when Father Mullan and Frank Quinn were shot. I have been greatly assisted by the fact that certain military witnesses have come to give evidence in relation to this issue. In particular, M71 gave evidence to this inquest on 3 March 2020. He had provided a statement to the Coroners Service dated 4 November 2019. He presented in a very straightforward and helpful manner to this inquest in terms of indicating the position of 2 Queen's A Company on the night in question. He was the Platoon Commander. In his statement at paragraph 7 he quite clearly stated that around 2400 hours on 9 August 1971 his platoon took over control from the Parachute Regiment on a number of observation posts in a block of flats in Springmartin Road. He said in this statement that there was no firing in the vicinity of the observation posts at the time they took control, but he was aware of firing in the general area. He said he could not recall receiving a briefing from any other unit prior to taking control and he could not recall seeing any Paras on site.

[376] The statement also said that on the morning of 10 August 1971 he saw two wooden crosses on the waste ground in front of the flats and he recalled that they

were informed by a local resident that these were erected to recognise the deaths of two individuals the previous night. He did not recall any more details in relation to this. He said that during the night of 10 August 1971 they received a tremendous amount of incoming fire from five or six different locations. This witness also was shown ciphered witness statements which were taken at the time and again with commendable candour he indicated to the court that he thought he probably was Soldier H. Soldier H's statement was taken in Werl in West Germany on 23 February 1972 and it is important to stress the content of this, which I set out as follows:

"I am the Pl Comd of Platoon Company 2 Queen's, stationed at Werl. On Thursday 5th August 1971 I arrived in Northern Ireland as part of the advance party of 2 Queens. We were based at the RAF Station in Londonderry awaiting the arrival of my unit which in fact arrived on Monday 9 August 1971 at 1500 hours at Aldergrove Airport, Belfast. I met my unit there and then accompanied them to the RN Air Yard, Antrim. After being equipped with the IS equipment my unit were ordered to move to the Springfield District and we arrived at Paisley Park about 2120 hours that evening. The unit remained in Paisley Park while 'O' Coy OC and 'J' Coy CSM went forward to liaise with a Coy of 2 Para which we were to relieve. The OC and CSM returned to Paisley Park shortly before midnight and after briefing the unit Coy 2 Queens went forward to the Springmartin flats and relieved the members of 2 Para. This was completed by about 0030 hours Tuesday, 10th August 1971. Prior to this no member of A Coy 2 Queens was in any position in the Springmartin flats and after taking over these positions, no shots were fired by the Company until the following evening, Tuesday, 10th August 1971.

Whilst in the process of taking over the 2 Para positions I went to the top flat in a block of flats ... which was occupied by a Cpl and about 5 men of 2 Para. The Para Cpl informed me that they had been firing at men in the waste ground immediately to their front, but he did not explain this any further. I saw about 10 empty 7.62mm cartridges lying on the floor.”

[377] In his evidence M71 effectively confirmed these details, namely that he was the Platoon Commander of A Company 2 Queen’s. He confirmed that his Company were not in the Springmartin flats until after midnight on the night in question. He said that whilst in the process of taking over the 2 Para positions he did speak to 2 Para personnel who informed him that they had been firing at men in the waste ground. This witness was very clear that 2 Queen’s A Company did not have any involvement on the night in question in terms of firing. This is obviously highly significant when certain statements of this Company are relied on and the point is made that the date must be wrong and that they were in fact referring to gunfire on 10 August 1971. I will come to that in my summation of the case.

[378] The other witnesses who gave evidence from 2 Queen’s A Company effectively made the same case and I should say that M71 also assisted me greatly in terms of confirming various cipher numbers. M2312 also gave evidence from this Company. He acted as second in command of A Company and held the rank of lieutenant at the relevant time. He made a statement to the Coroners Service of 20 December 2019 and also gave evidence. In his statement he stated that once in Belfast A Company deployed to Springmartin. He said:

“I believe that the events of 9 August 1971, into which the Coroner is enquiring, occurred either while I was still in Antrim or I was en route and had not yet arrived in

Springmartin. I cannot remember exactly when I arrived in Northern Ireland or Belfast. However, I do recall that we were not in Belfast when the internment operation took place, so we could not have arrived prior to the morning of 9 August 1971."

[379] This witness also assisted with identification of cipher numbers. He thought upon being shown Soldier G's statement that this was M602 who was a platoon commander who had come from the Royal Corps of Transport and was attached to the Company for a year. He confirmed that he thought Witness H was M71. He thought that Soldier J was the Sergeant Major who he understood is now deceased and he could not assist any further. He did give an account of being stationed in Springmartin and waking up in a flat the next morning with M71 who confirmed that they both heard a splat against the wall and a long burst of automatic fire and upon hearing that burst the Sergeant Major rolled in his sleeping bag and said 'Bren gun' and rolled back over.

[380] The witness also confirmed in evidence that the Army did not have Bren guns so if it was one then it must have been fired by someone else. He also recalled seeing in the waste ground a number of black flags placed on it and he recalls noticing empty cases on the floor around them which appeared to be a combination of 7.62 and 9mm ammunition. He said in his statement, "I thought that the 9mm cases were from a Sterling sub-machine gun." He said he did not believe 2 Queen's had any SMG with them. He remembered that when he saw the cases he said to no-one in particular something like "somebody has had quite a fire fight." This witness stressed these were not his empty cases or cases from his Company since they had not fired their weapons and they had been fired during the time when they were not in the location. He said he did not know who it was, but someone at that moment suggested the fire fight was to do with the Paras, however he was not aware if that was true or not.

[381] M73 also gave evidence earlier on in this inquest which is of relevance to the position of this Company. He gave evidence in April 2019 and provided a statement to the Coroners Service dated December 2018. He said in August 1971 he would have been in B Company 2 Queen's. He said he remembered that when they landed in Northern Ireland they went straight to Antrim. He said 2 Queen's did not have a Battalion or Company Headquarters in Belfast as they were scattered and the role was to provide support to the Paras. This witness did not have any particular recollection in relation to the internment events. I should say that in evidence the witness confirmed that he was actually a member of A Company and not B Company. Some considerable enquiries were made in relation to this witness who it transpired had been contacted by HET and did not engage at that time. But in any event the witness did assist the Coroners Service by making a statement in 2018.

[382] He, in his statement, described being in flats in the area and described these as a block of empty flats when they were fired upon, however he said he did not discharge his weapon. The problem is that the witness in his statement did not give a direct time when this may have happened. The ciphered statements were put to him and he did not accept that he was any of the ciphered soldiers. Overall, the witness was not able to assist me in any way with the deaths of Father Mullan and Francis Quinn and he was not particularly clear in relation to the version of events given in the ciphered statements. The ciphered statements are relevant to mention at this stage. I have already dealt with Statement H in the context of the evidence of Witness M71.

[383] It is fairly clear that the other ciphered statements come from 2 Queen's A Company, if I start with Soldier G. He said:

"Sometime during the evening of 9th August 1971 my Platoon were deployed along the Springmartin Road overlooking the Moyard estate. Other members of 2 Queen's and 2 Para were also in the area. I cannot recall

how long we were deployed in our position but suddenly a gun battle started to my left between a number of gunmen positioned within the Moyard estate and soldiers on the Springmartin Road. The battle itself was initially quite heavy but eventually died away to spasmodic firing. There were a number of automatic weapons being fired but I cannot say how many or where they were located. I would not like to hazard a guess as to how many rounds were fired during the gun battle. We remained in position throughout the night and following morning till dawn. During this time we, the soldiers to my left, were subjected to spasmodic firing. Later the next morning I understood that a priest had been shot after having been caught in the cross-fire during the battle. I myself did not see any priest moving about in the area. I cannot say if my platoon returned fire during the period we were deployed on the Springmartin Road. I think that in fact they did not."

This was another statement taken at Werl on 25 February 1972.

[384] A further ciphered statement is that of Soldier J and this also related to being a member of 2 Queen's stationed at Werl. It also said on Monday 9 August 1971 about 1500 hours the Company arrived at Aldergrove Airport to commence internal security duties in Northern Ireland. The statement said then "we moved to the Air Yard Antrim arriving about 1630 hours." It then said, "having been issued with the special IS equipment the Company received orders to move to Belfast railway station where we would be guided by RMP...." It said that they arrived at the Railway Station at about 2030 hours and were met by RMP at 2045 hours. At this time the witness in this statement said there were 100% present and "there was no party had gone in advance." It said, "we were then guided by a safe route to Paisley Park in

the Springfield district arriving there about 2120 hours.” There was then reference to the Springfield Road meeting with the OC and CSM of 2 Para Company occupying the district at the time. It said firing was in progress so O and I had to stay by 2 Para armoured command vehicle in Springmartin Road until the firing ceased, until about 2215 hours. It said, “we were then taken forward to the 2 Para Ops and sniper positions in the Springmartin flats area. We left 2 Para Company about 2245 hours and reported back to Paisley Park to brief the Platoon Commanders of their operational task in the Springmartin Road area. The Platoons left Paisley Park at 2345 hours and proceeded to the Springmartin Road.” The statement said that it was approximately 0020 hours on Tuesday 10 August 1971 when 2 Queen’s finally took over the 2 Para positions.

[385] This witness referred to when he was inspecting 2 Para positions prior to taking them over. He went into a flat on the top of a block of flats which was occupied by a Section of 2 Para Company. It consisted of a corporal and about 5 men and he was told that they had shot several people in the field immediately to their front. They did not indicate what time this occurred but he assumed this was when shooting was going on. He referred to seeing empty cartridges lying on the floor. He said in this statement, “when I first heard the shooting in progress I heard sounds which appeared to be SLR 7.62 rifles, pistols and other rifles being fired.” This witness estimates about 50 assorted rounds were fired and the majority were 7.62mm.

[386] Soldier K also gave a statement from Werl and stated that he was the Platoon Commander of 2 Queen’s who moved into the Springmartin area of Belfast. He said they deployed at the junction of Dunboyne Park and Springmartin Road and his task was to ensure the safety of persons living in Dunboyne Park as it was feared that the houses were going to be burned down by the Protestant element living nearby. He said once deployed he heard over his radio that a large crowd of Protestants had collected in Springmartin Road at the northern end and his platoon patrolled the

immediate area surrounding Dunboyne Park including Springmartin Road. He said other members of 2 Queen's were deployed along Springmartin Road to his right.

[387] Soldier K also said that although the area was tense nothing happened until about 2100 hours when a number of gunmen positioned in various flats within the Moyard complex started firing at them and the other soldiers along Springmartin Road. He said there were a number of machine guns as well as high velocity rifles being fired at them from the flats. He then said he moved his platoon forward onto the Springmartin Road where they took up positions overlooking the Moyard estate. They then, under his instructions, began engaging the gunmen in the flats. He said prior to actually shooting he had issued a verbal warning over a loud hailer for people to get off the streets and move from their houses. He said he must have given this warning at least six times. He said his platoon then opened fire at the gunmen with the fire being controlled by him. He said he positioned two of his soldiers on the roof of the school off Springmartin Road opposite Blackmountain Parade. These two soldiers were also engaging the gunmen firing at selected targets. He said this main gun battle lasted for about 60 minutes during which time he estimated that many hundreds of rounds were fired at their position and that his platoon fired about 100 rounds of 7.62 and 9mm fire at the gunmen. This ciphered soldier said:

"I personally fired 10 rounds of 9mm from my pistol at a gunman positioned at the corner of the house 660 Springfield Road. This gunman was armed with a high velocity rifle. At the time I was positioned behind a small wall at the junction of Dunboyne Park and Springmartin Road. During this gun battle we also came under fire from a group of Protestant gunmen who were positioned behind us in the estate. I fired 4 rounds of 9mm from my pistol at one of the Protestant gunmen who was positioned on the high ground in Highfield Drive. One of my shots struck the gunman in his leg or thigh.

These gunmen then stopped firing. A number of shots from the Protestant gunmen were fired into the Moyard Crescent area.”

[388] He could not say where they were firing at or what targets they were aiming for. He said he would estimate that there were about three of the Protestants firing into Moyard but this stopped as soon as he shot one of them in the leg. He said they were unable to carry out a search for the injured man because they were still being fired at from Moyard flats and during the gun battle other soldiers positioned to his right were also firing at the gunmen. He said he could not see what they were firing at, none of the platoon were injured during the gun battle. He said that throughout the evening they had the odd shot fired at their position from Moyard estate. About 2300 hours that night, 9 August 1971, he said he was approached by one of the residents of the Highfield estate and asked if we wanted any help as he could get hold of a number of armed men to assist. He said, “I told them that I would shoot any person I saw that night, armed with any weapon.” He went away according to this witness and he did not see him again. The witness concluded by saying:

“I did not know that a priest had been shot during the gun battle. I certainly did not see him, nor did any of my platoon report the presence of a priest. At the time of the gun battle we were accompanied by two uniformed members of the RUC.”

This is dated 22 February 1972 and taken at the barracks in Werl, West Germany.

[389] It is clear that Soldier K gave evidence at the inquest of Father Mullan because there is a handwritten note to the deposition which reads as follows, as best as can be transcribed:

“Carswell (Counsel): Apart from this I did not make a statement until last February. I did not get any messages from Father Mullan or Father McGuckin that evening. I do not believe my men shot Father Mullan.

Hutton (Counsel): About 9pm I was walking from the ... of the school on the Springfield Road. I saw the flashes of firing from 13 and 21 Moyard Park.”

[390] Another statement was taken from Soldier L. who said that he was a member of Queen’s Regiment stationed in Germany. He said that during his time in Ulster he was a Platoon Sergeant of Platoon Company 3 Queen’s under the command of G. Around 2000 hours on 9 August 1971 his platoon arrived in Springmartin estate of Belfast having been tasked to observe the Moyard estate from Springmartin Road. He then referred to the deployment of vehicles and said that the platoon was observing the Moyard estate. He said in this statement:

“We remained in this position until about 2100 hours. During this time there was movement and noise from the Moyard estate but no weapons being fired. Around 2102 hours all hell was let loose from the estate. About 12 weapons of the machine gun type and high velocity rifles were fired from within the estate at our other soldiers deployed at the south end of Springmartin Road.”

[391] He said he heard the distinctive sound of a Thompson submachine gun. He said he heard their troops returning the fire into the Moyard estate. He said he moved his platoon forward and took up defensive positions in the Springmartin flats. He said, “I deployed soldiers on the top floor of the flats and others in fire positions overlooking the Moyard estate.” He said from his position he could see flashes of at least 12 weapons positioned in the flats and both sides of Moyard Park at

the side of the patch of waste ground east of Finlay's works. He said he personally did not see any gunmen, but a number of his men did and returned the fire into the Moyard estate. He said they fired about 25 rounds of 7.62mm into the estate across the waste ground into the flats. The gun battle lasted about one hour and it was during this time they were joined by 2 Para who moved down through Springmartin flats towards the Moyard estate. He said, "I recall having a conversation with a Sergeant Major from 2 Para. The paras actually moved forward through our position and engaged the gunmen who were still firing. I did not see any gunman being hit and I saw no sign of any persons moving through the waste ground north of Moyard Parade." He said he saw no priest or any person waving a white cloth.

[392] This witness also clearly gave evidence at the inquest because there is a transcript of some additional questioning of Soldier L which reads:

"Cahill (Counsel): I gave my first statement in February last. I discussed what had happened the next day with my colleagues. I did not get instructions to fire at anything. I saw nothing. I did not see Father Mullan shot and none of my men reported his death. Nor was I told that a man with a white shirt had been shot. We claimed no hits that night.

Hutton (Counsel): The 12 flashes of gunfire. I saw some in the area of 80 and 82 Moyard Park and it was between 8:45 and 9:15pm."

[393] There is also a ciphered statement from Soldier M. This referred to around 2000 hours on 9 August being deployed in the Springmartin area. This witness said, "we actually deployed from our vehicles in a school on the Ballygomartin Road and then moved forward on foot into Springmartin Road where I saw members of the Parachute Regiment deployed." This witness said after this that he took up a

position in the rear upstairs bedroom of No. 110 Springfield Park which gave an uninterrupted view of the Moyard estate. He said he had been positioned about one hour during last light but saw no movement in the Moyard estate. About 2100 hours he saw a group of men move forward from Moyard flats towards the houses in Springfield Park. At this point the witness said, "I could not see if the men were armed. The group reached the houses and I next saw them running back into the flats. Within minutes of their return, firing commenced from Moyard flats towards the Springmartin Road. There were a considerable number of weapons being fired amongst them. I heard the distinctive sound of a Thompson machine gun."

[394] He said that the military deployed in Springmartin flats returned fire as did the military deployed along the Springmartin Road. He said he was armed with an SLR 7.62 and fired no rounds as he was not in a good fire position and he could not see any gunmen firing from the waste ground north of Moyard Park. There was no movement of civilians during the gun battle except them firing at soldiers on Springmartin Road. He said by this time it had become rather dark but he could see the gun flashes of the weapons positioned in the Moyard flats. A number of gunmen were positioned in the flats just south of Finlay's works that overlooks the waste ground. He said that during the gun battle the majority of the rounds fired by the gunmen and the military personnel passed across the waste ground north of Moyard Park. He said there were hundreds of rounds fired and any person, armed or not, caught in this crossfire would no doubt have been killed. He said he personally saw no person on the waste ground as his attention was concentrated on the gunmen in the flats. Throughout the remainder of the night and early morning until first light he remained in position and during this time there was only sporadic firing at the end in the area of the flats.

[395] Again, this witness clearly gave evidence and there is a transcript of the additional evidence given as follows, as best as can be taken from the handwritten note:

“Carswell (Counsel): I gave my first statement in February this year. It was the first statement I made. I was six weeks in Northern Ireland. No one told me what was alleged to have happened (when I was making my statement). I remember moving into the house at about 8:30pm and seeing a group of men, but I only got a glimpse of them and could not see if they were armed. They came from the direction of 80 or 82 Moyard Park, when they returned the firing came from this area of the flats. I could not see the muzzle flashes then. I could not see the waste ground.

Hutton (Counsel): I did not see any women or children with a group of men ... and being a part ... or Mr Clarke.”

vii. Additional military evidence, including machine gun and mortar platoon

[396] Some additional military evidence was given from Support Company machine gun platoon which I make mention of. The first witness was M152 who gave evidence on 15 October 2019. He had provided a statement to the Coroners Service in July 2018 and was interviewed by HET on 17 November 2010. That HET note referred to M152 being a member of Support Company 2 Para under the command of Major M12. He stated to HET that he was involved in the arrest and detention of persons on internment day but he said he was not involved any further in relation to events. He said he was on standby duty, although other members of his section may have been involved. He gave some other detail of members of his platoon and then he referred to another incident. In his statement he said that the names given in relation to other members of Support Company were those provided by the HET team and he could not confirm that those people were with him at the time in question.

[397] So, he said that he was in Northern Ireland at the relevant time and he recalled internment with which he was involved. He remembered one arrest. In his statement he said he could not remember what they did after conducting the arrests but on the evening of 9 August he said he recalled being sent to break up a riot which had started on the Falls Road and had moved up to Mackie's Factory. He said there were a number of them from Support Company who were called out to deal with it and there was a lot of stone throwing and bottle throwing although by the time they arrived it had largely petered out. He said there was looting going on, people were coming out of supermarkets with big boxes of food and drink. Wires had been erected across the road by Republicans and he said "we had to knock those down." He said he did not fire any shots on that night and his role was to protect Mackie's Factory. He said he recalled being at Mackie's Factory all night trying to clear things up. He said periodically, a Land Rover would be sent down and two soldiers would go back to Paisley Park for a break and to be replaced by other soldiers. He said late that night around 2300 or 2400 hours he could hear shooting that he believed was coming from Ballymurphy which lasted perhaps half an hour and was rifle based. He said two of their men came down from Paisley Park and told them that the rest of Support Company had gone to Ballymurphy in support of the soldiers that were there because the Henry Taggart Hall was under attack. He said he stayed at Mackie's Factory and he found out on the morning of 10 August that people had died in the shooting at Ballymurphy. It was in the early evening of the following day that he left Mackie's and returned to Paisley Park. Other than that, M152 said that there was no debriefing or other information given in relation to this incident.

[398] M222 also gave evidence on 10 and 11 September 2019. He also described a public order situation. He said his section stayed in Paisley Park. He said there was a call to go to Springfield Road which was received and he referred to being in the radio room at Paisley Park but he did not know who else was present. He said after he was in the radio room he was out and down on the Springfield Road and referred to the factory being on fire. This witness was not very sure of times in relation to his attendance at the factory but he said he went with M223 who was the Section

Commander. He did not make any RMP statement at the time. So he referred to the initial incident in which there was an arrest and a deployment later and he had some knowledge of being in the radio room in relation to communications.

[399] He was not able to assist with what had happened in the Springmartin flats; he said he was not familiar with those and he certainly was not familiar with the ciphered statements or the killings that took place on the day in question. He made the point that there were probably up to 60 soldiers at Paisley Park at any one time.

[400] A statement from M154 was also read into the inquest and I heard evidence from M137 on 3 September 2019. In his statement to the inquest dated June 2019 this witness said that he thought his 1971 tour to Northern Ireland was shortly after he had been promoted to sergeant and it was likely that he was with Support Company based in Mortar Platoon as that was the only platoon he was with in Support Company. He did recall in his statement being involved in internment and arrest operations. He said he did not remember what happened the rest of the day and he gave an account to the HET in relation to events. He did state in that account, which was given on 17 March 2011, that he was aware that several people had been killed at the time and that one of those persons was a priest. He stated that it was rumoured that the priest had been collecting weapons from the fallen in the area and was taking them back. He also said that it was believed that more gunmen had been killed that evening and that their bodies had been hidden in drains or sewers and were found some weeks later. In relation to this HET account at paragraph 14 of his first statement the witness said he was not shown this note at the time.

[401] The account stated he heard of members of Queen's Regiment being on a roof of a school and being subject to sniper attacks. He said in making that comment he was stating that he had heard that there was a sangar on top of a school which was constantly being shot at by the IRA. He said his recollection was that the IRA had built a sand- bag partition about 100 metres up the road from the school and that the Queen's Regiment had put a tailor's dummy in the sangar which attracted pot shots

from the IRA almost every night. He said, "I do not know which roof the Queen's Regiment were on I did not make that comment with reference to a particular day or event it was simply a statement of my recollection which was itself based on hearsay." He said he recalled picking it up from other soldiers in the barracks. He also said in the HET account that he noted a priest being killed; he said "that was only a rumour which I heard all those years ago." He had no direct knowledge of events. Similarly, the comment regarding bodies being found several weeks later was also simply a rumour that he had no knowledge of.

[402] M137 made a second statement dated 8 August 2019 to deal with events at 219 Springfield Road. He referred in paragraph 13 of his first statement to having a memory of being at 219 Springfield Road. He said he recalled that address. However, he said on reflection he did not believe it was during internment or on 9 August 1971. He referred to a memory that when he was at 219 Springfield Road a double decker bus came driving down in a southerly direction towards the Springfield Road Police Station and Falls Road with two gunmen in it who were firing at his position. He said he was not injured and neither were the other soldiers and he did not fire his weapon although other soldiers from a nearby sentry box did. He said the gunmen were not injured and after the bus went past his position it stopped and the gunmen ran away. In relation to the internment issues he referred to an internment statement from the RMP which had been provided to him in his name. He said he did not recall making the statement and he did not recall the details contained within it. However, there was nothing that appeared to be inaccurate. That statement referred to an arrest in which M137 was involved along with other soldiers.

[403] M194 provided a statement of 29 August 2018. He was a captain in 2 Para A Company who said that he was in the area on 9 August 1991. The relevant part of the statement which is of interest in this incident relates to 9 August 1971, whereby he said on the afternoon of 9 August 1971 he was briefed by Major M1074 to go and support Battalion Headquarters who were based at Springfield Road Police Station.

He said he remembered that at that time the three Platoons in A Company were deployed all over the city but he did not know if they were in the Ballymurphy area. He was briefed to take two stripped down Land Rovers and accompanied by a driver and six men to go to the Springfield Road Police Station. He said at this point it was getting dark, it was around 2200 or 2300 hours. They were briefed to join Support Company by the Battalion Ops Room, which was based in the Highfield area of Belfast. He said the job was to evacuate some Catholic or mixed religion civilians from the area of Springfield Park and take them to the Clonard Monastery. He said the trouble was occurring because the Protestants were trying to evict the Catholics from their homes and move their own people in and they were there to evacuate them and take them to safety.

[404] He said it was somewhere along Springfield Park they met up with troops who he thought were from Support Company and the area they were in was on higher ground and so overlooked the Henry Taggart Hall. He said he remembered there were some ruined buildings in the area. He said when they got there, there was incoming fire, he presumed from the IRA, and he remembered seeing that the shots were coming from an area of uncompleted flats or buildings. They were essentially empty shells of buildings. He said there was a mixture of high and low velocity and that the IRA had mainly Second World War American weapons. He said neither he nor his soldiers fired a round over that 24- hour period although they were fired at. Their job was essentially to evacuate women and children which they did. He said they evacuated around 14-16 women and children to take them to the Clonard Monastery.

[405] The witness then referred to shooting on the Kashmir Road when they were transporting these people and he thought that was from a Thompson submachine gun. He said they handed the passengers over to the monks and then patrolled back on foot to the Battalion Headquarters at Springfield Road Police Station and at about 0100 hours they went back to their base at Sunnyside TA Centre across the river. He also referred to an incident when travelling down the Falls Road around the area of

St Mary's Training College when they hit a metal wire that was stretched across the road which broke off the wire cutter on their Land Rover but no one was hurt. This was recorded in the logs for 2 Para at 0150 hours.

[406] I also received a statement from M37 who did not attend the hearing as he brought an excusal application. However, I required some clarification from him which was provided via lawyers. In particular, it was put to this witness that he may be Soldier J. He did not accept that. He referred to his postings and stated that in 1971 he was part of the 2nd Battalion of the Queen's Regiment and a Platoon Commander in A Company although he did not recall which Platoon he led. He thought he was a Platoon Commander from June 1970 onwards. He referred to a note from the HET and said that this was not correct insofar as it stated that he had remembered hearing about the death of Father Mullan. He said, "I did not know Father Mullan and his name was not familiar to me until I saw in the media some time later. I had never heard of him other than from the television." He was adamant that he was not in Ballymurphy in 1971. He said that the events that were recounted in the HET note were in fact in 1970 and not in 1971.

viii. Contemporaneous military records/logs

[407] To complete the picture I now refer to the contemporaneous records which I have examined. Firstly, there are log reports of what was happening on the date in question that I want to examine. Secondly, there are some other documents from the time which I have been referred to. Thirdly, I intend to complete an overview of the ciphered soldiers' statements, some of which I have already referred to. Fourthly, I have asked to see any contemporaneous material from the time including newspaper reports and death notices.

[408] I start with the relevant logs. In particular, I have been referred to the 2 Para log, the 39 Brigade log and the Watchkeeper's log. These events obviously happened in the evening of 9 August 1971. I have also examined what was happening on the

morning of 9 August 1971 as that is relevant in the overall context of events in Springfield Road. There are a number of entries which indicate that there was activity between the residents of Springfield Road and Springmartin. I examined some of these as follows. At 0540 hours in the 2 Para log Serial 12 on Sheet 1 it is noted that 2 Para Support Company was dealing with a crowd of about 100 people blocking the road in Springfield Avenue. The crowd was stoning military movement. At 0555 hours 2 Para reported 5 shots being fired from a Thompson submachine gun at Leeson Street, close to the 2 Para Headquarters at Springfield Road RUC Station. This was recorded in 39 Brigade log Sheet 4 Serial 47. At 0620 hours 2 Para Support Company was dealing with two nail bombs thrown at one of its vehicles at the Springmartin/Springfield Road interface.

[409] In the 2 Para log between 6.00am and 7.00am it was recorded that 2 Para Support Company attended Mackie's factory where nail bombs had killed the Mackie's security guard, William Atwell, and set the factory on fire. Between 7.00am and 8.00am again in the 2 Para log soldiers from 2 Para Support Company were subjected to small weapons and automatic gunfire in the Kashmir Road area, which is off the Springfield Road near Mackie's Factory. It was reported in the 2 Para log Serial 44 Sheet 3 that by 8.00am 2 Para Support Company had discharged 28 baton rounds, 5 CS gas canisters were used and 2x7.62 SLR rounds. At 8.20 again in 2 Para log Serial 47 Sheet 3 in Forfar Street, which is off the Springfield Road, the Officer Commanding 2 Para Support Company (M12) came under fire from small arms and fired one round in return. At 0849 hours which was recorded at Serial 58 Sheet 4 again M12 informed 2 Para HQ that his sniper was engaging a sniper who was firing from a window in Bombay Street and that the 2 Para sniper had fired 4 .303s. Bombay Street is off the Springfield and Falls Road.

[410] By 10.10am according to Serial 73 and Sheet 5 of the 2 Para log the fire at Mackie's was tidied up and the streets off Springfield Road and 2 Para Support Company's area were quiet. Support Company was reported to be in the process of helping a Roman Catholic family to move out of a particular street and sought

confirmation from 2 Para Headquarters as to its next task. 2 Para Headquarters asked Support Company to continue to look after the same area of Springfield Road between Mayo Street and Springfield Avenue. It was reported in the Brigade log Sheet 14 that before 12 noon 2 Para HQ had called in water cannon which was being sent to Paisley Park. There were further reports in the afternoon of 9 August 1971 as follows. By 1205 hours a 2 Para situation report to 39 Brigade confirmed that the security forces had fired approximately 52 rounds by that point in time. This is Sheet 17 Serial 179. According to serials in the 2 Para log between 12 noon and 1.00pm Support Company dealt with an explosion in Kashmir Street and houses being set on fire in Mayo Street. By 1235 hours, as the petrol bombing at Henry Taggart Hall continued, permission was sought from the Chief of Staff to use the water cannon and dye, this was in 39 Brigade log Sheet 17 Serial 185.

[411] The logs also recorded the arrival of 3 Queen's B Company into this area. At 1350 hours according to the 2 Para log Serial 112 Sheet 7 Y2 (which is the call sign for 3 Queen's B Company) report to 2 Para HQ that "B Company 3 Queens has arrived in Paisley Park." A corresponding entry in the 39 Brigade log Sheet 19 Serial 206 recorded 2 Para having informed 39 Brigade that "Queen's Call Sign have now joined us." According to 39 Brigade log Sheet 23 Serial 230, by 1515 hours 2 Para reported to 39 Brigade that from 0400 hours that morning it had fired 258 baton rounds, 77x7.62mm rounds, 5x9mm rounds, 3x.303 rounds and had suffered one casualty.

[412] At 1542 hours according to Serial 121 of the 2 Para log Queen's Company informed 2 Para HQ that there were two gunmen on the roof of Corry's Wood Yard. At 1603 hours according to Serial 124 Sheet 7 of the 2 Para log, 2 Para Support Company informed 2 Para HQ that Support Company could not get to them (apparently the men in Corry's yard due to stoning and petrol bombs). At exactly the same time, according to Serial 125 Sheet 7, another unit from 2 Para Support Company was heading towards Springfield Road RUC Station, so dealing with a different incident. At 1708 hours, according to Serial 142 Sheet 8 of the 2 Para log, Support Company informed 2 Para HQ of barricades at Springhill and Springfield

Road. At the same time another group of Support Company soldiers reported to 2 Para HQ about smoke in Woodvale. There were further reports throughout this early evening from 3 Queen's B Company in relation to matters in the general area, including a report at 1810 hours of a fire engine near Kirk Street off Springfield Road – that is Serial 150 Sheet 8. At 1853 hours 2 Para reported that there were 300 people gathered in the Ballymurphy area, and the crowd in the Springmartin area was building up. This is 39 Brigade log Sheet 29 Serial 283.

[413] The evening of 9 August 1971 was referred to in the following records. At 1905 hours, according to 39 Brigade log Sheet 9 Serial 155, 2 Para HQ informed Y29 (the Officer Commanding 3 Queen's B Company) and V59 (the Officer Commanding 2 Para Support Company) and V29 the Officer Commanding 2 Para B Company) that the Commanding Officer (then Lieutenant Colonel Howlett) had arranged an armoured column to relieve 2 Para B Company. At 1925 hours, according to Serial 156 Sheet 9 2 Para log, 2 Para B Company (the company based in Henry Taggart/Vere Foster) reported four incoming shots aimed at Henry Taggart reported to come from the Divismore Park. At 1930 hours the RMP reported on five civilians who had been shot and five soldiers who were each in the Royal Victoria Hospital having been shot. This is 39 Brigade log Sheets 31 and 32 Serial 294. At 2015 hours, according to Serial 158 Sheet 9, 2 Para Support Company reported a large barrier being erected in Springfield Avenue and at 2040 hours Serial 164 Sheet 9 Support Company soldiers reported that barricades at Springfield Avenue were going to be set alight.

[414] At 2030 hours, according to Serial 161 Sheet 9, 2 Para B Company informed 2 Para HQ that approximately 150 people had come along Springfield Road to what was described as an interface to intercept Protestants who had crossed the peace line. 2 Para B Company said it used water cannon and CS gas to break up the crowd it was referring to. There was a corresponding entry in 39 Brigade log at 2030 hours which is Sheet 35 Serial 311. Then at 2031 hours, according to Serial 162 Sheet 9, 2 Para HQ recorded the RUC informing it that Roman Catholics had infiltrated into

the Springmartin area and that armed men had also been seen. At 2045 hours, according to Serial 165 Sheet 9, 2 Para Support Company was recorded as informing 2 Para HQ that a civilian in Support Company's location had been shot and wounded by a sniper. The sniper's location was said to be at the top of Springmartin/Ballygomartin and in response Support Company informed HQ that it had sent Ferret scout cars.

[415] Further entries in the same 2 Para log suggested that there was a further alert to this issue. At 2045 hours, according to the 2 Para log Serial 165 Sheet 9, B Company informed 2 Para HQ that it had heard shots in the Ballygomartin area at the junction with Springmartin and at 2047 hours, according to Serial 167 Sheet 9, 3 Queen's B Company informed of 2 Para HQ that a Protestant had been shot in Ballygomartin. In a subsequent radio message recorded at 2240 hours, which is Serial 209 Sheet 11 from the 2 Para log, Support Company confirmed that the person shot in the back during the interface shooting was a 16-year-old boy called Jay Vaughn. At 2045 hours, 2 Para HQ passed on to 39 Brigade that a Catholic sniper had shot a Protestant. This was in 39 Brigade log Sheet 36 Serial 318.

[416] I observe that at 2048 hours in 39 Brigade log Sheet 36 Serial 320, there was communication from a Father Murphy recorded as follows: "I have just heard that there is a confrontation between Prots and Cats of 200 on each side of Springmartin." Then at 2057 hours, according to Serial 171 of Sheet 9, Support Company was recorded as having informed 2 Para HQ that Support Company had received a telephone call from the Dunboyne area which claimed that the area was under fire. At 2104 hours, Serial 173 Sheet 9, 2 Para Support Company was recorded as having informed 2 Para HQ that a man had been caught with a rifle in Ballygomartin and that he came from Ballymurphy. The entry recorded, "There has been a lot of shooting in the area." (There is an arrest report concerning a Harry McNulty of 59 Springfield Park in relation to a shotgun - that arrest having taken place by Private M68 of 3 Queen's B Company recorded at 2045 hours.)

[417] At 2110 hours, according to Serial 178 Sheet 10, 3 Queen's B Company was recorded to inform 2 Para HQ that there was heavy firing towards Henry Taggart from a flat to its north east. At 2112 hours, according to Serial 179 Sheet 12, 2 Para Support Company informed 2 Para HQ that heavy shooting was occurring in Dunboyne Park and a similar entry was recorded at Serial 188 Sheet 10 for 2135 hours. At 2120 hours, according to Serial 182 Sheet 10, 2 Para Support Company reported to 2 Para HQ that there was heavy firing in Moyard and at 2125 hours 39 Brigade received a call informing them that the caller had heard reports that armed Protestants were moving down from Springmartin towards Ballymurphy. The caller was told that there were troops in the area. This was reported in 39 Brigade log Sheet 37 Serial 335. At 2135 hours, Serial 187 Sheet 10, 2 Para Support Company reported to 2 Para HQ that "at least one more wounded civilian in Moyard has been taken into the flats by civilians." At 2136 hours, according to Serial 189 Sheet 10, 2 Para Support Company reported to 2 Para HQ that a 3 Queen's B Company soldier was still missing, and the Support Company soldiers were moving round towards Springhill Avenue to see whether they had been shot. At 2140 hours, 2 Para supplied 39 Brigade with a summary of events in 39 Brigade log Sheet 38 Serial 340.

[418] At 2148 hours, Serial 194 Sheet 10, reports that 3 Queen's B Company stated to 2 Para HQ that there were 200 people in the Highfield estate breaking up houses and causing other damage. At 2155 hours, according to Serial 196 Sheet 11, 2 Para Support Company reported to 2 Para HQ a phone call received from Corry's Wood Yard which indicated that two soldiers in the wood yard were under fire from Springhill and were pinned down. At 2156 hours, according to Serial 197 Sheet 11, 2 Para Support Company reported to 2 Para HQ that there was still a sniper in the Moyard area but that Springmartin was now quiet. At 2158 hours, according to Serial 198 Sheet 11, 2 Para Support Company reported to 2 Para HQ that from the reporter's vantage point on the Springfield Road there was one person fairly certain to be dead and three wounded at what was described as Henry Taggart. At 2200 hours RMP provided 39 Brigade with a list of the then known casualties in Belfast -

this is 39 Brigade log Sheet 39 Serial 351. At 2212 hours, according to Serial 203 Sheet 11, another part of Support Company was dealing with snipers on the top of Mackie's roof between 2225 and 2230 hours. According to the 2 Para log Sheet 11, Support Company provided 3 radio messages as efforts were made to get ambulances through to Henry Taggart/Vere Foster. There was an indication at this stage that a man had died.

[419] At 2242 hours, according to Serial 211 Sheet 11, 3 Queen's B Company were recorded as having informed 2 Para HQ that they had fired 12x7.62mm rounds, 2x9mm rounds and 2 baton rounds. At 2253 hours, according to Serial 213 Sheet 11, a civilian informed 2 Para HQ that Father Mullan was lying dead in a field behind Moyard Parade. At 2300 hours, according to Serial 214 Sheet 11, of the 2 Para log Support Company passed on an RUC report about a Protestant family being victimised in Kashmir Street and the Officer Commanding of 3 Queen's B Company was asked to investigate as a result of which 3 Queen's B Company came under fire. At 2300 hours 2 Queen's reported to 39 Brigade that 2 Queen's A Company (G1) were at their destination, that is Paisley Park. Between 2300 and 2400 hours, according to Serials in Sheet 12 of the 2 Para log, Support Company provided a number of reports in respect of incidents around Mackie's Factory. At 2312 hours, according to Serial 195 Sheet 12, 3 Queen's B Company came under fire in Mayo Street. At 2320 hours, according to 39 Brigade log Sheet 43 Serial 394, 39 Brigade received another call from Father Murphy. This time Father Murphy explained that Father Mullan may not be dead, only wounded, he was said to have left his home at 45 Springfield Park to tend to a wounded man in a field above Moyard Park by a printing works, he was said to need first aid and 2 Para were tasked to check.

[420] At 2355 hours 39 Brigade was informed by 2 Para that it was being reported on the BBC news that Father Mullan was ill in hospital, that is 39 Brigade log Sheet 44 Serial 402. At 2359 hours, according to the 2 Queen's Northern Ireland Record of Tours 1971-1988, 2 Queen's A Company took over responsibility for part of the Springmartin estate. The records stated: "there had been a certain amount of

shooting just prior to their arrival.” The record went on to say that the Company HQ was established in some flats that had been vacated by 2 Para snipers about an hour before, the flats were said to overlook the spot where a priest had been shot dead. This was the first deployment of 2 Queen’s A Company. There are further records of activity involving Support Company around Mackie’s Factory and Clonard between 12 and 0300 hours in the 2 Para log Sheets 1 and 2 for 10 August 1971. At 0043 hours 39 Brigade was informed that a civilian had entered the RUC Station on the Springfield Road to confirm that Father Mullan was dead. At 0200 the RMP informed 39 Brigade that Father Mullan was ‘lying- in- state’ at 48 Moyard Park, this is 39 Brigade log Sheet 4 Serial 40. At 0210 hours, according to 39 Brigade log Sheet 4 Serial 44, 39 Brigade was informed that a Catholic priest had visited Vere Foster to confirm he had administered the last rites to Father Mullan.

[421] At 0440 hours, according to 39 Brigade log Sheet 11 Serial 98, 39 Brigade was informed by 2 Para that in the RVH were 26 casualties; there were 7 soldiers and of the 16 civilians four were dead on arrival and one died on admittance. At 0612 hours, according to Serial 32 Sheet 3 of the 2 Para log 2, Para B Company reported to 2 Para HQ that a man remained on a balcony of Moyard flats and he was still there as he was dead. At 0613 hours, according to Serial 33 Sheet 3, 2 Para B Company informed 2 Para HQ that a man had reported that there were three bodies in a house in Moyard Crescent, one of them was a priest. The first recorded radio message from 2 Queen’s A Company to 2 Para HQ was at 0626 hours on the morning of 10 August 1971 according to Serial 34 Sheet 3. At 0728 hours, 2 Queen’s A Company informed 2 Para HQ that some men had placed a cross and a black flag on open ground which was in front of their location at Springmartin flats. At 0810, according to 39 Brigade log Sheet 14 Serial 119, the SIB informed 39 Brigade that Father Mullan was in the RVH but was shot in the back and was dead and Frank O’Neill (the name given in error) was dead in the RVH having been shot in a number of places and that a third body was still on the balcony.

[422] At 1000 hours, according to Sheet 3 Serial 48, the Commanding Officer of 2 Para was to meet the Directors of Mackie's. At 1345 hours, according to Serial 67 Sheet 4 of 2 Para log, on 10 August 1971 2 Queen's A Company were recorded as reporting to 2 Para HQ that Protestants and Catholics from Springfield were moving out as militant Catholics from Ballymurphy had threatened to burn them out. At 1250 hours, according to Serial 70 Sheet 4, 2 Queen's A Company reported to 2 Para HQ that a whole street of Springfield Park was moving out. They reported again at 1355 hours and they were still involved at 1455 hours and at 1700 in relation to this issue of families moving out. At 2130 hours, according to Serial 174 Sheet 8 2 Queen's A Company were recorded as informing 2 Para HQ that they had come under fire at close range. At the same time, 2 Para B Company were recorded as reporting that Vere Foster School was under fire and 2 Para Support Company were recorded as reporting that the sentry was under fire at a primary school.

[423] At 2146 hours, according to Serial 181 of Sheet 8, 2 Queen's A Company were recorded as informing 2 Para HQ that the gunfire was coming from behind schools in the Springmartin area. Again, a report was made of this at 2149 hours. There is further information about the involvement of 2 Queen's A Company on the evening of 10 August 1971 recorded in the 2 Queen's Northern Ireland record of tours 1971-1988. This record states that 2 Queen's A Company had a relatively quiet day with very little sectarian trouble, save for finding some incendiary devices. However, the record said at 2145 hours 1 Platoon of 2 Queen's A Company, said to be slightly detached from the rest, came under sniper fire. The record said that 1 Platoon fired 31 7.62 rounds and 15 9mm rounds. 1 Platoon suffered no casualties and there were no confirmed kills. At the same time 2 Queen's A Company, HQ Company and 2 Platoon were also fired upon however they only returned one round. At 2152 hours, according to Serial 183 Sheet 8, on 10 August 2 Para B Company informed 2 Para HQ that it had come under fire from Divismore Park but was not returning fire as it was not effective.

[424] At 2159 hours, according to Serial 185 Sheet 8 of the 2 Para log 2, Para HQ informed B Company in respect of the Platoon in Ballymurphy that 2 Queen's A Company was to cease fire on orders. At 2254 hours, according to Serial 201 Sheet 9, 2 Queen's A Company informed that a sub-unit was under fire from Springhill Avenue. At 2324 hours, according to Serial 207 Sheet 9, the Officer Commanding 2 Para Support Company M12 confirmed that his sub-units had fired 10 rounds of 7.62mm ammunition. By 2332 hours, according to Serial 209 Sheet 10, 3 Queen's B Company confirmed that it had discharged 17 rounds of 7.6mm and 3 rounds of .303.

[425] There is also a Watchkeeper's log, which I set out in relation to the activities of the various companies as follows:

Table - Watchkeeper's Log 9 August 1971

Serial	DT G	To	From	Event	Action
139	1650	CC	Tac	Brief Sitrep A - All quiet, 300 on M1 B - Crown 100 HT - Neptune Store VF 81 petrol bombs 41 rubber 1 x 7.2 35 CS Cas Nil D - All quiet Sp - All quiet Tac - Barricades	
	1700	Tac	Sp	Barricades - Springhill/Springfield Rd. Small one 150yds up Springfield Rd. No aggro.	
144	1720	Tac	Sp	Lady in [redacted] said Dunboyne Park to be burnt tonight.	
145	1729	Tac	Sp	Smoke coming from Woodvale Rd church area.	
147	1737	Tac	Sp	Occupants have left Blue Transit in Collins St	Police NFA
149	1800	Tac	CC	A - All quiet B - Stoning continuing Springfield Rd Barriers 70m SSW of HT 120, further on D - Falls clear Sp - Are quiet. Warwick and Mayo everyone moved out to own areas	
158	2015	Tac	Sp	Large barrier being erected in Springfield Ave	
159	2016	Tac	Sp	Search light team avail at Paisley Park if required	
162	2031	Tac	RUC	RCs infiltrated into Springmartin area. Armed men	

				also seen.	
164	2040	Tac	Sp Coy	Inflammable material being put in front of barriers in Springfield Ave	
165	2045	Tac	Sp Coy	Civy in Sp Coy Loc wounded by sniper. Ferrets sent to sort it out. Sniper's loc at top of Springmartin/Ballygomartin.	
166	2045	Tac	B Coy	Shots, Ballygomartin area at junc Springmartin	
167	2047	Tac	Queens Coy	Shot prod in Ballygomartin	
169	2051	Tac	Queens	1 PARA Coy ready to move from Comd of 3 Queens Andersonstown to Comd of 2 PARA Springmartin Interface Area	
171	2057	Tac	Sp Coy	Telephone call from Dunboyne - claims that area under fire	
172	2100	Tac	B Coy	Second man shot at Henry Taggart	
173	2104	Tac	Sp Coy	Man caught with rifle in Ballygomartin - he came from Ballymurphy. There has been a lot of shooting in this area.	
174	2105	Tac	B Coy	5 possible kills at Ballymurphy.	
176	2108	Tac	B Coy	Ref shot locals - prob 4 wounded, 1 woman dead.	
182	2120	Tac	Sp	Hy firing in Moyard by my sub unit and Queens Coy in fire posn on Springmartin.	
187	2135	Tac	Sp	At least one more wounded civilian in Moyard has been taken into the flats by civilians.	
188	2125	Tac	Sp	Hy firing against V71 (A Coy) in Dunboyne Park.	
189	2126	Tac	Sp	Missing man of Queens still missing. Am moving towards Springhill Ave to see whether he has been shot.	
194	2148	Tac	Queens	200 in Highfield estate breaking up houses and causing other damage.	
195	2150	Tac	B	Probably two people killed in Moyard flats judging by screaming and wailing within.	
196	2150	Tac	SP	Phone call from Corries timber yard. Under fire from Springhill 2 soldiers in here but pinned down.	
197	2156	Tac	SP	Still sniper in Moyard area but Springmartin area is quiet	
198	2150	Tac	Sp	1 fairly certain kill and 3 wounded at HT as seen from Springfield Rd.	
211	2242	Tac	Y2	We have fired 12 x 7.62mm 2 x 9mm and 2 x Baton Rds.	
213	2300	Tac	V5	A Mr [redacted] states that Father Mullan is being in a field behind Moyard Parade. He is dead.	
196	2325	Tac	RUC	Father Mullan has been taken to RVH	
244	1630		2 PARA	Crowd of 300 at Henry Taggart and Vere Foster - occasional stoning. Barrier in Cavendish St.	
244	1625		2 PARA	Report from Press that one man shot was [redacted].	

268	1755		2 PARA	SITREP – same as before – approx 90 petrol bombs thrown at Henry Taggart.	
269	1801		2 PARA	V1 all quiet. V2 intermittent stoning, 2 barriers. (1) 70m from Henry Taggart. (2) 120m from Henry Taggart. V4 Barriers on Falls quiet. C1 generally quiet. V5 in area Warwick/Mayo St evacuated, inhabitants have agreed to respect each other's area.	
270	1845		2 PARA	Ref area, no change – quiet except V2 area where increased stoning of H Taggart and Vere foster, continues, no petrol bombs for some times. Suspect they have run out of petrol.	
283	1853		2 PARA	300 in Ballymurphy area. M7 area and Springmartin areas building up. Shooting in Springfield Rd, 1 x shot a sentry. Shots heard in Pauton? St.	
290	1930		2 PARA	4 shots fired at sentry post Henry Taggart.	
293	1915	3 Queens	2 PARA	Had reports about Turf Lodge from reliable info. That some areas have been booby trapped and lots of people walking about with rifles P?? Area covered as suspect attack on Henry Taggart Hall soon.	
310	2045		2 PARA	<u>Springmartin Trouble</u> Cat sniper has hit Prot – taken to Paisley Park	
320	2048		Father Murphy	I have just heard that there is a confrontation between Prots and Cats of 200 on each side in Springmartin	
324	2102		2 PARA	Shot 2 men at Henry Taggart trying to recover bodies.	
325	2102		2 PARA	Now 3 bodies – not sure.	
326	2103		2 PARA	1 Cat + rifle at Springmartin Rd captured + 5 civilians killed.	
329	2110		2 PARA	Heavy automatic bursts at our loc from Moyard flat.	
340	2140		2 PARA	A vicious battle in area of Henry Taggart. Cats attacked firing shots, throwing stones etc. Cats also attacking prots in Springmartin. 2 PARA retaliated, large number of shots fired. At least 6 people have been hit. 1 has been recovered, there may be a dead woman lying on the road. 1 man (Cat) has been lifted, carrying a rifle in Springmartin area.	
394	2320	Father Murphy		Fr Murphy – say that Fr Mullan may not be dead only wounded. He left his home at 45 Springfield Pk to tend a wound man in a field above Moyard Pade by Printing Works. He needs first aid. 2 Para checking/	

[426] The other information that I have received from the time is a report of Operations of 2 Para. This was produced by M748 the Operations Officer who gave evidence to the inquest on 9 September 2019. The report referred to events in Springmartin on 9 August 1971 as follows:

“091400A B Company 2 Queen’s (Y2) (it is thought however this should be 3 Queen’s B Company) came under the command and took over Springmartin, Highfield and Mayo from SP Coy.

092000A Inter-factional confrontation built up at interface. Crowd of 300 Protestants at Springmartin.

092030A Y22, V59, V57 deployed to stop inter-factional confrontation and shooting in Springmartin Road. The firing was only seen to be coming from the Catholic side. As Y22 deployed near the horse shoe they were fired upon and saw a Protestant in the crowd hit by a sniper.

V59 and V57 also deployed in the Springmartin Road near its junction with Blackmountain Park. They became involved in a fire fight with approximately 12 snipers, 7 in Moyard flats and 5 in the open ground between the flats and Finlay’s Factory and in the open ground immediately east of the flats. 5 snipers were seen to be hit, 3 were carried by unarmed civilians into the flats, one was assisted to the flats and a fifth was abandoned, presumably dead on the open ground. The cas inflicted in the area were three, including the one killed to the north of the flats and two to the east of the flats. The action lasted approximately one hour, when fire from the gunmen gradually died out. Ten rounds were fired by Y22 and 70 rounds were fired by SP Coy. Witnesses Major (M12), Sergeant M29 BEM, 2 Queens.

CSM (M29) Sergeant redacted.

Note: During this incident it is thought the death of Father Mullan occurred. His death was reported soon after the incident but not confirmed until his body was recovered from Moyard Crescent by a civilian ambulance at 100725A."

[427] There was also a 2 Para report which was produced by Lieutenant Colonel Howlett and represented a factual summary of 2 Para's tour in Northern Ireland. This I have referenced when dealing with the evidence of Lieutenant Colonel Howlett in relation to Incident 2. The document dealt with the background to 2 Para's involvement in this area but not specifically in relation to the deaths of Father Mullan or Francis Quinn. I remind myself of what General Howlett said in his statement in relation to the planning and control issue:

"We had known for some time before the posting in 1971 that we were going to Northern Ireland; it was not a surprise tour. This meant we had time to concentrate our training on being an aide to the civil power, which included training on the rules of engagement and the yellow card. Every soldier had a yellow card and it was treated as very important."

[428] I note that in his statement General Howlett did mention that "as a second tour battalion with a short gap between tours we had a great deal of other training to do, including a large scale battalion air borne exercise just prior to coming out here. This meant that other than detailed recce little preparatory training was done."

ix. Ciphred soldiers

[429] I now turn to the evidence of the ciphred soldiers. A table of the ciphred soldiers has been helpfully prepared by the next of kin in closing submissions which I replicate here:

Cipher (Mullan Inquest)	Batt/Coy/Pl	Location	Date/place taken if known	Disclosed to Original Inquest
A	2 Para B Coy	Vere Foster School		Yes
B	2 Para B Coy	Vere Foster School		Yes
C	2 Para B Coy	Vere Foster School		Yes
D/M12	2 Para Supp Coy	Springmartin	24.2.72	Yes
E	2 Para Supp Coy	Springmartin		Yes
F	2 Para Supp Coy	Springmartin	25.2.72 Brecknockshire	Yes
G/M602	2 Queens A Coy	Springmartin	25.2.72 by M26	No
H	2 Queens A Coy	Springmartin from midnight on 9-10 August	23.2.72, Werl by D Boyd	Yes
J/M37	2 Queens	Springmartin – went with “O” to Springmartin to meet the OC and CSM of 2 Para Arrived at approx. 2120hrs remained until about 2215hrs	23.2.72, Werl by D Boyd	Yes
K	2 Queens	Springmartin	22.2.72, Werl by M26	Yes
L	Statement said 3 Queens assumed to be 2 Queens	Springmartin	22.2.72, Werl by M26	Yes
M	2 Queens	Springmartin	22.2.72, Werl by M26	Yes

N	2 Queens A Coy	Springmartin	22.2.72, Werl By M26	Yes
O		Statement missing		
P	2 Para Supp Coy	Balcony, top floor, Springmartin flats	13.3.72 Girdwood by M26	No
Q	2 Para Supp Coy	Balcony, Springmartin flats	12.3.72 Girdwood by M26	No
R	2 Para Supp Coy	Bedroom within Springmartin flats	12.3.72 Girdwood by M26	No
S	2 Para Supp Coy	Top floor, Springmartin flats	12.3.72 Girdwood by M26	No
T	2 Para Supp Coy	Balcony, top floor, Springmartin flats	19.3.72 Dunmore Pk by M26	
U/M1341	2 Para Supp Coy	Balcony, top floor, Springmartin flats	15.3.72 Carnmoney Factory by M26	No

[430] I have dealt with some of these ciphered soldiers in detail through the course of this consideration but I wish to give an overview of these statements in addition to what I have already said. In relation to the ciphered soldiers it appears that there are 18 ciphered statements. Two of these came from 2 Para B Company, nine of these come from 2 Para Support Company and seven of these came from 2 Queen's A Company. The first two from 2 Para B Company were taken on 28 August 1971 before 2 Para B Company ended their tour. These are the statements from those at Henry Taggart/Vere Foster School. The nine statements from 2 Para Support were taken between February and March 1972. The seven from 2 Queen's A Company were taken in 1972; six of those from West Germany and 1 from Wales.

[431] In October 1972 it is clear that the Officer in Command of 2 Para Support, M12 gave evidence to the inquest. A number of others appear to have given evidence from 2 Queen's A Company: that is Soldiers K, L, G and M. These appear to be the

only witnesses that gave evidence at the original inquest. It is also tolerably clear that no one from 3 Queen's B Company gave statements to the RMP during their investigation.

[432] I have already dealt with the statements from 2 Para B Company when dealing with that part of the evidence. This is the Company that was at Vere Foster School/Henry Taggart Hall and I did hear evidence from the key witness M45 who was the Officer Commanding. It is quite clear that he is a ciphered soldier thought to be Soldier B. As I have described in recounting his evidence he describes his soldiers returning fire at a gunman in 21 Moyard Park. Soldier A is clearly a soldier from 2 Para B Company who is placed in the sangar at the north east corner of Vere Foster School. This RMP statement was completed on 11 August 1971 taken by M26. Soldier A described being with another soldier in the sangar between 1900 hours and 2215 hours. He also described various shooting incidents, namely that during that period of time he was shot at by a gunman located in the flats at 21 Moyard Park. He said that he could not return fire at this gunman but was aware of other members of his Platoon returning fire.

[433] Soldier A also described a riot situation developing when a group of individuals who came from Moyard Crescent confronted a group of individuals from the Springmartin Road. He described the Springmartin group being driven back to the Springmartin Road near the junction with Blackmountain Grove. He also describes shooting from the crowd at Springfield Park shooting into Springmartin Road. He then described seeing soldiers deploying along Springmartin Road and the crowd in Springmartin Park retreating. He then described matters in relation to firing on Henry Taggart Hall. He said that he was being shot at by a gunman positioned near an electricity sub-station north of the Vere Foster School. He then also described coming under fire from a gunman positioned south east of what he described as Finlay's Factory. This witness made no mention of civilians in the waste ground or the specific shooting of Father Mullan or Mr Quinn. The next set of RMP

statements came from the Support Company witnesses and they appear to be D, E, F, P, Q, R, S, T and U.

[434] The most significant of these is D, who it is clear is M12 who gave evidence at the original inquests. He was the Officer Commanding 2 Para Support Company at the time holding the rank of major. The statement he gave was made on 24 February 1972. He did not give evidence at this inquest due to his own ill health. However, it is important to look carefully at what this witness said. Essentially, as the Commanding Officer of 2 Para Support Company it is clear from the statement that this area of Springmartin Road was the tactical area for this Company. So this Company when it received reports of disturbances was bound to react. In fact M12 was ordered by the Commanding Officer of 2 Para Colonel Howlett to move into the area and try to remove civilians after firing from the Moyard flats had been reported. The gunfire was said to have been aimed at a large Protestant crowd on the Springmartin Road and at flats overlooking Springfield Park. It is important to note that there was activity in the area from another Company, namely 3 Queen's. But in any event M12 was ordered to go to this territorial area of responsibility of his.

[435] M12 then explained: "I took one section of my own soldiers with me and drove to the car park area, north east of the new flats opposite Blackmountain Park." He arrived at approximately 2030 hours. It is clear that when he arrived he made contact with the Platoon Commander from the Queen's Regiment who was already in the new car park which is presumed to be the car park of the Springfield flats. The Queen's Platoon Commander informed M12 that his Platoon had deployed forward under the command of the Platoon Sergeant towards the Springfield Park area "to deal with gunmen in the area who had been firing at a large Protestant crowd milling around the Springmartin Road."

[436] As a result of receiving this report M12 sent his section, under a sergeant who was likely Soldier F, to assist the Queen's Platoon. M12 then gave some personal evidence himself. He said he went to engage with someone from the Springmartin

community. There were 400-500 people milling around. M12 saw no weapons amongst the Springmartin crowd who he described as belligerent. But he did speak to two RUC constables and he tried to engage with a Mr Gordon who was an influential member of the Springmartin community. As he was doing this he said shots were still being fired in his direction. At this point, he said at approximately 2050 hours, the sergeant commanding M12's section reappeared and he had with him a resident from Springfield Park who had been captured by the Platoon of the Queen's Regiment "whilst armed with a shot gun and 10 rounds of ammunition." Having been brought on to the Springmartin Road in order to be transferred to custody, the prisoner was going to be the subject of lynching by the Springmartin crowd of Protestants and so a tense situation developed. It is clear that, according to this evidence, the crowd refused to listen to M12 in managing this prisoner and so in order to disperse them, he fired three warning shots from his weapon, which allowed the crowd to be dispersed and the prisoner to be taken to the Springfield Road RUC Station.

[437] M12 then described progress in calming and dispersing the crowd on the Springmartin Road. But he also said this "fire from the Moyard flats area was now quite intense" and he described moving "his section into the western row of new flats between Springmartin Road and Springfield Park to locate and engage the gunmen in Moyard flats. Because of the vantage point offered I remained with them." He said he was in the balcony of the front block and then he explained that his troops were engaging with gunmen on the third floor of 21 Moyard Park, the third floor of 13 Moyard Park and two gunmen in the area of the walls and steps immediately to the east of 78 Moyard Park. At the same time as the Queen's soldiers were still deployed forward of the flats and M12 could not see them, he sent his Company Sergeant Major to find them and control their fire. M12 explained that the fact he sent his Company Sergeant Major to control the fire of the Queen's soldiers was not a reflection on their actual firing, as he himself had not seen any of their firing to suggest that was necessary. But M12 was concerned about the danger of shots from his men hitting the Vere Foster School so he ordered firing to cease. He

had his CSM pass a similar order to the soldiers from Queen's. All firing then ceased.

[438] M12 ordered the Platoon of soldiers from Queen's to withdraw behind the flats and they did so by 2130 hours. When firing had stopped, M12 saw three men, two with either white hats or head covering, move to what he described as open ground to the east of Finlay's Factory. As firing had died down, M12 then withdrew leaving the area to the Queen's Regiment. M12 explained that he knew Father Mullan but he did not see him in the area at all. He recorded the ammunition that his soldiers had fired as follows: 70 rounds of 7.62mm, 12 x 9mm SMG, 7 x .303.

[439] The next soldier, who is Soldier E, was also a 2 Para Support Company soldier. His statement is undated and unsigned but is likely to have been taken in February/March 1972. It is likely that he is the Company Sergeant Major, namely M29/M1175/M1019. The reason for that is that Soldier E said that his Officer Commanding sent him to make contact with the Platoon Sergeant from Queen's and told him to stop firing. He largely confirmed what M12 said about arriving at the scene. M29 is deceased. This Soldier E is of relevance because he had direct input into the arrest and the taking of the prisoner from the Springmartin Road in that he liaised with Queen's in relation to that. He also confirmed the account of his Officer Commanding firing three shots to protect the prisoner from the Springmartin crowd. He said gunfire being directed towards the soldiers was becoming very heavy at the point when the prisoner was being taken away. He also referred to the use of tracer bullets in his evidence.

[440] Soldier E again confirmed what M12 said that the soldiers were then deployed in the new flats on the west side of the Springmartin Road and they started to engage the gunmen in Moyard flats. He confirmed that at about 2100 hours he was sent to make contact with the platoon from Queen's and he explained that he met the Queen's Platoon Sergeant to stop firing. The reason he gave for this was because 2 Queen's were new to the area and may not have known exactly where Vere Foster

School was, which created a chance that they might hit their own men. He then said that 2 Para Support Company left the area under control of the soldiers from Queen's at approximately 2130 hours. Again, like M12, he confirmed he had not seen a priest or anyone waving a white cloth. He did not fire himself and he gave no account of the firing at anyone crossing the waste ground.

[441] The next soldier, who is again Support Company 2 Para, is Soldier F. He made a statement on 25 February 1972. He described receiving a prisoner from soldiers of the Queen's Regiment and given that the arresting officer M68 handed the prisoner over to 2 Para Support Company Sergeant M67/450 it seems that this Soldier F is that person. M6 is deceased. He again referred to being deployed to the area and the crowds. He said when trying to disperse the crowd he was aware that a number of weapons were fired towards the Springmartin Road from within the Moyard estate. He said in his statement that members of Queen's and a section from 2 Para then engaged the gunmen, "firing back into the Moyard estate across the waste ground west of Springfield Park." Soldier F said, "a very heavy gun battle ensued across the waste ground." He took up a position at what he describes as Springfield flats overlooking the open ground. He said that he saw a man, who was on the forward edge of the waste ground, firing a low velocity weapon at the Army. He said the gunmen then ran away to this soldier's left and hid behind a block of flats on the left edge of the open ground. He said that there were gunmen effectively in the field/waste ground therefore.

[442] Soldier F went on to say that as the gunman was firing from the waste ground, soldiers were firing back at the gunman and that at the same time F saw another man fall to the ground on the wasteland. F considered this other man had been shot or caught in the crossfire between the gunman in the flats and the military deployed in Springmartin flats. He then described himself being involved in the arrest of a man brought out by soldiers from the Queen's Company. He could not say anything in relation to the killing of a priest on the field and Soldier F did not suggest that he himself fired his weapon but he gave an account of events as I have said.

[443] Soldier P is also a soldier of 2 Para Support Company who made a statement on 13 March 1972. He said at about 2045 hours he was positioned on a balcony in the top floor of Springmartin flats with other soldiers. He was aware of other soldiers not in the flats but who were positioned along the Springmartin Road. He then explained that within a short time of his arrival he and his colleagues including the soldiers positioned along the Springmartin Road came under fire from a number of gunmen. He thought that was Thompson submachine gun firing on automatic. He estimated the number of gunmen to be about six in all. Soldier P described the gunmen as positioned in and about the empty block of flats in the Moyard area. Soldier P positioned in the flats also said that he saw two gunmen with rifles hiding behind a small wall near some steps who were firing at him. He then said he and other soldiers returned the gunfire at the gunmen. He said he was armed with an SLR rifle and that he had personally shot at the gunmen firing 9 rounds of 7.62 ammunition. He could not say if the shots hit the gunmen because the gunmen were behind the small wall.

[444] Soldier P said that he was concentrating on the two gunmen behind the small wall but he was also aware of other incoming fire from what he described as firing from within the Moyard complex. He described a heavy gun battle. This witness said that at no time during the gun battle did he see a priest moving about and after the heavy gun battle he moved his position from Springmartin flats to Springmartin Road and later left the area.

[445] Soldier Q also made a statement on 12 March 1972 and is thought to be a member of 2 Para Support Company. He said on the evening in question at about 2050 hours he was positioned on a balcony in Springmartin flats off the Springmartin Road. He said there were other members of his own regiment and others also positioned in the Springmartin area. He said within 10 minutes of arrival they came under fire from gunmen positioned in various blocks of flats in the Moyard estate which he estimated as six or seven gunmen firing at soldiers with both high and low

velocity weapons, one of which sounded distinctively like a Thompson submachine gun. He said as soon as the gunmen opened fire on the Army positions a gun battle took place between them and he himself fired 10 rounds of 7.62mm ammunition at two different gunmen.

[446] This witness also referred to a person wearing a white shirt on the edge of the waste ground. He said of the 10 rounds he fired two shots were fired at a man armed with a rifle "who was positioned at the edge of a piece of waste ground near to a block of flats." The man that he fired at was wearing a shirt but he did not know what the colour of the shirt was, but he said that upon firing the man "dropped to the ground hit." Mullan Soldier Q regarded himself as responsible for this shooting and informed the RMP of the fact and made a statement to that effect. After this armed shirted man had been shot, Mullan Soldier Q saw another man move towards the armed shirted man he considered he had shot. He saw this second man bend down towards the injured man and then he went out of view. Soldier Q did not see what the second man did after he bent down towards the injured man, or where he went thereafter.

[447] Soldier Q then described firing at a second gunman who was positioned behind a small wall near to some steps between two blocks of flats to the south of Finlay's works. Soldier Q said that he was aware of other soldiers firing rounds at the same gunman he was shooting at. He thought he had hit this gunman in the leg when he attempted to run away. Soldier Q said that the gun battle was particularly fierce for the opening 10 minutes. He estimated that during this gun battle between 200 and 300 rounds were fired towards the security forces on Springmartin.

[448] Soldier R made a statement on 12 March 1972 and is also thought to be 2 Para Support Company. He was also one of the soldiers deployed in the Springmartin area. He said he was positioned in a bedroom of a vacant Springmartin flat overlooking the Moyard estate. He said shortly after 2100 hours he and the other soldiers came under fire from a number of weapons. He thought these were

automatic and single shots. He thought they were coming from various blocks of flats in the Moyard area. Soldier R said he himself saw the outline of a man inside a room on the top floor of one of the flats nearest to the waste ground. He said this person was armed with a handgun and Soldier R could quite clearly see the smoke from the gun whenever he fired, so this man was discharging the weapon he possessed. Soldier R said that he fired 15 rounds from his SLR at this gunman on the top floor flat and then he suggested the shooting from that area stopped. He was aware of other shooting and he also refers to a heavy gun battle. He said that the heavy gun battle gave way to "spasmodic firing at us throughout the night." He said that he moved his position from the Springmartin flats to the Springmartin Road and then moved with other soldiers to the Springfield Road.

[449] Soldier R explained that when he was shooting from the Springmartin flats he did not see anyone moving about the waste ground including a priest. He only learned the next morning that a priest had been shot and he said he knew nothing about that. This soldier said he fired 15 rounds of 7.62mm ammunition at a gunman in a third floor flat in Moyard.

[450] Soldier S made a statement on 12 March 1972, again he is thought to be a member of 2 Para Support Company. He again referred to being deployed into the area and having seen a large crowd. He made his way into the flats. He described going to the top floor of the flats where he could see the whole of the Springmartin area and he believed that when there he received fire from about eight gunmen positioned in the Moyard flats. In relation to these particular gunmen he described seeing one such gunman armed with a rifle and firing through the open window of a flat facing towards his position. He fired four rounds from his SLR rifle through the open window at the gunman and the shooting stopped. He did not see the gunman being hit but rather assumed he had been. Soldier S then described seeing a gunman behind a small wall near some steps armed with a rifle. In seeing the gunman crawling between a small gap in the wall Soldier S fired two shots at him. He was of the view that his shots did not hit the gunman. He then saw a second gunman

behind the same wall but over to his right. He fired two rounds at that gunman and he did not say whether he hit the gunman or not. Soldier S also talked about shooting from a bungalow in Springfield Park at a gunman near a garage on the edge of the waste ground. He explained that he moved to the ground floor of the Springmartin flats before moving forward into a bungalow in Springfield Park where he took up a position in a rear bedroom. He said while positioned there he saw another gunman armed with a pistol positioned near to a garage on the edge of the waste ground. The man with the pistol fired towards Soldier S and Soldier S returned fire with four rounds. He did not know whether he hit the man or not.

[451] Soldier S then described further shooting occurring but he was not in a position to identify the gunmen or return fire at them. He was then instructed to fall back to the Springmartin Road before leaving for the Falls Road where other shooting was occurring. Soldier S said that he did not see a priest during the gun battle but did learn the next day that a priest had been killed. He said he learned the priest had been “caught in the cross fire during the gun battle between the security forces and the IRA.”

[452] Soldier T made a statement on 19 March 1972. It is thought that he was also a member of 2 Para Support Company. He described firing .303 ammunition which indicated that he was using a sniper rifle rather than an SLR. He fired six shots across three sets of engagements. He said that he arrived at Springmartin about one hour before dark, moved into Springmartin flats and took up position on a top floor of a balcony that overlooked the Moyard estate. He said that shortly after moving into the Springmartin flats information was received that there was a man armed with a shotgun in a house in Springfield Park. He went with other soldiers to search for the man and he explained that the man was arrested by a patrol from another regiment and then handed over to them together with a single barrelled shotgun and ammunition. Soldier T then explained that while he and his colleagues were taking the man back to the Springmartin Road they were fired on by gunmen located in flats at 9-21 Moyard Park. The man that had been arrested was taken behind

Springmartin flats and then driven away. Soldier T said he went back to the balcony in Springmartin flats and at this point he thought there were six gunmen positioned in empty flats firing towards the position of the soldiers. He said he fired two rounds of .303 ammunition at the gunmen. He located one of approximately six of them armed with a rifle in an empty flat with no windows at 15 Moyard Park. He said the first round struck the building. He considered other soldiers were also firing at the gunman, he thought the second round was on target and there were no more shots then fired from No. 15.

[453] Mullan Soldier T then described receiving instructions to move forward into Springfield Park. He said he went down a path between 97 and 99 Springfield Park. Soldier T as he advanced down the path described being shot at by a gunman that he saw just in front of 44 Moyard Park on a path near some steps. In response to being fired at, Soldier T fired one round of .303 at the gunman and he thought that the gunman fell to the ground. Soldier T then described three people run out from nearby flats and pick up the man whom he had shot. Two carried the gunman and the third carried the rifle and disappeared. Soldier T was also aware at this time of other weapons firing. He thought one was a Bren gun using tracer, the second he described as the unmistakable sound of a Thompson submachine gun. Soldier T then described moving forward again to the side of 54 Springfield Park where he could see the waste ground between him and Moyard Park. He explained that he had been told there were some injured people on the waste ground. He said that he shouted across to a gunman to stop firing as 2 Para Support Company had a medic who wanted to treat the injured men. He said he did not get a reply but instead heard two whistle blasts. The incoming fire then stopped and he said they started to move very cautiously and slowly forward to provide first aid. As Soldier T reached the garden of 54 Springfield Park the gunmen opened fire with a number of weapons. He thought that these were high velocity weapons and two handguns. T and the person with him dropped to the ground and rolled back to the side of the house and he thought the rounds fired were striking the house at 54 Springfield Park.

T described seeing a gunman with a rifle on the ground floor of 3-5 Moyard Park and fired three rounds of .303 at that gunman.

[454] He then described shouting out across the waste ground that if there was anyone there requiring medical treatment they should crawl towards him on the grass. He described a young man with 3 children coming out of the field towards him and he explained the man informed him that he had gone to look for his children when the firing started and he took the man and the children to a neighbouring house. T then described moving back through the houses presumably off Springfield Park to the Springmartin Road from where he eventually left the area. He thought about 400 rounds had been fired at Army positions and that it had been quite fierce. He said he did see what he described as IRA medics moving about the estate but he had not seen a man dressed in clerical clothing.

[455] Soldier U's statement is also thought to come from 2 Para Support Company. It is dated 15 March 1972. Soldier U explained he was also on mobile patrol in the Highfield estate at around 2040 hours when he was instructed to go to Springmartin Road where it had been reported that large crowds had gathered and some shooting had taken place. He debussed with his colleagues behind Springfield flats. He said that as they were walking on the south east side of the Springmartin flats he and his colleagues came under fire from a gunman positioned in the nearby clinic. U said that at the point where the clinic gunman started firing there was also firing from other gunmen in Moyard estate. He said a number of rounds struck the metal fence near where he was standing. He then described moving to a position on a top floor balcony of the flats. From that position he said he could see a crowd of people, one of whom was carrying a tricolour, running along Moyard Park from east to west. He saw them run up the steps at the side of 45 Moyard Park and vanish from view.

[456] Soldier U then described seeing five or six gunmen on the waste ground. He said that he saw, from his vantage point on the top floor of the balcony of Springmartin flats, about 5 or 6 gunmen hiding lying in the grass of the wasteland

north of Moyard Park. He said these people were armed with rifles and pistols and they were firing their weapons in the direction of U and his colleagues. He said at the same time other gunmen, who were located in another block of flats, were firing at other security force personnel located to his left and he was aware of the security forces returning fire at the gunmen. U said he returned fire at the gunmen on the waste ground and he fired 10 rounds from his SLR at the gunmen on the waste ground.

[457] U did not suggest that he struck any of the gunmen. Of the five or six gunmen in the waste ground he was able to describe one man in a white shirt armed with a rifle and firing it. He described another gunman who ran across the field/waste ground towards the north end of Springfield Park. U saw the remaining gunmen, except for one, get back out of the waste ground. As far as U was concerned, one gunman did stay in the waste ground, hidden behind a small hump. He did not say if he ever saw that gunman again. U said he did not see any person in the waste ground dressed in clerical clothing and he said that if he had seen such a person he would have stopped firing. U described what occurred as a “fierce gun battle between the gunmen and the army” and he said a heavy volume of fire was being aimed. U described remaining in the Springmartin flats until relieved by other members of the Parachute Regiment. This account could not be developed or tested with M1341 for the reasons I have given in the foregoing narrative.

[458] That concludes the account of soldiers from the 2 Para Support Regiment. It is clear from this that rounds were fired by these soldiers. Soldier D or M12 fired 3 rounds with his pistol. Soldier P fired nine 7.62mm rounds from his SLR rifle. Soldier Q fired 10 7.62mm rounds from his SLR rifle. Soldier R fired 15 7.62mm rounds from his SLR rifle. Soldier S fired 12 7.62mm rounds from his SLR rifle. Soldier T fired six or possibly seven .303 rounds from his sniper rifle. Soldier U fired 10 7.62mm rounds from his sniper rifle.

[459] The other category of ciphered statements comes from 2 Queen's A Company and that is ciphered Soldiers G, H, J, K, L, M and N. I should say at the outset that I am quite convinced that these are soldiers from the 2nd Battalion of the Queen's Regiment A Company although there are confusing references to 3 Queen's soldiers. The use of these ciphered statements is problematic because it is fairly well established in the evidence that 2 Queen's A Company was not deployed to this area until around midnight on the night in question. Rather, it is clear that 3 Queen's B Company were involved in this area earlier in the day and at the relevant time. However, no statements were taken from 3 Queen's B Company. It is important to note in terms of verification of their presence in the area that it was recounted in the radio logs I have referred to and also the arrest of Mr McNulty who was in possession of a shotgun in Springfield Park at 2045 hours was by Private M68, a soldier from 3 Queen's B Company. There is therefore an issue in relation to the relevance of 2 Queen's A Company to these events. There is no contemporaneous evidence of the deployment of soldiers from 2 Queen's A Company before midnight on 9/10 August 1971.

[460] They certainly have given evidence about events on 10 August 1971 but it is not clear that they can give any evidence about 9 August 1971. The 2 Queen's Northern Ireland Record of Tours 1971-1988, which I obtained, indicates that the actual deployment of 2 Queen's A Company was at midnight on 9/10 August 1971 "where there had been a certain amount of shooting just prior to their arrival." This accords with evidence given by members of 2 Queen's A Company with which I was particularly impressed in the latter stages of this inquest. They clearly referred to coming to the area after the events I am investigating. They did see ammunition shells on the ground but I cannot see that they themselves were involved in anything to do with the deaths of Father Mullan or Mr Quinn.

[461] Notwithstanding the above, I am being asked to look at these statements that were made a considerable time after the event in Germany/Wales. These are broken down into a number of groupings. Firstly, Soldier H, who was then the 2 Queen's A

Company Platoon Commander, is a second lieutenant and M71 frankly accepted in his evidence that this was likely him. He made a statement on 23 February 1972. He confirmed that he was based at Paisley Park and not deployed until midnight. I will not repeat this statement as I dealt with it when looking at his evidence. He was quite clear that none of the soldiers in this company were present when the events were happening. They had to deal with other difficult situations and there were clearly further issues on the evening of 10 August 1971 but this evidence is not relevant to the deaths in question. I will comment in due course about why this evidence was relied on in previous inquests. But for my purposes I am very much satisfied by the evidence of M71 in relation to the role of 2 Queen's A Company.

[462] Soldier J is also 2 Queen's A Company and likely Company Sergeant Major M37. He is 81 years of age. He also referred to being based at Paisley Park and not having any recollection of the events at all. I have referred to this evidence previously but again it does not assist with the deaths of Father Mullan or Mr Quinn save that he also witnessed spent cartridges whenever he took up position.

[463] Soldier O or M21 does not have a statement and is deceased. The other soldiers in this group include G who is referred to by others because he was a Royal Corps of Transport soldier. It is thought that he is likely to be M602, who is now deceased, and he made a statement on 25 February 1972. He referred to a gun battle to his left between a number of gunmen in the Moyard estate and soldiers on the Springmartin Road. Soldier G said his platoon remained in its position until dawn and he heard, on what he considered to be the next morning, that a priest had been shot having been caught in the cross fire. He himself did not see a priest. He could not say whether his platoon returned fire; he thought they had not.

[464] This in a sense introduces some doubt about this issue of 2 Queen's A Company being present. The events described may be 10 August 1971 rather than 9 August 1971. Soldier L was also a 2 Queen's A Company soldier and he referred to his platoon being deployed at the north end of Springmartin Road taking up position

in the flats. He described seeing a crowd of about 20 Protestants standing at the junction of Blackmountain Grove and he said about 2102 hours, “all hell was let loose from the estate.” He said 12 weapons of different types were fired from the estate at soldiers deployed in the south end of Springmartin Road and he heard troops returning fire into the Moyard estate. References were made to the fact that he did not see Father Mullan.

[465] Soldier M is in the same bracket. He also spoke of a gun battle which occurred on 10 August 1971 and he refers to shooting from the Moyard Flats and he saw no one on the waste ground whether shooting or otherwise.

[466] Soldier K was a Platoon Commander from 2 Queen’s. He made a statement as well in 1972 and talked about his platoon deploying at the junction of Dunboyne Park and Springmartin Road, which is near the junction of Springmartin Road and Springfield Road. He said that around 2100 hours he was coming under fire from gunmen positioned in various flats in Moyard from a mix of guns. Soldier K referred to loudhailer warnings and he also referred to positioning of two soldiers on the roof of the school off Springmartin Road opposite Blackmountain Parade. He said he fired 10 rounds from his 9mm pistol at a gunman at 660 Springfield Road and also four rounds from his 9mm pistol at a Protestant gunman in Highfield.

[467] I have been referred to an entry in the 2 Queen’s Northern Ireland Record of Tours 1971-1988 for 10 August 1971 which describes a gun battle involving 2 Queen’s A Company 1 Platoon on the evening of 10 August 1971, which also refers to the discharge of 15 9mm rounds. Soldier K also referred to the presence of Loyalist gunmen firing into Moyard on 10 August 1971.

[468] Soldier N is again a member of 2 Queen’s A Company. He also referred to witnesses shooting from Moyard flats and that he fired his weapons in response. He made no mention of shooting from the waste ground. In terms of the investigation into this part of the inquest the RMP Gazette indicates that an RMP investigation file

was opened into the death of Francis Quinn and the case was assigned to RMP SIB Staff Sergeant M6. A typed report of 10 August 1971 that Mr Quinn was received to the hospital morgue on 10 August 1971 (given the wrong name of O'Neill), indicated that it was believed that his body had been recovered from a flat overlooking Henry Taggart Hall, as opposed to him having been shot in the field/waste ground with Father Mullan.

[469] It is also evident from the investigation proforma that his understanding was that Francis Quinn had been “found dead on balcony of flat in area of Henry Taggart Hall.” This was all on the basis of SIB Sergeant M6 and his investigations. The Quinn investigation therefore led to soldiers’ evidence being taken from soldiers A-E who were all in the south east sangar of Vere Foster School at the relevant time. The RUC police report to the coroner concerning the death of Francis Quinn, as I have said, indicated that the body was recovered from a flat in Moyard estate, after a gun battle between the Army and snipers at Taggart Memorial Hall, Springfield Road.

[470] When submitting the inquest file in January 1972, RUC Detective Constable Wilson indicated that it was alleged that Francis Quinn was fatally shot while assisting the late Father Mullan but enquiries had failed to establish this. From the available inquest material it appears that Sergeant M6 read into the evidence the statements of Quinn Soldier A and Quinn Soldier E which speak of the shooting from and at 21 Moyard Park only. The statements of Quinn Soldier A and Quinn Soldier E seem to have been admitted as exhibits.

XI. OTHER EVIDENCE INCLUDING THE INVESTIGATION AT THE TIME

[471] George Dennison, an ambulance man, gave evidence to the 1972 inquest of picking up a man whom he was told was Francis O'Neill from a house in Moyard Park. He later learned that the man was actually called Francis Quinn. In his evidence he accepted that it might have been Moyard Crescent. Mr Rutherford, FRCS, also appears to have been told it was Francis O'Neill and in his deposition he

stated that the body had arrived at the Royal Victoria Hospital in the same ambulance as that of Father Mullan. Photographs were taken by RUC Constable Johnson.

[472] The RUC Report to the coroner in relation to the death of Father Mullan was dated 17 August 1971 and provided by RUC Sergeant Fitzpatrick. Father Mullan was said to have been administering religious rites to an injured man when he was shot and that to that point the persons responsible had not been established. Father Mullan's report also included a narrative that the fatality occurred when serious rioting resulted in a gun battle between terrorists and military personnel at the Taggart Memorial Hall and contiguous areas. Father Mullan had been administering the last rites to a wounded man when he was hit by bullets which caused his death. A decision was made to have the inquests heard separately and on 18 February 1972 this inquest was subject to some delay.

[473] On 21 February 1972 the Chief Constable's Office informed the RUC B Division that the Crown Solicitor suggested adjourning the proposed Father Mullan inquest due to RMP enquiries from military personnel stationed in Germany. On 1 March 1972 a detailed memo referred to this issue in that the RMP SIB "was informed of the content of Crown Solicitor's direction regarding the army investigations into this matter." He obtained a number of further statements from military personnel deployed in the area of Springmartin Road on the night in question. These statements show that the Army fought a gun battle against terrorists positioned in Moyard. The field where Father Mullan was shot was directly in the line of fire between the Army and the terrorists. It was now thought he was shot in the crossfire. A number of persons were shot dead in the contiguous area of Moyard and inquests have already been conducted and an open verdict found.

[474] In addition, the RUC memo went on to say "enquiries show that Father Mullan was the only person shot dead in the field at Moyard on the night in question - others were injured." Therefore, various statements were of interest to

this inquest and a number gave evidence at the inquest. RUC Constable Thompson also gave evidence at the inquest.

XII. CONCLUSIONS FROM THE EVIDENCE

[475] Drawing together all of these various strands and having looked at all of the written materials, the statements made by civilians and the oral evidence of civilians, the statements made by military personnel and the oral evidence of military witnesses, as well as expert evidence and other evidence, I have reached the following conclusions in relation to these deaths. I reach these conclusions bearing in mind the difficulties in establishing facts at this remove of time, and applying the balance of probabilities to the issues I have to decide. I do so avoiding speculation as to why things happened on this day in August 1971 and confining myself to the establishment of facts and the application of the relevant legal principles.

[476] At the outset I note from the MoD closing submissions that the MoD in the case of Father Mullan have expressly said that he was an innocent victim. That is a clear and welcome articulation of the evidence in relation to Father Mullan which I take into account.

[477] In terms of the timing of the deaths there is broad agreement, which is confirmed by the contemporaneous records, that the two men were shot at a point in time in the evening around 9.00pm.

[478] It is important to look at the day as a whole when examining these deaths. In doing so I entirely accept that there is a context to this particular incident. It occurs on the same day as the shootings which are dealt with in Incident 2. It also occurs in the context of a clear conflagration between the residents of Springfield Park and Springmartin Road. This was explained in all of the civilian evidence I heard in this inquest. I have examined this in detail in the previous sections and so I will not repeat it here. However, one particular witness stands out as she made a statement

at the time and she also gave evidence to me. That is Jane Molloy who worked as a staff nurse at the RVH at the time. She described the tension in the area from early morning and how this escalated in the early evening to the point where someone said “you’ve got to get out of here.” She then described the evacuation of her own family and the utter panic of the people on the streets. It is unnecessary to unpick the exact details but suffice to say that the residents of Springfield Park had to leave as a result of the inter-factional disturbances with the Springmartin residents.

[479] It is hard to work out who started this fight. Some witnesses suggest that the aggression started from the residents in Springmartin and then was reciprocated by the residents in Springfield Park. It is impossible for me to reach a definitive view on that. What I can say is that there was clearly an altercation between the two sides which resulted in significant violence between them. In my view this involved large numbers of people. Again, I cannot put an exact number on this, it is estimated by some around 50 and by others in the hundreds. It is clear that a lot of the activity was by way of bottle throwing and stone throwing.

[480] I have heard evidence that there were people on the streets with guns. There is some objective verification of this, namely the arrest of Harry McNulty who had a shotgun in Springfield Park and also the shooting of a 16-year-old in Springmartin. The RUC witnesses who have come to give evidence also verify this.

[481] I am not satisfied that a valid case can be made about inaction on the part of the RUC in relation to this day’s events. I find the evidence given by the RUC witnesses to be credible on this point. It is clear that with the events that were happening the Army were required to quell the situation and that is when these events came to pass.

[482] I am satisfied by the evidence that there were gunmen at Moyard flats. I have heard substantial military evidence in relation to that from a number of witnesses including M45. There are also two civilian witnesses who talked about gunmen

being in the area, namely Gerald Clarke and Mr McCaffrey. There was also reference to men with handguns in the statement of Patrick Fennell. I believe both witnesses, who gave clear evidence to me in a straightforward manner. Mr Clarke identified two people who he said were in the area and were in the IRA and I accept that evidence which is verified by the material provided to me in relation to the two individuals.

[483] Mr McCaffrey also referred to an armed man. This evidence appeared authentic and correlates with other evidence that some gunmen were seen in the area on this day. I cannot say how many gunmen there were but on the basis of the evidence I have heard there was at least a small presence.

[484] M45 gave evidence of shooting at Moyard flats, as did other military witnesses towards the end of this inquest. While there were some question marks about where exactly these people were and how exactly they were shot at and lines of vision, overall there is enough evidence to suggest that there was shooting directed to and from Moyard flats. There can be no dispute that the Army were entitled to respond to the threat from gunmen shooting directly at them.

[485] The justification for the shooting of people in the waste ground is a different matter. It is complicated by the fact that there is some evidence that there were gunmen in the field. However, that comes primarily from the RMP statements made by ciphered soldiers who have not identified themselves. As I will explain below, these statements do not specifically identify the deceased as presenting any threat or as being near to a gunman in the field.

[486] The pathology and ballistics evidence is fairly uncontroversial in relation to Father Mullan, although there was some modest dispute about the number of bullets that hit Father Mullan. I tend towards the theory that there were two bullets which hit him on the left chest and left buttock and this accords with Dr Carson's preliminary autopsy. There were no bullet fragments removed from Father Mullan's

body but the pathology is in keeping with injury from a 7.62mm military issue weapon. It is also clear from the ballistics and pathology that Father Mullan was shot from the left and to the rear and he was lying, kneeling or crouching. It was not at close range.

[487] The pathology and ballistics evidence was largely agreed in relation to Francis Quinn. This man had clearly been shot once in the back of the head with a 7.62 x 51mm calibre rifle. The bullet was taken from the body and was identified as being identical to the L2A2 military ball ammunition issued at the time. The rifling marks were of the same general class. There is clear evidence, given that a bullet was recovered, that this was from a military issue weapon. It is also quite clear that Mr Quinn was shot once in the back of the head and died from that injury.

[488] Then the question is whether the deceased were hit by the Army or the UVF. The MoD refer in their submission to the suggestion (through Witness X) that the UVF gunman using a Mauser “confirmed hits” in the field between Moyard and Springfield Park. They submit that the inquest “cannot rule out the possibility” that Father Mullan was fatally injured by rounds discharged by the UVF. As I explain in Incident 2, reports provided to me in 2018 make it clear that there was no forensic link between any of the recovered bullets, including the bullet from Mr Quinn, and this type of weapon.

[489] While the MoD accept that Mr Quinn could not have been killed by the Mauser, they say that “the possibility remains” that another UVF sniper was responsible for discharging the 7.62mm bullet that killed Mr Quinn. These submissions are speculative and not supported by the evidence before me. I also note that I have not heard from any UVF witness to validate the suggestion that these deaths were caused by the UVF. Moreover, the CIFEX letter of 21 May 2019 points to the fact that military issue weapons were unlikely to have been in the hands of the UVF at the relevant time.

[490] Also, it seems to me that if this were the case and there was both a spotter and a sniper in Springmartin flats I might have heard about it from at least one of the military witnesses who gave evidence before me. Whilst some evidence has been given of a very broad and general nature in relation to armed loyalists in Springmartin there has been absolutely no evidence of particular gunmen of this category in Springmartin flats. There is insufficient definition of where the UVF gunmen were placed and no explanation at all as to how they may have shot at persons in the waste ground.

[491] Having listened carefully to all of the evidence in this case, particularly the military evidence, there was no suggestion emanating from a large range of military witnesses who came forth that these men were shot by anyone else. I reject the submission made by the MoD in closing that they may have been shot by other gunmen, principally those from the UVF, as I consider this is speculative and does not accord with the evidence I have heard. In addition, this suggestion does not, in my view, add up upon consideration of the locations of persons who may have been in the area and the ballistics and pathology evidence.

[492] C3 was clearly trying to assist me and he was doing his best but his evidence was not clear and coherent enough on this issue and so I cannot rely on it to support any conclusions. I find on the balance of probabilities that both deceased men were shot by the British Army.

[493] Having reached my conclusion that the deceased were shot by the military, I must consider the explanation given by the State for these deaths. In this regard reliance is placed on ciphered soldiers' statements which refer to gunmen in the area. No military witnesses have given evidence of direct involvement in shooting the deceased. However I must decide on the evidence I have whether the deceased were acting in a manner which would justify the use of lethal force. The case is also made that the army were justified in the use of force due to IRA activity in the area.

[494] First I will deal with the issue of whether either of the deceased men was doing anything which justified the use of lethal force. This depends on whether either man can be identified from the ciphered statements, where they were and what they were doing. It also depends on how I assess the civilian evidence and the military evidence.

[495] Starting with Mr Quinn, it is clear that that he was shot from a high velocity weapon at long range. There was some speculation between ballistics experts that the bullet may have passed through Father Mullan or an unknown person. This was due to the fact that the lack of severe bullet damage indicated that the bullet's kinetic energy was depleted prior to striking Mr Quinn. I consider that the ballistic and pathology evidence combined is compelling in support of this. Of course, it is unclear exactly who the bullet passed through, it may have been Father Mullan or it may have been someone else, but I am prepared to accept on the balance of probabilities that the bullet which killed Francis Quinn passed through another person.

[496] There is a problematic aspect of Mr Quinn's case in that swabs taken from Mr Quinn's left and right hands revealed lead particles. Lead is a component of cartridge discharge residue ("CDR"). CDR is also referred to as gunshot residue (GSR) which is produced from ammunition when a weapon is fired. The test used in 1971 was a test for the presence of lead only. The clear evidence that I have heard is that a positive test for lead residue on hand swabs was not conclusive proof that the person in question had discharged a weapon or was in close proximity to a person discharging a weapon. The presence of lead may have resulted from contamination from other sources such as military vehicles, ambulances carrying individuals with gunshot injuries, or leaded petrol.

[497] I note that Mr Quinn was transferred with Father Mullan in an ambulance to the city mortuary and Father Mullan did not have lead residue on his hands. I also

note the evidence given at the original inquest by Mr Beavis on this issue. In particular he said this:

“It is fairly uncommon for the ordinary person to come in contact with lead. I was more interested in the distribution of this lead rather than its presence. ... I could not say if he had fired himself. Normally I would have expected to find more if he had discharged the weapon himself. If a weapon is fired there would be a deposit of other metals as well, especially barium and antimony but they require very sophisticated apparatus and tests and I did not test for those.”

[498] Mr Mastaglio and Ms Shaw also pointed out that the tests in 1970 were limited and in the absence of an analysis using SEM-DEX it is not possible to conclude the specific source of the lead particles found on Mr Quinn’s hands. There is therefore no evidential basis upon which I could conclude that lead traces in this case demonstrate that Mr Quinn had a gun or was in close proximity to someone with a gun.

[499] Having heard the evidence, the position of Mr Quinn is extremely difficult to establish. It is not possible to determine if he was stationary or moving or who else was in the vicinity. There is a general confusion about this amongst the civilian evidence. There is however enough evidence from civilians to identify Mr Quinn as a person who went to assist an injured person in the field. I accept this evidence which was given from a number of witnesses.

[500] I have considered whether Mr Quinn had a weapon with him in the field. The only military evidence about this comes from two ciphered soldiers, one of whom identified the person in the field as wearing a white shirt. That does not accord with the pathology evidence in the original autopsy report which indicates that Mr Quinn

was wearing a brown jumper and a purple T-shirt and jeans. Therefore, I am satisfied on the balance of probabilities that he was not the person identified by the ciphered soldiers in the field. Mr McCaffrey referred to a gunman behind a tree in the field however I cannot correlate this with Mr Quinn's movements or position and he did not identify Mr Quinn. C3 referred to eight gunmen one of whom was shot. Again, I cannot be satisfied that this account is accurate or that the one man shot was Mr Quinn.

[501] There is also a suggestion in the papers and particularly from the RUC Report that, given that the body was moved, Mr Quinn was in fact a person who was shot in Moyard flats and not the field. I have heard no cogent evidence to support this proposition and in any event it does not accord with the nature of the injuries sustained by Mr Quinn. Put it this way, if Mr Quinn was the person on the flats who the soldiers say they were shooting at he was face on to them yet he was shot in the back of the head. So this theory does not add up.

[502] The facts of Father Mullan's case are particularly stark. I am quite convinced that he was a peacemaker. The letters sent by the military after his death are also an indication of the esteem in which he was held. I am convinced that he made representations earlier in the day to the Army. I am particularly persuaded by Father McGuckin's contemporaneous statement that he went to help an injured man in the field and also that he had warned the Army about what was happening in the community. I am also quite convinced that he was carrying and waving a white object at the time when he was shot. There is some dispute about whether this was a hanky or a T-shirt or something else but that really does not matter. There is clearly enough evidence to establish that Father Mullan was going to the field to help an injured person and that he was shot twice in the back.

[503] There has been absolute silence in relation to this from military witnesses, which is surprising as I would have thought that the death of a priest would have been discussed in more detail among soldiers on the ground. If the Army say there

were gunmen in the field that they could pinpoint I cannot understand why they could not see this priest coming into the field at a time when there was still light and there was a clear indication by virtue of his dress in black that he was a priest.

[504] I am satisfied that neither Mr Quinn nor Father Mullan was armed in the field. The civilian witnesses all attested to this and no military witness could make anything approximating to a valid identification. In my view it is much more probable that they went to help an injured man. I have heard the evidence of Bobby Clarke in relation to this and I accept what he said about events in the field. The version does not entirely tally with others but that is understandable. What I think is undeniable is that families were escaping from Springfield Park across the field. That was a common theme in all of the civilian evidence. It was also verified by Mr Pittam who was in the local area in the time and whose evidence I found credible and authentic.

[505] There was panic and men were running with children across the field. Mr Clarke gave a compelling account of this notwithstanding his 85 years. I believe him when he said he was not acting suspiciously but rather he was helping carry a child across the field. I believe him when he said that Father Mullan came to his aid carrying something white and that the priest attended to him. He did not know Mr Quinn but he said that another man was shot around him. I accept this account. All of the other civilian witnesses explain events in the field in different ways, but that does not detract from the overall picture which is painted. There may not be an entirely consistent thread in relation to the fine detail but that does not make me disbelieve any of their stories. They are all broadly consistent about men running across the field with children and being shot at.

[506] Mr Clarke and Mr Millen and C4 gave evidence that they were injured. There is a consistent thread that there was a man with an English accent in the field. I believe that C4 is the man with the English accent, he was a serving soldier at the time who was on leave and so his evidence comes from a different perspective to

others from the area. He verified the story told by the local people. There is a consistent thread in the evidence about Mr Khilleh helping out with the injured. Also, many of these witnesses gave statements at the time, which leads me to accept this general account.

[507] The ciphered soldiers could have come forward to attest to what they saw and why they fired. Any other military witnesses could have come forward to provide justification as to these deaths but they simply did not do so. That means I have to go on what I have. As I have said I am satisfied that there was shooting in this area from gunmen but there is no consistent evidence that it came from where Father Mullan or Mr Quinn were actually positioned. That is unlike the clear evidence in relation to gunmen in the Moyard flats area and unlike the clear evidence in relation to other gunmen positioned in areas such as Corry's Yard and the Springfield Road earlier in the day.

[508] The soldiers who were overlooking the field were in protected positions with cover. I note that Mr Clarke said he was shot from ground level in Springfield Park, and that may be correct, however I consider that Springmartin Flats was the more likely location as regards the shooting of Father Mullan and Mr Quinn. This is also an elevated position which I have seen for myself.

[509] I am satisfied on the evidence that there was a limited facility at Vere Foster School to shoot towards the waste ground. The line of sight from the one sangar on the corner of the roof of the school is limited and so I do not rely on this as a likely source of fire.

[510] On the basis of the evidence I have heard I am not satisfied that there was a gunman in the vicinity of the deceased that would justify shooting at them. On the basis of the evidence I have heard, neither of these men was acting in a way that they would cause someone to fear for themselves or others. I prefer the evidence that

Father Mullan was assisting an injured man and that Mr Quinn was close to Father Mullan at that time.

[511] In any event, the use of the force was clearly more than was necessary to deal with the risk posed by any gunman in the field. Even if there were gunmen in the field, 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.

[512] There is also a suggestion that these deaths may have been caused by crossfire which I have considered. This is a valid point to make because 3 Queen's who were in the area were not an experienced rifle brigade and were not aware of the topography of the area. I accept the evidence given by 2 Para B Company that Queen's were asked to cease fire. Clearly, in my view, there was a considerable amount of firing going on at this time.

[513] Again, the problem is that I have not heard evidence from relevant military personnel as to this. It does appear to me that the response directed towards this field was disproportionate and more than was necessary to deal with the risks posed by activity in the field. It is very clear from the evidence that there were quite a lot of civilians in this area, including women and children who had been evacuated from the Springfield Road area.

[514] In relation to planning and control I have read the 2 Para Ops Report. I have already commented on the internment operation. However, this event is really about the aftermath of that decision. This operation was a reaction to matters that were evolving on the streets at a fast pace. However, The Yellow Card ensures that the least amount of force should be applied in order to protect lives. This was not adhered to as I have found that the use of force was disproportionate.

[515] From the evidence it is also apparent that there were some failures in terms of communication and control of the soldiers who were actually sectioned to this area, namely 2 Para Support and 3 Queen's. It is clear from the evidence that there was no joined-up thinking between these two groups.

[516] In addition I am convinced that the investigation into these deaths was entirely inadequate. This is a time when the investigation was conducted by the RMP which in itself is problematic for the reasons I have set out in my introduction. The flaws in the process are illustrated by the fact that the RMP statements were clearly not complete.

[517] One would reasonably expect statements to have been taken from the 3 Queen's soldiers who were in the area at the time, but no such statements have been produced. It is also strange that statements were taken from 2 Queen's who were not posted to the area until after midnight. That led to an error in the original inquests in which these statements were relied upon. Those inquests were also inadequate given that they were heard separately and the relevant evidence was not presented.

[518] A real problem in this case has been that I have not had the cipher list to determine who the actual soldiers were who discharged shots into the field. I have tried to get that information over a long period of time but it has not been forthcoming. I have consistently said that I wanted military witnesses to come forward in order to hear the military account. I have been hampered in that relevant witnesses have decided not to come to this inquest or have had to be excused. In particular I would have benefited from hearing from M12 and M1341. M12 was excused. To my mind M1341 is likely to have been Soldier U. This is supported by the material I received late in the inquest which came from M1341's file. I record that I did not formally excuse this witness, he effectively decided not to attend.

[519] I have heard limited evidence from 2 Para Support Company about what actually happened on the night in question. By contrast I heard extremely frank and helpful evidence from 2 Queen's A Company. M71 is a case in point as his evidence was straightforward and clear. Also M2312 and M73 along with M71 assisted with the identification of cipher numbers and I thank them for that. Overall, this is evidence that I was extremely impressed with, as I have said, and evidence that convinces me that 2 Queen's was not in the area at the time.

[520] The 3 Queen's evidence has been sparse. I did not find M68 a convincing witness. The evidence of M575 and M579's from this regiment was also of no direct assistance as they said that they did not discharge their weapons or receive any fire at all.

[521] Other military witnesses did try to assist me by providing their recollection of events. However, I did not hear from anyone who was directly involved in these shootings. In particular, there was a notable lack of engagement from 2 Para Support Company personnel. As I have said, M1270 was questioned at length about his knowledge of events on the waste ground, but when pressed about what was happening there he said he did not see women, children and other people running across the waste ground at any time and he maintained the view that he was unable to see the waste ground because of his position. Whenever he was asked about being on a balcony he said it was at ground level and he could not see the waste ground at all. It is hard to understand how soldiers would be at ground level given the flats were in an elevated position with balconies.

[522] If there was a point to be made about a mistake being made and shooting at gunmen who were close by Mr Quinn and Father Mullan someone should have come and told me about that. As it stands, I have no evidence of that nature. I have no direct evidence that either of these two persons were armed. Justification of these types of shootings by the State requires specific evidence about the shooting of specific individuals.

[523] Accordingly, having carried out my investigation, I am of the view that the State has failed to discharge the onus which lies upon it under Article 2 of the ECHR to establish that the shooting of the deceased was justified. I have not heard any convincing evidence, either on paper or orally, to justify why they were shot. The evidence does not establish that the deceased were gunmen or were in the vicinity of gunmen. The use of force which caused the death of the deceased was more than was necessary to deal with the risk which I have heard about. I consider that there is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.

[524] I cannot be any more precise as to who exactly fired the fatal shots. I can however dispel the rumour that these men were armed or acting in an untoward manner.

XIII. VERDICT

[525] The verdicts are as follows:

Father Hugh Mullan

- (a) The deceased was Father Hugh Mullan, male of 45 Springfield Park, Belfast.
- (b) Father Mullan was born on the 9 April 1933.
- (c) Father Mullan was a priest.
- (d) He died on 9 August 1971 on waste ground near Springfield Park, Belfast.
- (e) Father Mullan's death was caused by the fire from soldiers in 2 Para Support or 3 Queen's.

- (f) He was unarmed, not acting in any way as a threat, attending to a wounded man in the field and waving a white object as a sign of his peaceful intentions.
- (g) He died as a result of gunshot wounds to the chest and abdomen.
- (h) The shooting of the deceased has not been justified by the State.
- (i) The use of force by the Army that resulted in his death was disproportionate.
- (j) No proper investigation was carried out into this death.
- (k) There is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.
- (l) The rules of engagement for soldiers in force at the time of this death, namely the Yellow Card, were not adhered to.

Francis Quinn

- (a) The deceased was Francis Quinn, male of 49C Moyard Crescent, Belfast.
- (b) Mr Quinn was born on the 21 April 1952.
- (c) Mr Quinn was a married man, labourer.
- (d) He died on 9 August 1971 on waste ground near Springfield Park, Belfast.
- (e) Mr Quinn's death was caused by the fire from soldiers in 2 Para Support or 3 Queen's.

- (f) He was unarmed, and not acting in any way as a threat.
- (g) He died as a result of a single gunshot wound to the head.
- (h) The shooting of the deceased has not been justified by the State.
- (i) The use of force by the Army that resulted in his death was disproportionate.
- (j) No proper investigation was carried out into this death.
- (k) There is a violation of Article 2 given the manner in which the shooting occurred without minimisation of risk.
- (l) The rules of engagement for soldiers in force at the time of this death, namely the Yellow Card, were not adhered to.

Mrs Justice Keegan
Coroner

11 May 2021

ANNEX 1

INCIDENT 1: THE DEATHS OF FATHER HUGH MULLAN AND FRANCIS QUINN

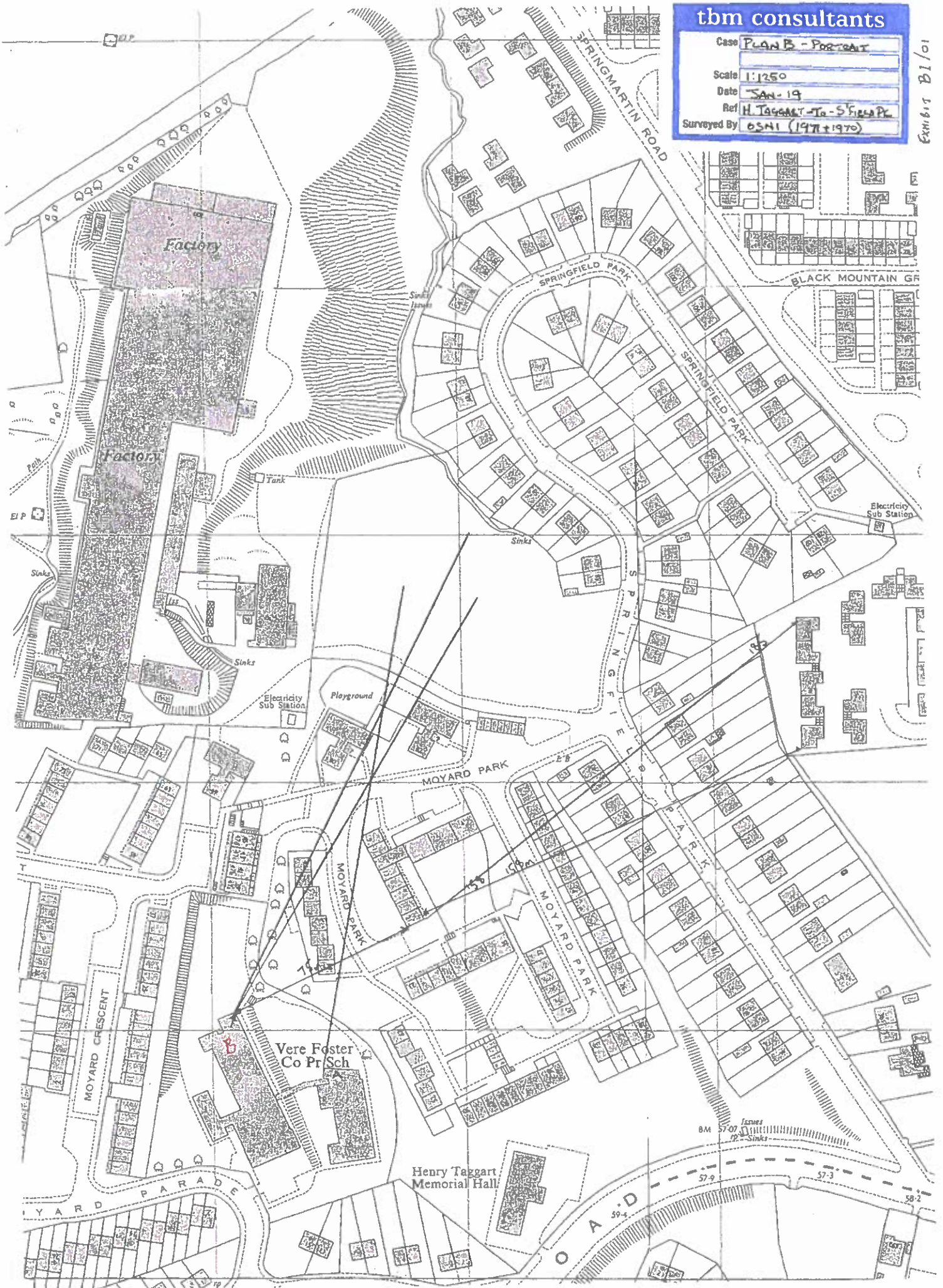
- 1.1 TBM Consultants Plan B /Ordnance Survey Map 1971 (with lines of sight marked by Brian Murphy)**
- 1.2 Contemporaneous Police Photographs (showing Vere Foster School, Springmartin flats and the waste ground)**

**1.1) TBM Consultants Plan B /Ordnance Survey
Map 1971 (with lines of sight
marked by Brian Murphy)**

tbm consultants

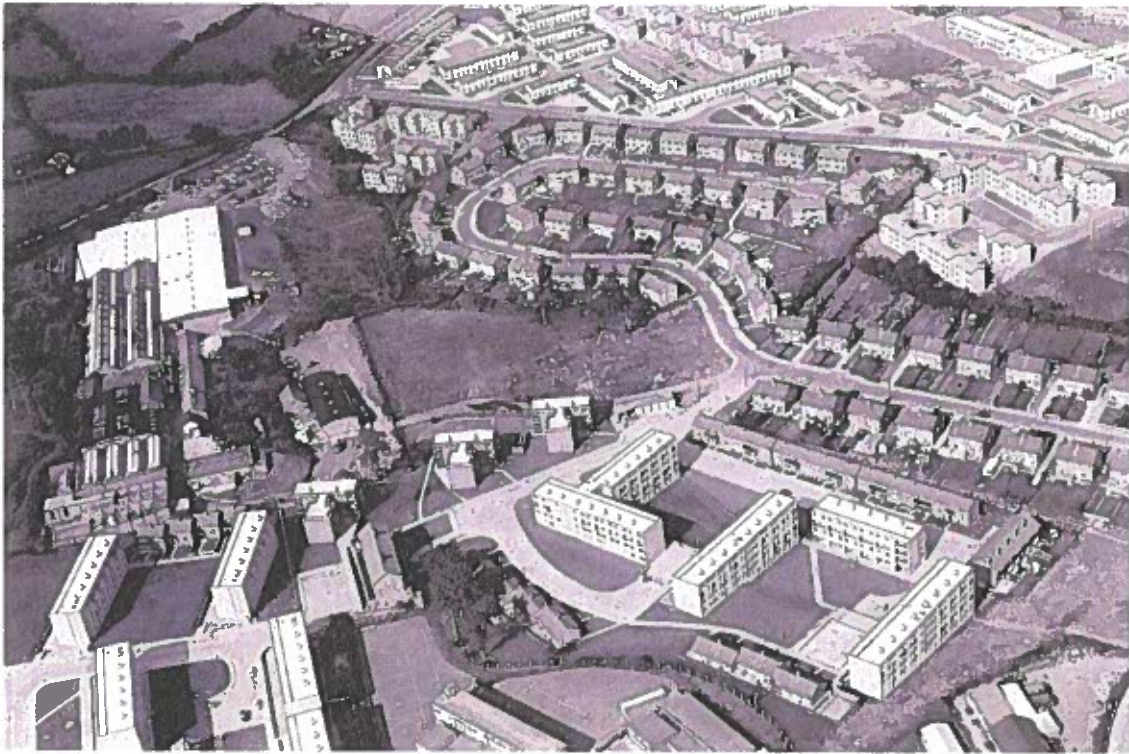
Case PLAN B - PORTAAT
 Scale 1:1250
 Date JAN-19
 Ref H. TAGGART - To - S Field Pl
 Surveyed By CSM (1971+1970)

EXHIBIT B1/01



**1.2 Contemporaneous Police Photographs
(showing Vere Foster School,
Springmartin flats and the waste ground)**

Film A 35mm Aerial



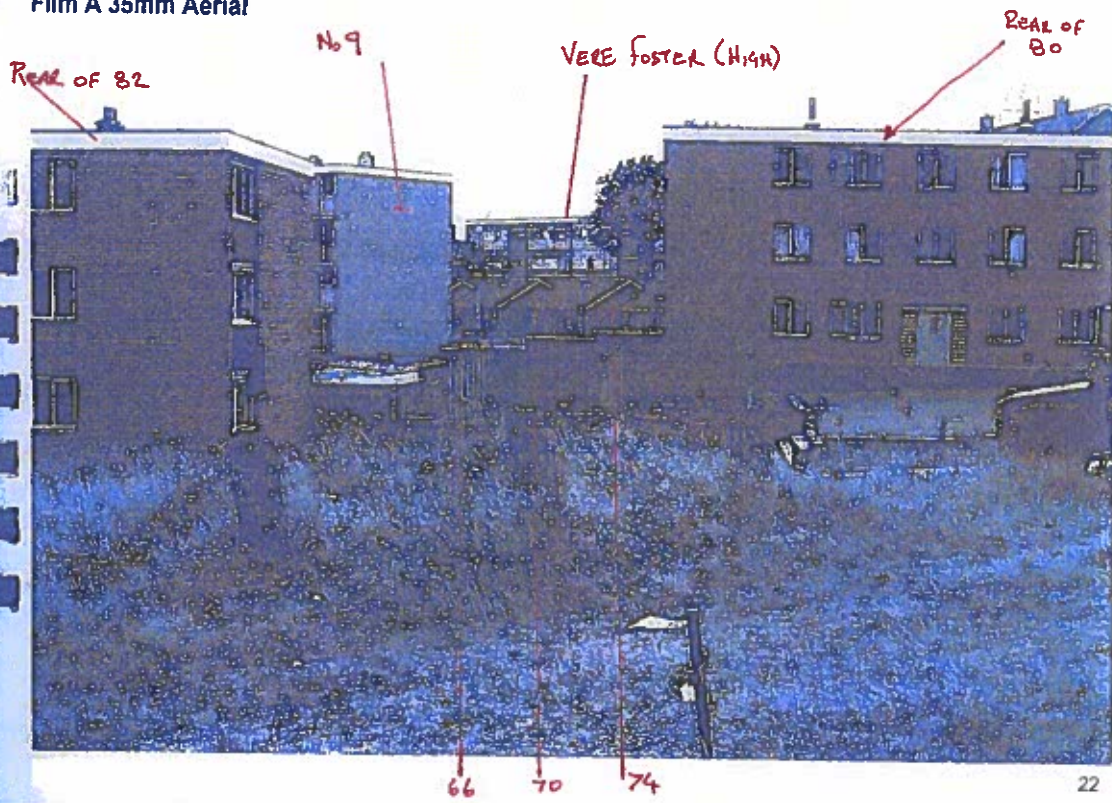
Film A 35mm Aerial



Film A 35mm Aerial



Film A 35mm Aerial

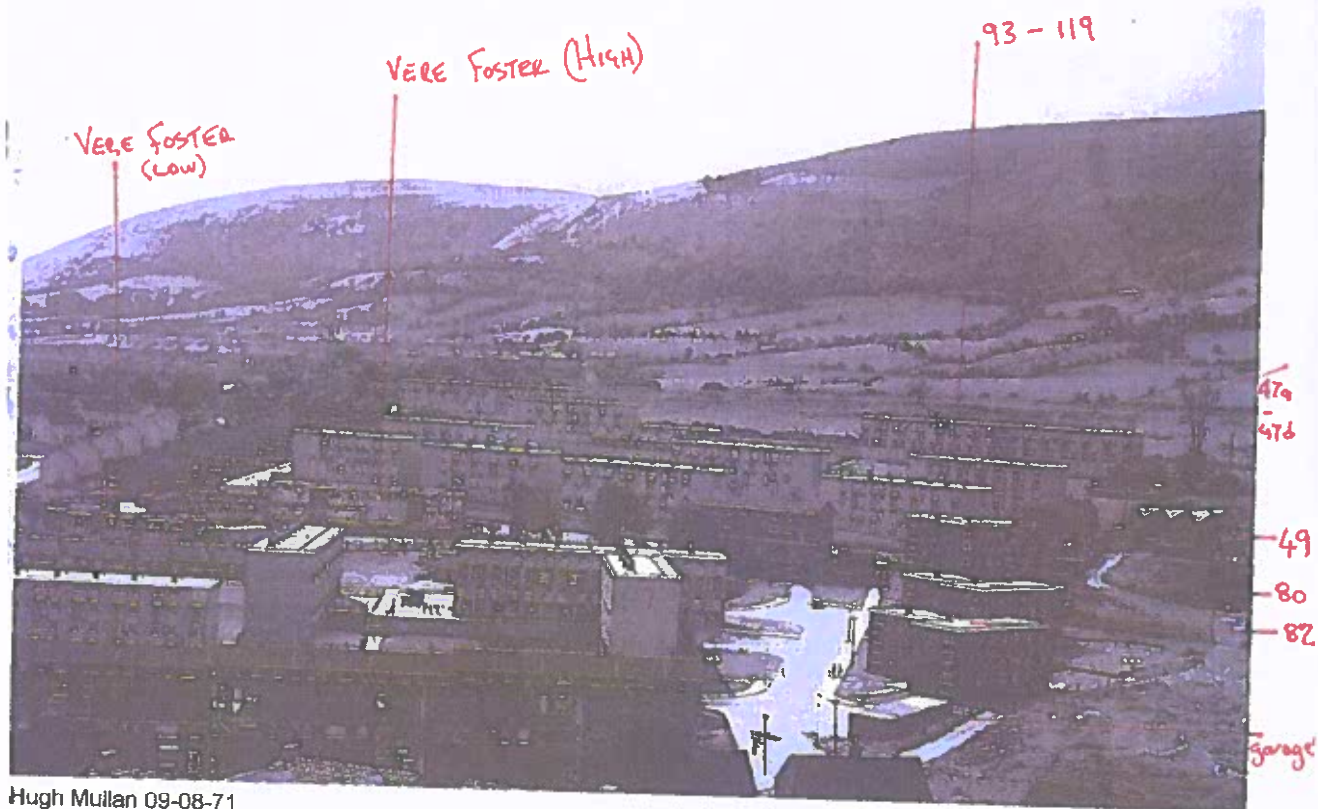


Film B 6x7 Aerial



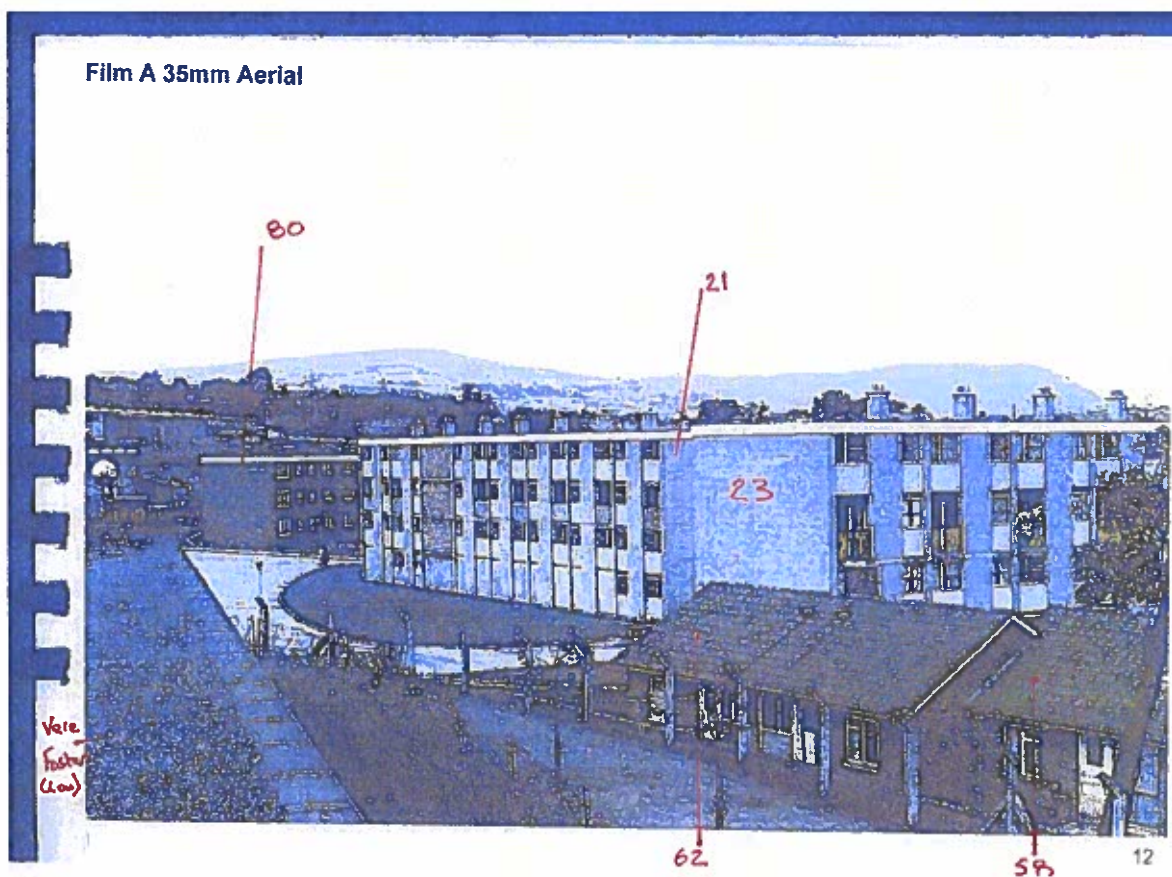
NEW SPRINGHALL

Film B 6x7 Aerial



Hugh Mullan 09-08-71

Film A 35mm Aerial



ANNEX 3

INCIDENT 3: THE DEATH OF EDWARD DOHERTY

3.1 TBM Consultants Plan / Ordnance Survey Map 1965

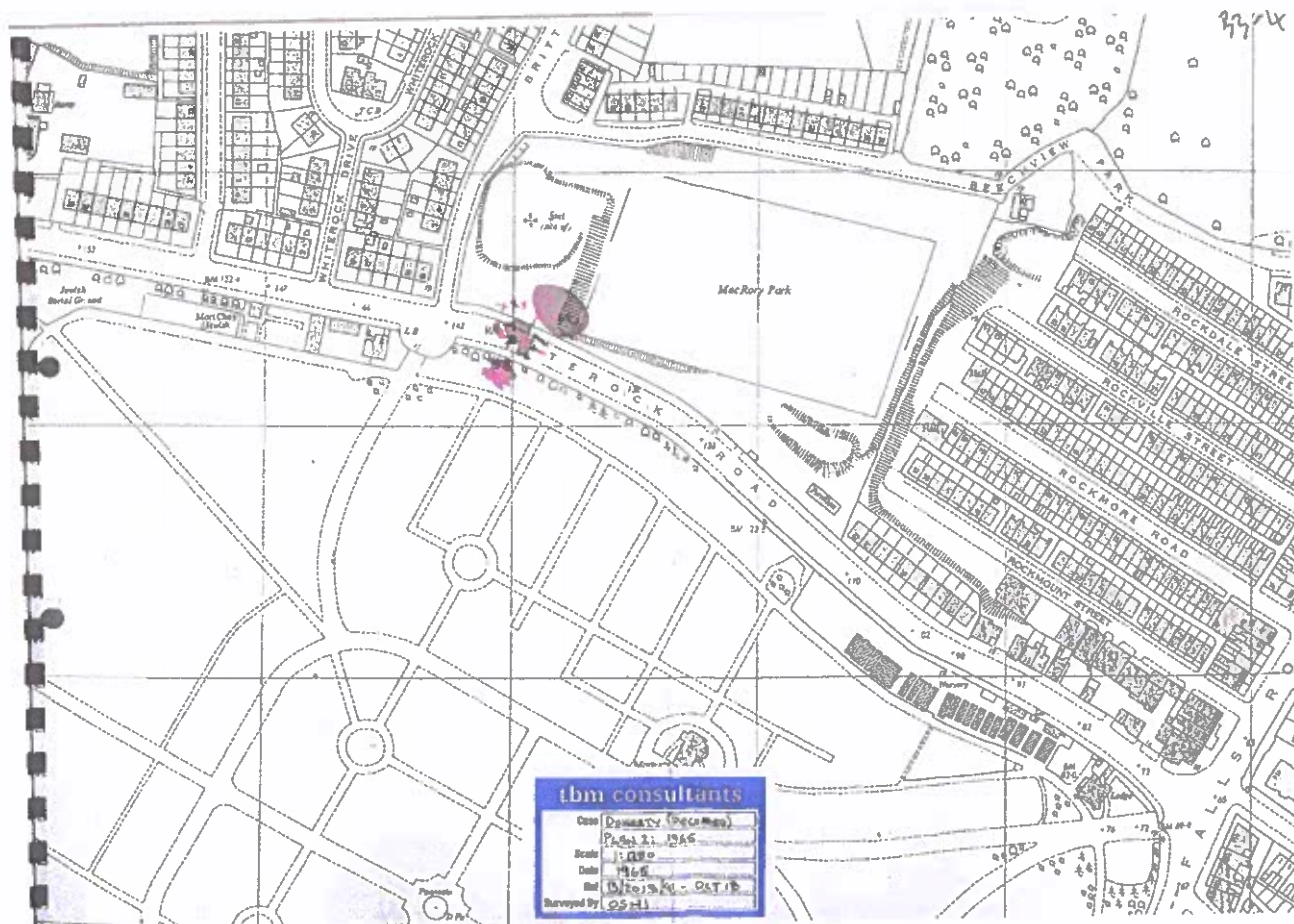
3.2 Photographs of Allis Chambers Tractor

3.3 TBM Photograph 21 (51 Whiterock Road)

3.4 TBM Photograph 29 (7 Whiterock Drive)

3.5 TBM Photographs 31 - 46 (the view from 51 Whiterock Road)

3.1 TBM Consultants Plan /Ordnance Survey Map 1965



3.2 Photographs of Allis Chambers Tractor



3.3 TBM Photograph 21 (51 Whiterock Road)



3.4 TBM Photograph 29 (7 Whiterock Drive)

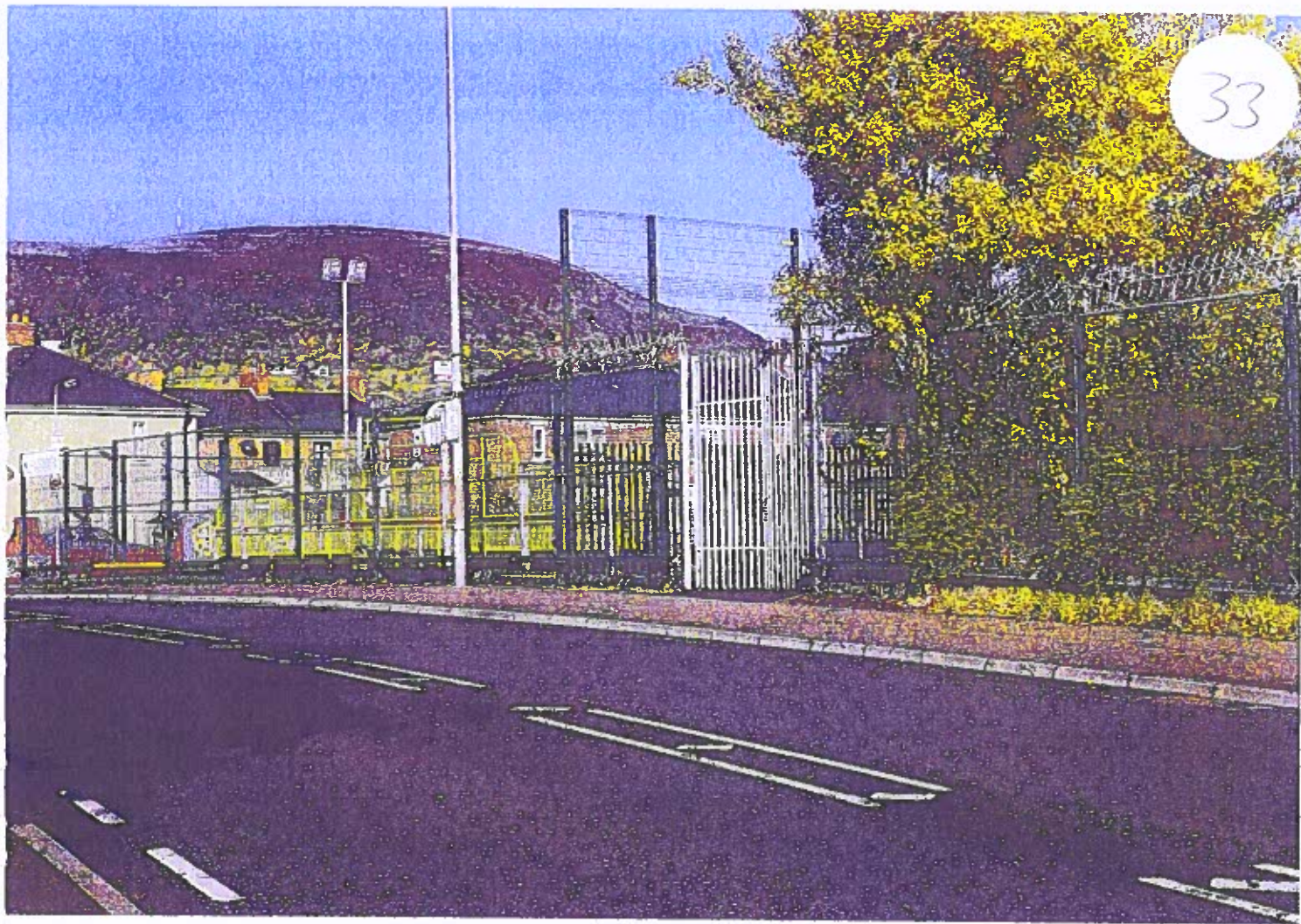
29



3.5 TBM Photographs 31 - 46 (the view from 51 Whiterock Road)

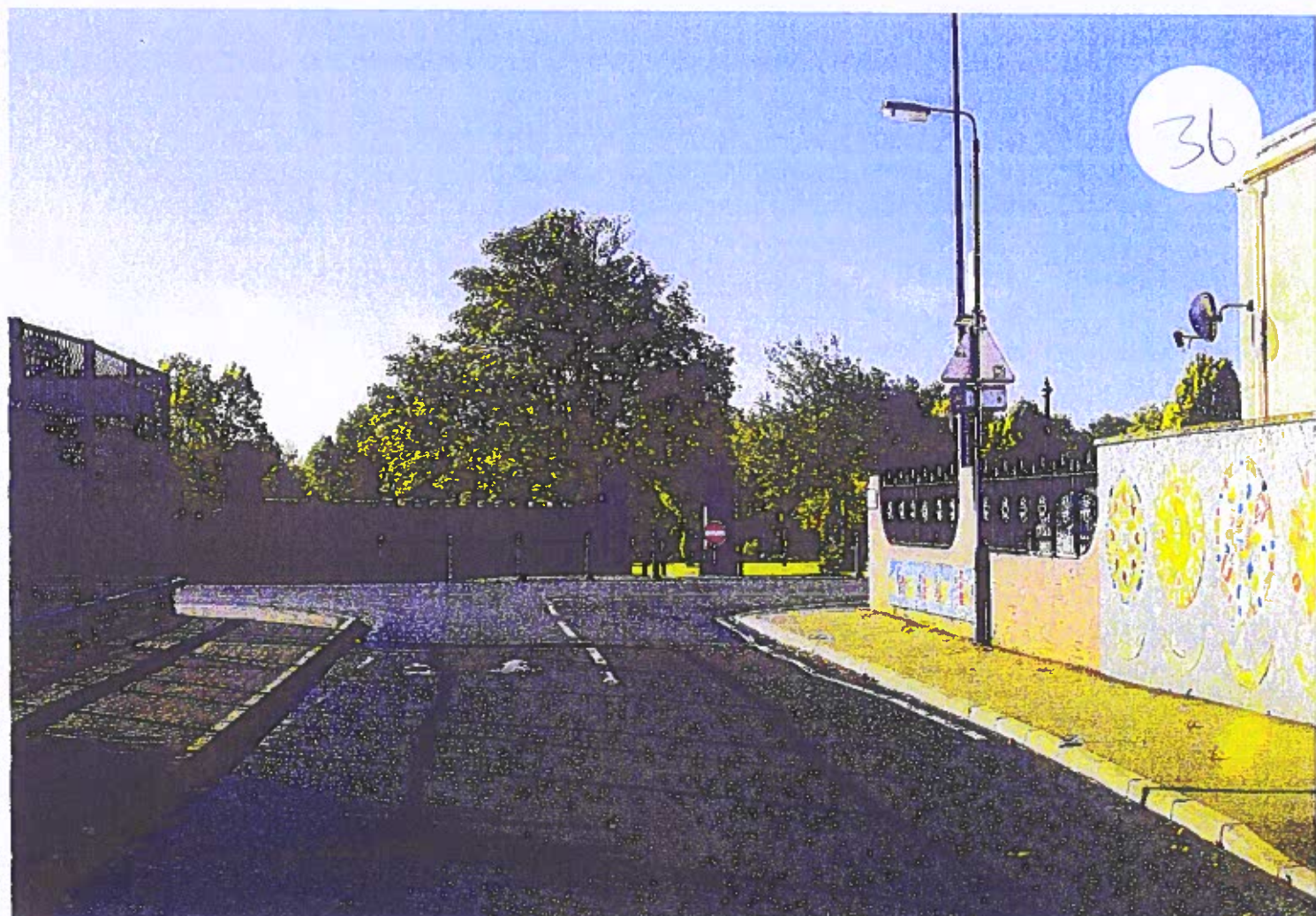


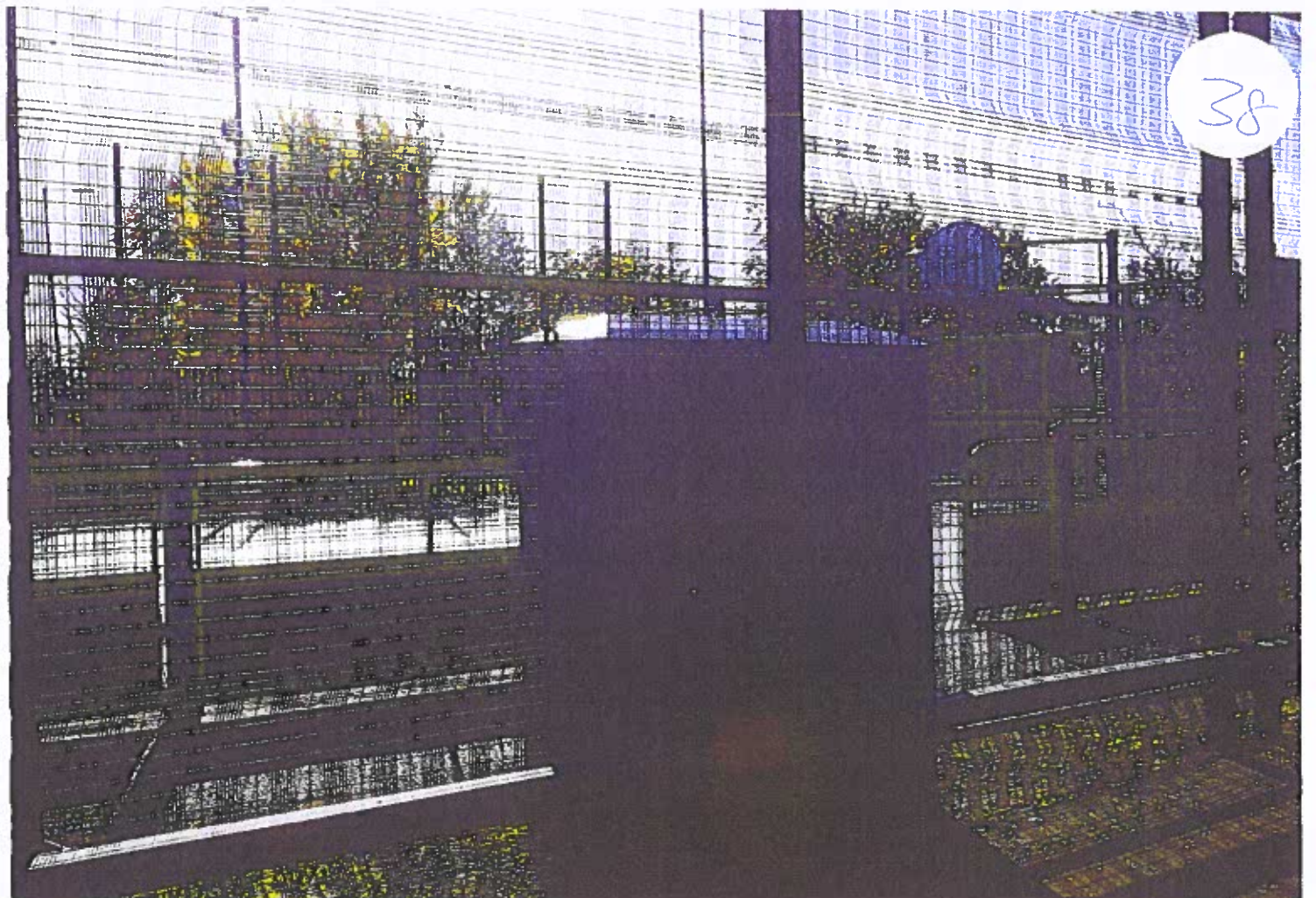
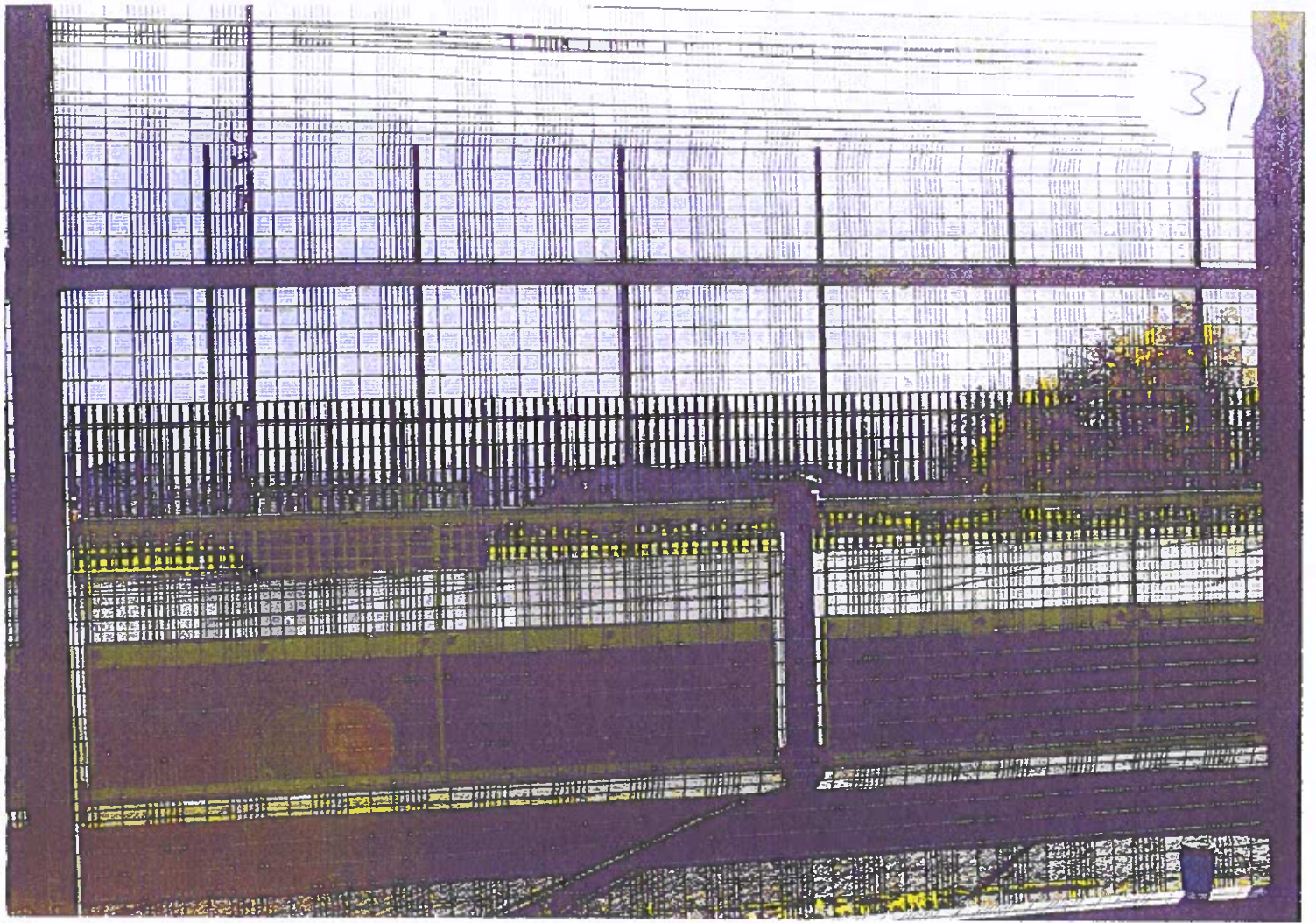
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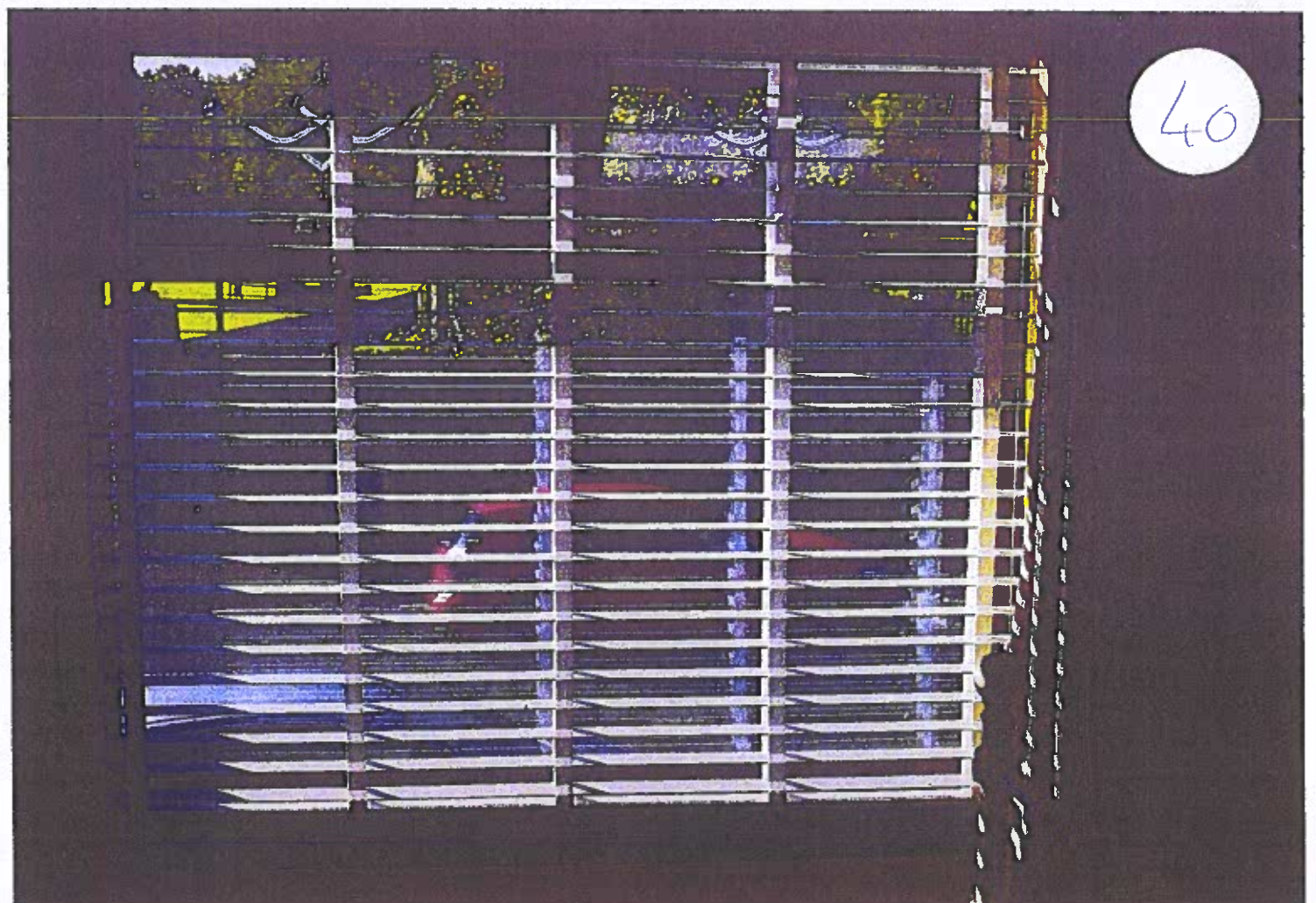


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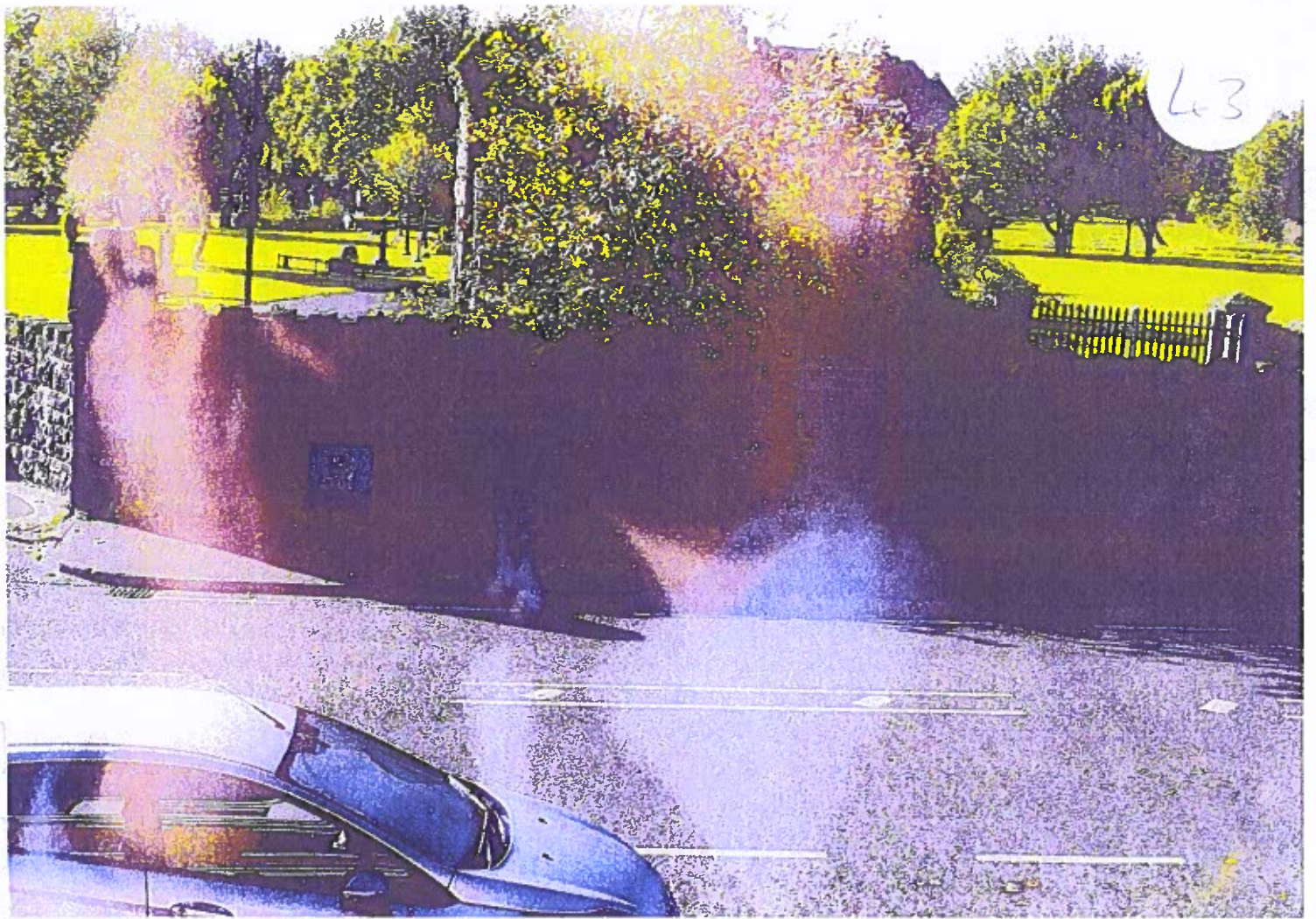












3.1 TBM Consultants Plan/Ordnance Survey Map 1965

