

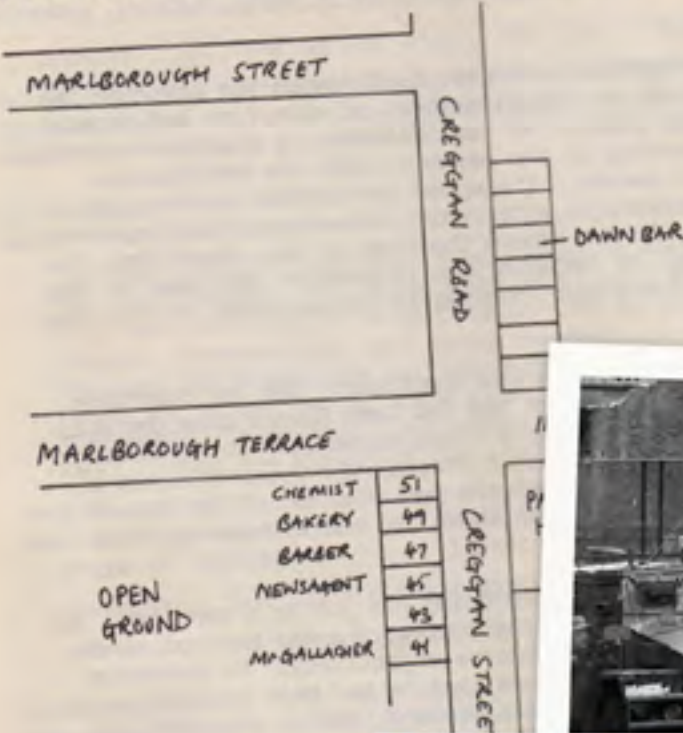
travelled on into Creggan Street and stopped just below the newspapers shop on the right-hand side going down. The second jeep didn't appear to hit anybody going down. The jeeps then reversed back up at speed the lead jeep reversed over a body lying still in the ground. I was horrified in what I saw as the back door of the jeep was now open and they were two soldiers sitting there and they couldn't possibly miss seeing the body before they reversed over it. The jeep stopped two Soldiers got out and threw the body into the back and the jeeps then continued to reverse fast back up across the junction at Creggan Cross and up Creggan Hill towards at speed. When I saw what had happened and that the jeeps were coming towards us I got frightened and moved off over Marlborough Street.



“...a very serious crime indeed...”
Anatomy of a Cover-up

City of Londonderry this day
 1981 before me

The death of Gary English and James Brown



No. 26
 day
 the death of
 (Address)
 is called
 Doherty
 at 3.10am on
 Hospital where
 had been employed
 M. J. English
 in his testimony
 and was present in
 I was also present in
 pub on a drinking
 my to thank anyone
 have seen the
 same in my son.





Jim Brown



Gary English

“...a very serious crime indeed...”

Anatomy of a Cover-up

The Recovery of Living Memory Archive –
A project of the Pat Finucane Centre

Published April 2018



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FINUCANE
CENTRE

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INTRODUCTION

Just after 6.45pm on the evening of 19 April 1981 two British army landrovers exited Rosemount RUC barracks in Derry. The two armoured vehicles containing soldiers of the Royal Anglian Regiment drove down Creggan Hill at speed towards the junction with Creggan Street, Marlboro Terrace and Infirmary Rd where a crowd had gathered. There was rioting on Infirmary Rd where the British army and RUC had taken up position. A mixture of spectators and rioters were mingling in and around the junction in full sight of the landrovers now coming down the steep hill at speed.

Despite having been ordered by radio to stop and block Infirmary Road as part of a pincer movement to trap rioters the driver continued through the junction at speed ploughing into the fleeing crowd in Creggan Street. Two people, 18-year-old Jim Brown and 19-year-old Gary English, were struck by the lead landrover. A third person received minor injuries. As this $\frac{3}{4}$ ton military vehicle reversed back up the hill it ran over the heavily injured body of Gary English causing devastating crush injuries. Both Jim and Gary were pronounced dead soon afterwards. Their deaths were inevitable given the actions of the driver, Lance Corporal Stephen Buzzard and his Colour Sergeant Hugh Dalton Smith who gave the order to drive through the junction.

And so began an agonising journey to achieve some degree of justice. This report focuses on Gary, since his father Michael went on to fight a long and courageous battle to establish the truth of what happened that April evening.

Both Michael and the PFC also acknowledge the terrible loss suffered by the family of Jim Brown and many, though not all, of the questions posed below are also relevant to his death.

This document includes excerpts from a number of in-depth interviews with Michael conducted in 2018 by the PFC as part of the Recovery of Living Memory Archive (RoLMA). To accompany the interviews a series of fact files have been included providing guidance for the reader on some of the key issues that arose from the (failed) prosecution of two soldiers, the subsequent inquest and the final frustrating engagement with the Historical Enquiries Team.

This publication is a testament to the tenacity, courage and love of a family for a son taken from them in the most brutal of circumstances. A second son, Charles, later joined the IRA and was fatally injured when an RPG rocket exploded in his hands. To suggest a link between Charles' subsequent decision to join the IRA, his death and the circumstances of Gary's death is to state the obvious.

But it was Gary's killing that left unanswered questions, official contradictions and lies and a systemic failure to acknowledge wrongdoing and harm. This document puts in the public domain both the facts surrounding the events of April 19 1981 and the impact that this had on Michael English and his family.

The deaths took place against the backdrop of the H-Blocks hunger strike. Bobby Sands had only weeks to live and the city of Derry had already suffered shocking incidents. On 7 April, 29-year-old census collector and mother, Joanne Mathers, had been shot dead by the IRA in the Waterside and 15-year-old Paul Whitters was on life support having been shot in the head by an RUC constable with a plastic bullet. He died days later.

*Nuair a thiocfas an bás ní imeoidh sé folamh
When death comes it will not go away empty*

INTERVIEW WITH MICHAEL ENGLISH

“I know precisely what the British Army did to my son Gary. I have read all the reports. I know about each and every injury on his body. And there were many. I know exactly how he was killed. “I know all about the lies and deceit that were given as ‘the truth’ in court.

“Regrettably, it’s now over three decades later. I realise prosecutions are unlikely and I don’t seek revenge. But I do want people to know the truth.

“What angers me is that people who took an oath to save life [the RUC] and others supposedly dedicated to upholding the truth [the Public Prosecution Service], professional people, are prepared to get up in court and conceal the truth”.

His brow deeply furrowed, his steady voice masking a huge anger, Michael English is talking about his beloved, first-born son, Gary. The son who, the police flatly informed the family within hours of his death, was “lying dead in the morgue, as flat as a pancake”.

In fact, as Michael remembers, there wasn’t so much as a scratch on Gary’s face: “He looked like he was sleeping there on the metal table”.

A British Army landrover, driving at speed down a steep hill, had knocked Gary down. But the impact, massive as it was, had not killed him. What killed him was the same landrover reversing over the 19-year-old’s body as he lay in the roadway of his native city, Derry, on Easter Sunday, 19 April, 1981.

But to begin at the beginning.

GARY ENGLISH – A LIFE

Gary was the eldest child of Michael and Maureen English who lived, where Michael still lives, in Cable Street in the Bogside.

Michael himself was born in the Royal Victoria Hospital in Belfast on the last day of July 1941. He met Maureen, his wife-to-be, at a dance in Derry city and married her at St. Eugene’s Cathedral at 7am on 13 April 1961.

That day’s papers, Michael remembers, were full of news of the Russian cosmonaut, Yuri Gagarin, becoming the first human to voyage into outer space. The young couple had honeymooned in Dublin.

Gary was born that November. Michael was aged 20 and Maureen 19. They went on to have a family of seven children. Mickey worked at various times throughout the 1960s for the BSR Company - Birmingham Sound Reproducers - making turntables for vinyl records and tape-recording decks.

Tragedy has struck the English family twice. Aside from Gary’s tragic death, the circumstances of which are clear to Michael (but not admitted by the state that killed him) they also lost Charles in the conflict.

“Gary was born on Armistice Day, 11 November 1961 and he died on Easter Sunday 1981”, Michael says of his beloved first-born. “He was a likeable young lad, outgoing, always laughing. He took a pride in his appearance and in his flashing white teeth, in which he took after his mother.

“He was always neat and tidy, unusual for a lad of his age. His clothes were always folded or hung up. His shoes were always clean. Going out, he would wear a tie, maybe loosely tied. He

wore his hair Beatles-fashion, well-cut and not too long.

"In 1981, there was a girl he was mad about - but it was unreciprocated. There was another one who was mad about him, but he didn't return her feelings. Once you were his friend, he was loyal to the end.

"At Long Tower Primary School, he was much the same as any boy. He 'dobbed' the occasional day, hanging out with his mates but I never got a bad school report. He won "Sportsman of the Year". He loved football and followed Manchester United. He didn't smoke or drink.

"Just to give you an example of his love of sport - he went with a family friend, 'Auntie Joan', to the Kelvin Hall in Glasgow to watch Charlie Nash, the Derry boxing hero, fight Jim Watt. Unfortunately, Watt won".

Gary didn't always back losers, though. "He was a clever investor when it came to the bookies. He did it more for the love of beating them than for the money. "I remember 1980, he put £30 on Bjorn Borg to win Wimbledon in April when Borg was 3:1. Then, when he had earned a few bob more, he backed him at 2:1.

"The odds became shorter and shorter but he backed him right up until Wimbledon began and won about £400 - a lot of money in those days.

He backed 'Three Troikas', the year after she won the *Arc de Triomphe*, at 33:1 - but this time she lost by a short head. He was very methodical. He made notes in a diary and followed the form. He was great with figures and numbers."

After leaving school, Gary was selected to become bar steward at Derry's elite 'Northern Counties Club' on Bishop Street, just beside the Court House - a favourite haunt of the city's legal fraternity and where the Knights of Columbanus met upstairs.

"It had a revolving glass door and was, in theory, members only" remembers Michael about this up-market Derry venue. Gary was by now an experienced barman, having served his time working in 'The 720 Bar' in Chamberlain Street (named after the longest dog race at the city's Brandywell racecourse). His head for figures meant he was trusted with the members' tabs. Their drink bills. Michael remembers fondly, were totted up using an old-fashioned pneumatic tube that zipped each bill to an invoice office upstairs.

"He was known as reliable and trustworthy and was always smartly-dressed. He looked the part. He was confident, bright and cheerful. He had a good sense of himself". Father and son were close, playing five-a-side indoor football at Templemore. "Gary would often eat at his Granny and Granda's house who both idolised him. He always slept overnight at home with us, though."

Michael remembers the year 1981 well. With his typically characteristic sunny view of life, he recalls not only the obvious - that it took his son - or because of the hunger strike in which ten men died in Long Kesh. He also remembers 1981 was the year the River Foyle froze.

THE NIGHTMARE BEGINS

On the day he died, Easter Sunday 1981, Michael bumped into Gary by chance as they both walked through the then-derelict Celtic Park. They had a short chat. Michael was exercising two greyhounds while Gary was on his way to a football match (Derry Rovers -v- Celtic Swifts) with a ten o'clock kick off. It was a warm, bright, sunny day.

The English family's pet dog, 'Tanner', a spaniel-type with a foxhound face, was following Gary who asked Michael to be sure that the family pet returned home safely. After the match, Gary was due to have Sunday dinner at his grandparents' house and at 3pm he had planned to join the city's Easter Commemoration march.

On Sunday evenings, Gary and Michael, along with a friend, Michael Sweeney, would regularly meet up at 6pm and make a private visit on their own to the 'Northern Counties Club' to play a quiet game of snooker. That Sunday evening, however, Gary didn't turn up as usual to join the two older men.

They decided to press on without him - but Michael was already feeling uneasy. He doesn't have an explanation why. They already knew two young men in the city had been knocked down by a British Army landrover but they had not heard anyone was dead and had no reason to think one of them might be Gary.

"I don't know if it was parental instinct - but I just felt uneasy. I couldn't settle that evening into the snooker. It wasn't the same. Michael and I packed up early. I knew from the TV there were disturbances in the city and we set off for our homes.

"In Cable Street, Gary was still missing. No-one knew where he was. I had heard there was trouble in Creggan Street. My unease was growing but I still did not associate the news about the two young men with Gary but I decided, in the end, to go out and investigate, to try and find him.

"On my way, I ran into my second-eldest son, Charles, who was then sixteen, and asked him to go back home for his own safety as there was trouble in the town. I don't know now whether Charles knew anything but, if he did, he wasn't telling me. He knew I disapproved of anyone rioting - it achieves nothing - but he wasn't telling on his brother.

"Charles was very different from Gary, even then. He was a rough-and-ready wee boy - always getting into fights, with neighbours coming to the door claiming he had broken their windows playing ball in the street.

"Anyhow, I couldn't find Gary so I went home and myself and his mother said to ourselves that he would be home soon enough when he was hungry. Time passed and passed, though, and it started to get dark. The realisation was beginning to dawn that something wasn't right.

"Maureen was getting more and more agitated so I told her to put on her coat and we would go out again and look for him together. We headed into Westland Street and saw a group of three young men in Lisfannon Park that we knew would recognise Gary.

"They said they had not seen him either which lifted our gloom. We thought then he must be all right and safely in someone else's home. We made our way to what we then called the Market Flats [Note: known formally as the Rossville Flats].

"By now it was around 10 at night and the whole city knew two young men had been killed by the Army. The Bank of Ireland at Strand Road was on fire. The city was going wild. Maureen and I reassured ourselves that he must be hiding from us because he knew we would be angry that he had been out so late with so much trouble going on.

"We had to go home to look after our other children. Charles was minding Stephanie, Michelle, Mike and Keith on his own at home. We headed back to Cable Street. From a distance of about 300 yards, I saw our hall light on and a figure standing in the doorway, silhouetted in the light.

"That worried me and I remarked to Maureen that there was someone knocking at our door. It turned out to be Charles. But I saw his face in the light, it was white as a sheet. I knew then that

something was terribly wrong.

“I managed to usher Maureen into the living room and quickly asked Charles in the hallway what had happened. He said the police had just been on the phone asking for us. Charles had told them that his parents were out looking for Gary.

“The policeman had then said there was no point looking for Gary as he was in the morgue, dead, and flat as a pancake”. Michael’s normally smiling face goes grey as he speaks of what happened next.

“I tried to keep my head together. Charles told me the policeman had asked me to ring the barracks, so that is what I did next. I told Charles to go into the living room with his mother and sit with her. I asked him not to say anything to her, not just yet, until we were sure.

“I phoned the barracks and a policeman told me that my son was dead. He asked me ‘Had Gary been wearing any distinctive jewellery?’ I told him that he had a black stone ring with a diamond in the middle. The cop confirmed it was Gary in the morgue.

Mickey manages to keep speaking although it is clearly difficult to carry on.

“They said I had to come to the morgue to identify him. Then I went into the living room to tell Maureen. When you get news like that, it’s always difficult to know how to react but she was immediately concerned about Gary’s grandparents who ‘loved him so much’. How, she asked, was she going to tell them?”

The RUC sent a landrover into the Bogside to pick Michael up and take him to the morgue. He admits that, on his way, he was still hoping it was a case of mistaken identity and it wouldn’t be Gary lying dead there when he arrived.

His voice changes from aghast to angry as he recalls that the officer in the landrover with him had already taken statements from the two soldiers who had driven over Gary, killing him.

“They were interviewed as witnesses - not as perpetrators”, he says, still in shock, over 35 years later at this betrayal of common humanity. Michael identified Gary at the city morgue as he lay on a metal table. No post-mortem examination had yet taken place.

“There were no marks on his face. He looked like he was sleeping. He used to have a curl in his fringe. I put my hand on his hair, to tidy it back a little. I then told the police ‘That’s my son’.

“After that, I just desperately wanted to get home. The RUC sergeant who brought me down to the morgue asked me if I wanted to speak to a priest at the cathedral but when I arrived there, the priest was not one I had any time for.

“I just wanted to get home. I didn’t know what was going to happen over the next few hours. It must have been around 2 o’clock in the morning by then. I knew I had to shoulder responsibility for everything that was about to happen.

“I was just completely stunned but I had to think about the family. Can you imagine what it was like? Gary’s grandma, who adored him, was on her knees, overcome with grief, screaming, keening, weeping. It was like a scene from the Middle-East that you see on the television news with women weeping uncontrollably. But I had to keep my head together for everyone’s sake.

“From the moment I saw Gary’s body in the morgue, a kind of numbness came over me. I was superficially in control of events but I was only going through the motions. My head was somewhere else.

“I had to think first of Gary’s brother and sisters, his mother. The words ‘Jesus, what am I going to do’ kept running through my head. ‘I suppose the psyche has been bred into us in Derry, ever

since Bloody Sunday, of dealing with tragedy. I had been chairman of Sinn Féin from 1972 for most of that decade and I'd been going to funerals regularly every few weeks.

“Hardly a week went by without a wake. The aftermath of Bloody Sunday was like a pilgrimage between wake houses. There were multiple funerals. It didn't mean I was prepared for the shock and the grief but at least I could see my personal tragedy in context. It had been visited on so many others and now it had come to my door. I suppose that, deep down, I had realised it inevitably would.

“But I never thought it would be Gary, because of his personality. He might have been nineteen but he was younger than his years. I suppose we parents are the last to imagine such things.” Events took over in the days after Gary died. Michael says he felt fortunate in that Gary could be waked in an open coffin, unlike the family of Jim Brown, killed alongside him, who had to close the coffin and just have a photo of their son on top, such were the extent of his terrible injuries.

As people streamed through the house, Michael particularly noticed the constant presence of Eileen, the Derry girl who had adored Gary. “She must not have slept in three days. She genuinely loved him. Gary's funeral was at Long Tower chapel while Jim's was at the chapel in Creggan. We choreographed it so the two corteges met at the gates of the city cemetery. They're buried separately in family plots, not too far apart from each other.”



(Photograph: Derry Journal)

But even after the funeral, there was no peace and time for Michael and his family to mourn. Three weeks later Bobby Sands finally died on hunger-strike and in the onward rush of events Michael had no respite from family and community duties.

“Events were bearing down on top of me. Like everyone else, I was caught up in what was happening in the jail and understood well enough the mentality of the opposing forces and that young men were going to die on hunger strike.

“I was interviewed by various reporters. Brian Hanrahan, Nick Witchell and Jeremy Hands stand out as names. I appealed through them: ‘Thatcher, I don’t want to see anyone else dying. Let my son be the last’.

“Twenty years later, I was at a social event in Sandino’s Bar in Derry and a former prisoner told me that they had been able to listen to the radio inside the jail and he had heard my appeal. It had always stayed with him”.

‘INVESTIGATION’ AND PROSECUTION

REACTION TO DEATHS

Predictably there was an immediate and angry reaction in the city to the killings of the two teenagers. Workers walked out of their workplaces to attend the removals and the funerals. Catholic Bishop Edward Daly said,

“From speaking to eyewitnesses it appears to me that the army vehicle was driven at reckless speed in the circumstances. It seems to have been a stupid and cruel deed, completely counter productive and typical of army activities in similar circumstances in the past.”

The Church of Ireland Bishop, Dr James Mehaffey, added his voice,

“The security forces must be seen to act at all times in a reasonable manner if they are to have acceptance in the community. The facts of this latest incident must be established.”

At an emergency session of Derry City Council a resolution was passed

“Calling on the highest authorities, including the RUC, to take urgent action to have the occupants of the landrover involved in the killings of the two youths made answerable for their actions.”

Despite widely reported claims by eyewitnesses that the first landrover had *deliberately* driven into the crowd, thus in theory at least raising the possibility that the crime to be investigated was that of murder, the RUC classed the incident as a road traffic accident. A uniformed Sergeant from traffic branch was assigned to investigate. All the investigative actions (or lack thereof) that ensued were a direct consequence of this decision to treat the two deaths as a road traffic accident. This in turn completely undermined the subsequent criminal trial as will be outlined below.

At 11.40pm on Easter Sunday RUC Sergeant Bradley took a statement from Colour Sergeant Dalton Smith at Rosemount RUC Barracks. Smith had been in charge of the two vehicles and had given the fatal order to his driver, Lance Corporal Buzzard, to drive through the junction. Crucially Smith was not cautioned though a senior army legal advisor, Lieutenant Colonel Pugh, was present.

During cross examination at the later trial of Smith and Buzzard Sgt Bradley was asked about this statement by counsel for the prosecution, Mr McCollum:

*“...once you realised that he was the person in charge of the patrol and I take it at that time from your enquiries you knew that you were enquiring into what could have been **a very serious crime indeed**, and here was the person actually in charge of the patrol that had been involved in it, did it not occur to you that you would have been then interviewing somebody in a position of some responsibility?”*

Bradley responded that he *“did not form any opinion on the matter”*. He was NOT enquiring into what could have been **a very serious crime indeed**.

The matter on which Bradley had not formed any opinion was the circumstances of the deaths earlier that night and whether, to quote Counsel, a serious crime might have been committed. Smith was not cautioned and was treated as a witness. When this emerged at trial the defence sought to have the proceedings stopped as this was deemed a breach of Judges Rules.

Later that same night Bradley interviewed the driver, Lance Corporal Neville Buzzard, again at Rosemount Barracks. This time the interview, which lasted under an hour, was conducted under caution. The RUC sergeant admitted to the HET (page 34 Draft HET RSR) that going into both interviews he *“had little or no idea what the accounts of the other officers (soldiers) were”* as they had been interviewed by other junior RUC colleagues. He made no interview notes and the statements (from Smith and Buzzard) were a summary of the answers made by the soldiers over ‘about an hour’ according to the HET. Cross-examined at trial he also admitted to not having had sight of crucial civilian eyewitness accounts before interviewing soldiers.

These were the only interviews carried out by the RUC with Buzzard and Smith in advance of the trial.

Bradley was of the opinion that he was seeking information about a road traffic accident which is what he was trained to do. In fact he admitted at trial that he had no opinion on the matter of prosecutions until the directions to prosecute came back some months later from the Prosecution Service.

To put in context: two $\frac{3}{4}$ ton armoured landrovers had driven at speed down a steep hill (in daylight) and crossed a junction before ploughing into a crowd killing two teenagers. At the very least the families of the deceased had a legal right to a thorough and exhaustive investigation. An investigation team should have been created, statements should have been compared, investigative strategies should have been considered in advance, contradictions should have been put to suspects. Instead a sergeant from traffic branch was given the responsibility of gathering statements without any consideration that a **very serious crime indeed** may have been committed. Ultimately it was the decisions made at senior management levels in both the RUC and the prosecution service that ensured that no proper investigation should take place. The anatomy of a cover-up.

From the perspective of the two families and the wider community this ‘investigation’ into a supposed road traffic accident negated any possibility of a proper investigation which turn undermined the later failed prosecution.

Meanwhile, outside of Rosemount Barracks buildings were burning and rioting continued for several nights in different parts of the city.



(Photograph: Derry Journal)

Interview with Michael English continued

REFLECTING ON GARY'S DEATH

Looking back in 2018 on Gary's death and the effect it had on his family, Mickey says it had a "numbing" effect on all of them. "I was in an emotional maelstrom. I don't think any of us ever felt normal again. It was a question of 'Let's not go there, it's too painful'".

"From then on, I was on a crusade for truth and justice for Gary. The family largely left that to me. I did not want them to bear that burden. Gary's death left a huge gaping hole in the family circle. Even though I had six other children, life was never ever the same again".

Although it is now decades later, and Michael thinks of Gary every single day of his life, there are certain triggers that intensify his grief. "He was such a Beatles fan. I remember him having the 'Sergeant Pepper's Lonely Hearts Club Band' and 'Help' LPs. He loved John Lennon's 'Imagine' and I can never hear it without going back to when Gary was still alive".

GARY'S DEATH – THE STATE RESPONSE

When it comes to the official, state, version of why his son was killed, Michael knows more than any other living person. He has studied the reports, pondered for long years over the evidence and believes he knows everything - every wound, every nuance, every action - surrounding Gary's death.

He emphatically denies any suggestion that his son was in any way responsible for his own death. At the time, however, he was in no position to challenge the official version. He had

no access to information and no inkling that the British Army landrover that first hit Gary had reversed over his son's body. "I was listening to what some witnesses were saying and hearing third-hand of other accounts but I had to judge them against a background of people hating the British Army and this possibly clouding their reports.

"But gradually, the preponderance of the same claims came to really cause me to think it over - that the landrover had really reversed over Gary's body. Some of the witnesses were adamant.

"By the end of the summer of 1981, after the last of the ten hunger strikers had died, I had come to the conclusion that too many people were sure that the landrover had reversed over one of the bodies, although I could not then know if it was Jim's or Gary's body.

"I desperately needed to know what had happened to my son on that day. But I had not been informed about any RUC investigation or even that the soldiers had been interviewed.

"The press were asking the same questions that I was. Uniquely, I think, both the bishops in Derry, Edward Daly of the Catholic Church and James Mehaffey of the Church of Ireland, were asking questions about why the two young men had lost their lives.

"Lord Tony Gifford, QC, was writing a pamphlet about young Paul Whitters who had been killed by a plastic bullet fired at close range. He expanded his work to include Gary and Jim's deaths. I was asked to go to London to meet people from the National Council for Civil Liberties, people like Patricia Hewitt who became a Labour MP. Lord Gifford produced 'Death on the Streets' about the three deaths.

"But I still felt I was paddling my own canoe, against white water, against the direction of the current. Then, at the end of 1981, I heard that the soldiers were being charged with death by dangerous driving.

"Now, I am a great believer in the rule of law. That a legal trial in open court is a test of evidence. I had hope. "But even on day one, it was clear. The court accepted that it would be impossible to trust the people of Derry to sit on a jury in the case and it was moved to Belfast. My expectations and hope were already burnt out.

"The court case lasted four days and I drove to Belfast and back every day".

On the evidence before the court, Michael points to clear statements from all the civilian eye-witnesses that the landrovers drove at speed down the steep incline of Creggan Hill.

But he does not believe that speed is a critical issue in his son's death. He believes Gary was not killed by the first impact between the landrover's front bumper and the right-hand side of his son's body, the official version. He believes, with evidence to prove it, that Gary was killed only when the landrover reversed over his body.

THE PROSECUTION AND TRIAL

In August 1981 Lance Corporal Buzzard was arrested and charged with causing the deaths of Gary and Jim through 'reckless driving.' Colour Sergeant Smith was charged with 'aiding and abetting' the offences since he had given the order to keep driving through the junction.

In summary the case for the defence was that the landrovers

- were not travelling at speed,
- that the intention was to stop at the junction with Infirmary Rd thus trapping rioters who had been drawn into the street as part of a deliberate plan,
- that as they approached the junction they came under attack from stone throwers,
- and that Smith therefore gave the order to drive through the junction and into Creggan St where, according to Smith, there would be 'more cover and where my troops could dismount'.

From the outset the trial was deeply problematic from the perspective of the victims' families.

TRIAL JUDGE – BRIAN HUTTON QC

The trial judge was Brian Hutton QC. He had represented the Ministry of Defence during the now discredited Widgery Tribunal into Bloody Sunday. When Derry Coroner Major Hubert O'Neill described the actions of the paratroopers on Bloody Sunday as "sheer unadulterated murder" he was sharply rebuked by Hutton,

"It is not for you or the jury to express such wide-ranging views, particularly when a most eminent judge has spent 20 days hearing evidence and come to a very different conclusion,"¹

Hutton also represented the British Government at Strasbourg in the Ireland v UK torture case involving the 'Hooded men'. PFC later discovered documents at the National Archives in London proving that the UK had withheld key evidence from the court. He was later appointed Lord Chief Justice of Northern Ireland and went on to become one of the seven Law Lords who overturned the decision to extradite Chilean dictator General Pinochet to Spain. He also presided over the Inquiry into the death of scientist David Kelly following the first Iraq War. The Independent newspaper headline on the day following publication of the report was 'Whitewash?'

- After a preliminary hearing in Derry courthouse the trial was moved to Belfast amid defence concerns that a Derry jury could not be impartial in such an emotive case. That a jury drawn from the greater Belfast area *would* be more sympathetic towards the British Army appears not to have been considered.
- The trial took place at Belfast Crown Court between 14-20 January 1982
- As outlined above the nature of the charges, of reckless driving and aiding and abetting, ruled out any possibility that a jury might consider the actions of the landrover crew to have been deliberate. Lest there might have been any lingering doubt the judge intervened to make this point on a number of occasions.
- Labour peer Tony Gifford QC was deeply critical of the prosecution authorities on this issue in a report written for the National Council for Civil Liberties, (NCCL) ²
- He argued that a jury "*could conclude that those in control of the vehicle must have intended really serious harm to those in the crowd. If so the proper charge would be murder. If the jury was not sure that such an intention could be proved they could convict of manslaughter.*"

¹ http://news.bbc.co.uk/onthisday/hi/dates/stories/august/21/newsid_2500000/2500321.stm

² Death on the Streets of Derry, NCCL, 1982, pp 15, 16 on file)

- The NCCL report was also sharply critical of the trial judge:
“When he came to the prosecution evidence, he summarised the key witnesses in five paragraphs, and then set out about a long series of comments and observations, which stretch over six pages of the transcript, consisting entirely of points for the defence.”
- Hutton went on to advise the jury that,
“It is entirely for you to consider whether you think that perhaps unconsciously some of the witnesses called for the Crown (ed note-civilians) had a tendency somewhat to strengthen their evidence against the army.”
- The Gifford NCCL report argued that there was no similar attempt to point out the strengths of the prosecution case. *‘The analysis was all one way.*
- The judge went to some lengths to explore possible justifications for the actions of the soldiers asking of prosecution counsel at one point,
“Suppose that an army vehicle was going to deal with a riotous situation and there was a group of rioters and perhaps spectators on the road and as the army vehicle went over the crossroads the driver saw someone aiming at him with a rocket launcher and in the heat of the moment decided to accelerate and swing as hard as possible to the left and in doing that knocked down a couple of rioters ...”
- As is normal in the confusion of such an horrific event civilian witness statements were at odds on whether there had been stoning of the lead landrover, exactly where the landrovers had stopped in Creggan Street and where the two deceased had been when struck.
- Notwithstanding these variances in recollection ALL civilian witnesses, including a BBC reporter, had been unanimous in stating that the vehicles were travelling at speed down Creggan Hill and while crossing the junction into Creggan Street. Those who were within a line of sight were also clear that the lead landrover had then reversed over the body of Gary English.
- In summing up the judge made no attempt to issue similar advice about contradictions in the evidence given by the soldiers.
- Smith claimed that when he gave the order to drive through the junction his vehicle ‘had merely come to a standstill, my Lord.’ The prosecution failed to challenge this claim since, if true, this would have been at odds with all the other evidence and in particular the devastating injuries suffered seconds later by Jim Brown and Gary English.
- None of the soldiers aside from Smith and Buzzard admitted to being aware that a number of people were struck by the landrover yet civilian witnesses, some distance away, testified to hearing the thud of bodies being struck.
- Both Buzzard and Smith claimed that their vehicle had come to a stop some ‘10 to 15 metres’ into Creggan Street. Evidence from other soldiers contradicted this. Private Spring gave evidence that the lead landrover stopped more than 30 metres into Creggan Street.
- As outlined above there is a fundamental contradiction in the two claims that the vehicle had ‘merely come to a stop’ before or at the junction and had then come to a complete stop 10 to 15 metres into Creggan Street. The implication was that in the intervening distance Jim Brown was struck with such force that his body was thrown in the air and Gary English suffered devastating impact injuries. At no point did the prosecution seek to explore these contradictions. Judge Hutton made no mention of this in remarks to the jury.

- Trial documents suggest that no attempt was made to establish exactly where on Creggan Street Jim Brown and Gary English were lying after the incident. Sergeant Bradley gave evidence of finding a pool of blood on the street some 154 feet from the junction but he admitted that no blood sample was taken for comparison. This issue would again have been crucial in determining the speed of the vehicle and the distance into Creggan St that the landrover had travelled. If, as Smith had claimed, they had travelled 15 metres at most or some 49 feet how did one of the deceased end up a further 100 feet down the road?
- A further issue that was not properly explored was the claim that the intention of the two landrover crews was to trap rioters in Infirmary Rd and carry out arrests and that this had been thwarted by the actions of rioters who allegedly stoned the lead vehicle before it arrived at the junction.
- Did Lieutenant Colonel Howe, the Commander who devised this plan and issued the order from the 'baseline' in Infirmary Rd, dismiss or discount the probability that the landrovers would surely be stoned on arrival? Did Colour Sergeant Smith believe that that the crowd would disperse or hand themselves over for arrest? If the landrover was stoned at or near the junction was this not anticipated? Smith's claim that the situation his men found themselves in was 'dangerous' is a curious description given that he had ordered his driver to enter into a riot in armoured landrovers at speed firing plastic bullets as they did so.
- In cross-examination Smith claimed that his response to this apparent unanticipated stoning at the junction was to order his driver to '*...go further down where there would be more cover and where my troops could dismount.*' In fact Creggan Street offered less cover and they could not dismount. Again these issues were not explored at trial.
- Two issues deserve mention as the trial drew to a close. NCCL point out that the prosecution was represented by senior barrister Mr McCollum QC assisted by a junior, Mr O'Reilly. On the final day Mr McCollum was absent. No reason was given to the jury and he never returned. According to the NCCL,
- Mr O'Reilly was left to conduct the cross-examination of the defendants, probably the most difficult job for the Crown in the trial, and to make the final speech.

INSTRUCTIONS TO THE JURY

The issue of most concern to the family of Gary English concerned the instructions issued by the judge to the jury as they retired to consider the evidence.

His instructions were that:

1. That the accused in this case, Lance Corporal Buzzard, was in fact driving the vehicle in such a manner as to create an obvious and serious risk of causing physical injury to some other person.
2. Secondly that in driving in that manner the accused took a risk which it was unreasonable for him to take in the circumstances and thirdly,
3. That the driving of the accused caused the death of the person made in the charge.

In relation to Colour Sergeant Smith he instructed that the charge of aiding and abetting would be committed if,

1. Lance Corporal Buzzard committed the offence of reckless driving causing death,
2. That Smith was present with Buzzard in the landrover and did encourage him ... to drive the landrover in such a manner as to create an obvious and serious risk of causing physical injury to some other person and thirdly,
3. That in encouraging Lance Corporal Buzzard to drive in that manner, Smith took a risk which was unreasonable in the circumstances.

Tony Gifford QC was highly critical of these directions to the jury and argued in the NCCL report that Justice Hutton had disregarded a ruling from the House of Lords on the issue of reckless driving despite the fact that this ruling was binding case law in this jurisdiction. (see appendix I)

The most controversial and from the family perspective, perplexing instruction to the jury concerned the issue of the landrover reversing over Gary's body. On this Hutton made the following direction,

"...you can put out of your mind on these charges the question whether the first landrover reversed back over Mr English."

The jury was directed to disregard the issue of Buzzard reversing over the body in the context of a prosecution for reckless driving because the state pathologist, Professor Marshall, was of the opinion that death had occurred due to a transaction of the aorta, the principal artery of the body. Most importantly and controversially he claimed that this was as a result of the initial impact and was NOT one of the many crushing injuries that followed.

This led the judge to direct,

"Therefore, because the charges here are of reckless driving causing death, you can leave out of account any question of a landrover reversing back over Mr English because unfortunately he was already dead or already sustained fatal injuries from the first impact."

This direction has caused great anger and distress for the English family and the wider community over the years. Professor Dalgaard, the Danish traffic pathology expert retained by the family, came to a strikingly different conclusion which is discussed in detail below in the Inquest section. His professional opinion was that Gary died as a result of the transaction of the aorta but that this was a crushing injury resulting from the $\frac{3}{4}$ ton landrover reversing over his body

Some might argue that Hutton was correct in referring the jury to the evidence presented at trial and Dalgaard had not yet been retained at this point. But there is an additional concern. Lance Corporal Buzzard had no reason to assume that any one of the individuals he had struck with his vehicle was fatally injured. His information when he made the decision to reverse was that a number of people were lying injured on Creggan Street. His immediate superior, Colour Sergeant Smith, had actually exited the vehicle in Creggan Street, presumably to assess the situation. Did he not see the injured? Then he gave the order to reverse.

TRIAL POSTSCRIPT

Colour Sergeant Smith was charged with aiding and abetting in the deaths of Gary and Jim in August 1981. He was released on bail. In January 1982 he went on trial. The following exchange occurred during examination with his counsel at trial.

Q 310 and have you since been promoted?

A I have my Lord

Q311 And you are now about to take up duty as a warrant officer class II and that would be what used to be as a company sergeant ?

A That is correct my Lord.

At some stage *after* the deaths of two teenagers on the streets of Derry and *before* the subsequent trial in connection with these deaths senior officers in the Royal Anglian Regiment, possibly at the suggestion of MoD lawyers, thought it appropriate and ethical to promote a man whose order led directly to those deaths. The message to jurors could not have been less subtle.

On January 20th 1982 both men were found not guilty by majority verdict on all charges.

Interview with Michael English continued

GARY'S DEATH – A FATHER'S INVESTIGATION

To begin Michael's account of what really happened, it must first be said that he believes that Gary, although he did not speak of it often, had deep political affiliations. "I remember one day, there were reports, premature as it turned out, that Bobby Sands was on his last breath in jail.

"Gary closed the doors of the 'Northern Counties', that bastion of unionism, and put a sign on the door 'Gone to Bobby Sands protest. Back in an hour'. Funnily enough, no-one ever made a complaint about it."

Accepting that his son had deep political beliefs, Michael also accepts that Gary had been "actively engaged" on the day he died. "But it wasn't a riot. There were just a handful of boys. You can see that from the RUC photographs. Only about ten of them."

How could he be sure? One day in court, Mickey had spotted a booklet of official RUC evidential photographs and had purloined it. "I regarded it as mine. It was all about my dead son", he says.

One photo showed Gary's body, clothed, taken from the right-hand side, lying on the mortuary table. Another, taken from the same angle, showed his naked body. A third was of his back, his body half-turned, and Mickey could see a broad abrasion from the pelvic bone to the shoulder.

A fourth showed an Army landrover, taken at Strand Road RUC barracks, showing damage to its front grille. "Stones had clearly been placed in the grille. Stones far too large for anyone to lift and throw. The evidence had clearly been manufactured to make it look as though those in the landrover had reason to fear for their lives", says Mickey

The few lads there were hardly going to riot, he said, when people were coming out of Sunday mass at the adjacent Cathedral between six and seven o'clock.

"It wasn't like the routine rioting that happened at 'Aggro Corner' down in Rossville Street. I truly believe now that the British Army moved its vehicles up the hill towards the Cathedral to provoke trouble on that day.

"I listened to every bit of the evidence in court and I became acutely aware of why the court case was taking place - and I still hold fast to that 35 years later. It was simply the only way they could hide the truth - by taking control of the evidence."

"It was a well-planned project to prevent the truth being discovered. A court is a tribunal of fact but from where I was sitting we were getting a tribunal of fiction. Let me give you just one example.

"One expert witness, giving evidence as a forensic scientist, was telling the court that Gary was struck, knocked forwards and trapped underneath the front axle of the landrover and his body pushed forward by the motion of the jeep - and that was the reason for the oil marks on his jumper.

"How then could those in the back of the landrover see his body behind them? How could the landrover then reverse and crush Gary's body?"

Listening to what he sees as the parody of evidence produced by the Crown prosecution side in court, and hearing the inevitable verdicts of 'Not Guilty' on the two soldiers most directly involved in his son's death, Mickey decided he could not tolerate the outcome standing as a permanent record of his son's death.

GARY'S DEATH – THE FIGHT FOR AN INQUEST

"I could not come to terms with what I had heard and seen in court. I was not legally-educated but even I, as a spectator, could see that justice was not done. My brain would not let me.

"The legal system has totally disillusioned me. The Greek philosopher Plato wrote that people should not believe the law has any moral value as it belongs only to the people who make it - that is the state - not we 'plebs' who must obey it.

"At that stage, I had no access to any legal help - it was just the Crown Prosecution Service making its case and the Ministry of Defence lawyers defending the two soldiers. Both of them were promoted, by the way, after their acquittals. One from Colour Sergeant to Warrant Officer and the other from Lance Corporal to Sergeant."

The local Derry papers covered the trial but there were no large features, no double-page spreads. Mickey had popular support but there were no powerful influences who could lobby on the family's behalf.

It was a lonely and frustrating time for them all.

Mickey did have some friends, however. Lord Gifford's booklet was at least some publicity and, as a result of its publication, Mickey was invited to speak at various venues in Britain.

He spoke at Leeds City Hall, at the Polytechnic in Manchester, at John Moore's University in Liverpool, in Birmingham and in Sheffield. "When we arrived in Sheffield, we noticed all the union flags were flying at half-mast. it was a bit of a mystery but we found out why. HMS Sheffield had been sunk the previous day in the Falklands."

It wasn't the best time to tell the British that some of their soldiers were killers.

"I spoke in the open air beside the statues in Trafalgar Square and at the famous Conway Hall in Red Lion Square also in London - all organised by the Troops Out Movement.

"I actually got a fair hearing in Britain. I found many people there were open minded and prepared to listen. I had many English friends having worked in London for three years as a telephonist and in Birmingham for three years as a postman."

Then came another hammer blow. Mickey's solicitor received a letter from the Lord Chancellor's office telling him that, as the trial had aired the case fully, settling out when and why Gary had died, there was no need for an inquest.

"It said the cause of his death had already been well-established. I wasn't prepared to take that lying down and challenged the decision publicly in the local press saying no true cause of death had been concluded and saying the family was entitled to a full inquest.

"It was a sorrowful way to learn, a heart-breaking way to learn, but I had to learn about the legalities. I learned about 'primary' and 'secondary' sources and their relative values and something of forensics.

"Although inquests in Northern Ireland at the time were hamstrung and their legal powers limited, I was determined to get a hearing for Gary. At the trial, all I was called on to say from the witness box was my son's name and date of birth. And that was it.

"After the court case, I went to see a solicitor to get a better insight into how I could look into it further. The answer was costly, financially. If I wanted to purchase the trial transcripts, I would have to pay nearly a thousand pounds.

"I had a young family and had no money but my solicitor was prepared to advance the money on the basis that I would, eventually, receive some compensation for Gary's death. So I bought the transcripts.

"I had been disturbed throughout the court case on hearing the evidence, but on receiving the transcripts, I was totally shocked, horrified to the soles of my feet. It beggared belief what they said.

"Just one example, and it wasn't an easy thing to do, came from comparing the transcripts of the post-mortem reports into Gary's death and James Brown's. To me, it simply didn't make sense. The accounts in court of what happened conflicted completely with Gary's post-mortem report, in effect making the trial redundant.

"The post-mortem report into James Brown's death was more detailed, in so far as what injuries he suffered and specifically how those injuries were inflicted.

"It said of his death that it was the result of having been struck and knocked down by a motor vehicle while Gary's just said he died as the result of being involved in a motor vehicle incident. Why the difference?

"Then I got a letter from my solicitor saying there would be an inquest after all. That meant I had to start hunting for counter-arguments - and I needed a pathologist and a barrister to do that".

GARY'S DEATH – THE BATTLE FOR INDEPENDENT EXPERT OPINION

Mickey set about getting both, again through his own contacts. Through Dr. Paul Redgrave, whom he had met through Troops Out, he contacted Professor Jorgen Dalgaard, state pathologist of the Jutland Peninsula, Denmark.

The first snag came, however, when the professor, a specialist in traffic pathology, told Mickey that he had a high regard for the work of Dr. Marshall, the state pathologist in Northern Ireland who had carried out the original autopsy on Gary.

Mickey remembers Professor Dalgaard telling him that, if Marshall had carried out the investigation, it would have been of a high standard and he could be of no help. Mickey said he understood but would Professor Dalgaard mind if he forwarded the papers given in evidence to the court?

The professor had replied that Mickey was free to do that but he didn't think it would make any difference. "But he took my number and I arranged for all the documents to be forwarded as required.

"Five days later I got a phone call from Denmark to say how shocked he was. He was more than surprised. He told me that if I needed his help, he was willing to come over and say how my son died.

"That was a big day for me. I knew the professor had come across what I had come across. I felt vindicated for the first time".

But Mickey still needed a barrister.

Lord Gifford's services were already engaged for the indefinite future. Mickey needed someone else and one day, at Hackney Labour Club, he was introduced to Michael Mansfield QC who asked to see the documentation.

Mickey and Maureen made their way to Mansfield's apartment at the upmarket Bedford Square, near the British Museum in London. "It was like wandering onto the set of Poirot. There was a metal gate on the lift and a concierge", he remembers.

Mansfield offered his services at a cut-down rate and said he could further reduce costs if he stayed in family homes overnight in Derry during the inquest. "The deal was done" says Mickey. "All our ducks were in a row".

Then another blow. Mickey's Derry-based solicitor wrote to say that, after he had given the legal line-up for the inquest to the Coroner's office, the Chairman of the Northern Ireland Bar Council had objected to Mansfield appearing for the English family.

The Bar Council had written to the Coroner saying Mansfield was not fully-qualified to appear before a court in Northern Ireland.

Mansfield then had a brain-wave. He told Mickey that, under the rules of inquests, he could represent the English family as a personal friend. There was no legal stipulation that family friends could not represent interested parties at inquests. The representative could be a plumber, an electrician or a brick-layer - there is no disbarment.

But even that ruse did not work. The Chairman of the NI Bar Council replied claiming that Mansfield would still be perceived to be acting as a barrister.

Looking back at this distance, Mickey said he should have cottoned on quicker.

But at the time, his Derry solicitor accepted the Bar Council's objection. "He told us we were snookered and we would just have to live with it."

THE INQUEST

WARNING: This section of the report contains graphic descriptions of the injuries sustained by Gary English that may be distressing to the reader.

(?) denotes when a word is illegible from the court papers.

POST-MORTEM EXAMINATION

- Autopsy carried out by Thomas K. Marshall, MD, FRC Path, State Pathologist for Northern Ireland, at 6.30pm on Monday 20 April 1981 at Altnagelvin Hospital, Derry;
- Doctor Marshall lists the extensive internal and external injuries to Gary and comments that *“The combined effects of these multiple injuries caused his rapid death.”*;
- The autopsy list two injuries sustained to Gary’s aorta and states that the heart was extruded from the heart sac.
- Commentary also states that:
“There was an allegation that a landrover had reversed over the body. There was no unequivocal tyre mark on the skin but there was a broad abrasion across the back of the chest. However, the way in which the heart had been extruded from its sac... suggest more a crushing than an impact injury. Consequently it cannot be excluded that a wheel or wheels passed over the trunk. The transaction of the aorta, the principal artery of the body, was an impact injury and since this would have been rapidly fatal any injuries caused by the body being run over, if such occurred, would have had no influence on the fatal outcome.”

INQUEST

- The inquest into the deaths of Gary and Jim began at Derry Courthouse before coroner Mr Ronald O’Doherty on 22 March 1983. It was adjourned and recommenced on 3 May 1983, concluding on 4 May;

EVIDENCE FROM PROFESSOR MARSHALL

Professor Marshall provided oral evidence at the inquest in addition to the written autopsy reports. He stated that:

- The mark on Gary’s back may have been made by a tyre;
- At the time he carried out the post-mortem he had no inkling that a tyre might have passed over the deceased. The width of the pattern was like that of a tyre;
- Marshall stated that it was probable that a wheel passed over the trunk;
- Some of the injuries were caused by crushing. Other injuries were likely to have been caused by the impact of crushing;
- Marshall states that *“The aorta injury was the fatal one. Rupture 2 ½ centimetres below subclavian artery. The clavicle itself was unfractured. ... I have seen aorta damaged by crushing but this was unusual- **usually two or three damages. It is highly improbable that (the) aorta injury was caused by tyre going over the body.** If the tyre crushed the aorta it would have been several inches further down. The (?) impact of the (?) to the ground may have caused the aorta injury. Impact was the probable cause.”*

- He disagrees with Dalgaard's analysis, stating that it was *"Improbable that aorta injury was caused by crushing rather than by impact. The impact causing the tear to the aorta could have been to any part of the trunk. Injuries found are not inconsistent with having been dragged under the jeep. Rupture of aorta would have caused rapid death."*

EVIDENCE FROM PROFESSOR DALGAARD

- Professor Dalgaard was a registered medical doctor, professor in forensic medicine at the University of Aarhus, Denmark, and also the State Pathologist for the Peninsula of Jutland, Denmark;
- He was commissioned by the English family to provide his expert opinion on the nature of the injuries sustained and cause of death;
- Dalgaard had a specific interest in traffic pathology and had performed several thousand autopsies of which approximately a third were traffic cases;
- He had sight of Gary English's autopsy report and three photographs but did not personally examine Gary's body. He was also provided photographs of Gary's clothing and other relevant information regarding the locations and vehicle involved in the incident;
- He stated that ***"(There were) extensive internal lesions are of a type which could only be explained through the assumption that the body was virtually crushed, that means it had been run over by the tyre from a heavy vehicle."***
- These injuries were extensive and extremely severe and caused immediate death. *"There were in fact several fatal lesions."*
- Agreed with Marshall that *"The cause of death was these multiple lesions."*
- Disagreed with Marshall regarding the cause of the fatal injury. *"(Marshall) thinks that the rupture of the main artery might have been an effect of the primary impact and maintains that the boy thus might have sustained the fatal lesion before he was overrun by the landrover. I think this is highly improbable."* (Emphasis added).
- Dalgaard stated that *"such lesions ...very rarely occur due to impacts from behind. They can occur in crushing accidents. I think the main artery in this case ruptured during the first phase of the over running..."*
- He stated that he has seen such aorta ruptures in running over cases;
- Pointed to supporting evidence, namely a pattern on the shirt;
- Dalgaard outlined why he did not think this was an impact injury, impact was not adequate;
- The rupture of the aorta caused death.

EVIDENCE FROM JOHN TAGGART

- Mr Taggart was a member of NI Forensic Laboratory;
- He undertook a forensic examination of the landrover and of the clothing that Gary English and Jim Brown were wearing (date unknown, clothing received 21 April 1981 from RUC);
- Taggart stated that *"The two youths, Brown and English, had been running directly across the path of the landrover when struck...English was struck by the front offside of the landrover 18 inches from the near side and therefore projected forward into the path of the vehicle being subsequently caught by the front axle and taken forward with the vehicle. One wheel of the landrover has passed over the left sleeve and left side possibly as a result of the driver reversing to free the body from the vehicle."*

- He agreed that he was speculating;
- Taggart said he could see no signs that a tyre passed over Gary's body, and that the marks (on the clothing) were caused by the front axle;
- He stated that he did not argue from the pathology produced that a tyre passed over the body;
- Taggart stated that there was a tyre pattern on the main body of the shirt produced at the inquest, and accepts it is Gary's shirt, but stated that it was not present when he initially examined it*;
- Taggart stated that *“(Gary’s) body was not pushed from the place it was struck. It was projected forward. The driver ought to know if he struck a body in such circumstances. I don’t think he would know he had reversed over the body.”*
- No explanation of why he believed the driver would not know if he reversed over a body, or how he was qualified to make such comments.
 - » *The Historical Enquiries Team (HET) interviewed the officer, Sergeant Bradley, in charge of the investigation as part of their review. Michael remembered the comments made by Taggart during the inquest and stated that these comments confused him. He recalled that Gary's clothing had been returned to the family after the trial, and Taggart was implying that someone must have added the tyre marks after the scientist initially examined it. This “made no sense” to him;
 - » The English family provided the HET with Gary's clothing from the incident. The HET commissioned an examination of the clothing by the forensic laboratory, who also were provided with pictures of the landrover;
 - » The forensic scientist examined numerous markings on the shirt, including marks on the sleeve (originally picked up by Taggart) and discoloration on the rear of the shirt that was consistent with the pattern on the tyres from the landrover;
 - » He/ she concluded that it was probable that all the markings were made at the same time, during the collision.

FINDINGS AT THE INQUEST

- The cause of Gary's death was 'multiple injuries.'
- The findings of the coroner are that:

“On the evening of Sunday 19 April 1981 at about 6.30pm a large crowd of youths was stoning an Army unit located at Infirmary Road, Londonderry near its junction with Creggan Road, Creggan Street and Lonemoor Road. Shortly after 6.50pm an Army Patrol comprising 2 landrovers approached the junction by driving down Creggan Road at high speed. As the leading vehicle came near the junction it was stoned by rioters. It did not stop but drove on across the junction into Creggan Street followed by the second landrover.

As James Gary English ran down Creggan Street he was struck by the bumper of the leading landrover on the lower part of the body, causing him to come in contact with the front of the landrover, thus causing the fatal injury. His body was thrown on the roadway. As the landrover reversed from its stopped point in Creggan Street back across the junction and into Creggan Road it passed over the prostrate body of the deceased. Mr English sustained injuries from which he died before his body was brought to Altnagelvin Hospital at 7.20pm.”

IN SUMMARY

- Both pathologists agree that Gary's death was caused by multiple injuries, with the primary cause being the rupture of the aorta;
- Marshall argues that this particular injury was caused when Gary was struck by the landrover, i.e. an impact injury;
- Dalgaard's evidence is that the rupture was caused by crushing and this is consistent with other cases he has seen;
- Dalgaard's evidence is that the initial impact injuries, although extensive, would not have been fatal;
- Marshall states in his evidence that when an aorta is damaged by crushing there are usually two or three damages;
- Marshall's post-mortem examination of Gary's heart notes two damages to the aorta that is consistent, according to his own evidence at inquest, with a crushing injury;
- Dalgaard's conclusion that Gary's death was caused by a crushing injury, from the landrover passing over his body, is therefore supported by the findings in the post-mortem examination and Marshall's oral evidence in court;
- It is therefore reasonable to conclude that the initial impact was not fatal and had the landrover not reversed over Gary he would not have been killed.

Interview with Michael English continued

GARY'S DEATH - THE INQUEST

In a last-minute rush, the Derry solicitor found a barrister prepared to take on the task but, says Mickey, "I don't believe he received the papers in time to formulate an adequate case at the inquest."

But at least Dr. Marshall had, for the first time, to defend his expert evidence taken from the autopsy against that of one of his peers, Professor Dalgaard. Marshall had said that, while there was evidence of crushing injuries, Gary had been killed, instantly, by the impact of the landrover hitting him and causing a transaction of the aorta. Any further injuries would therefore have been incidental, he had told the trial.

Professor Dalgaard had found that Gary's death was caused moments after the initial impact by crushing injuries that could only have been caused by a landrover rolling over Gary's body.

Marshall's report included details of multiple injuries to virtually every single internal organ. They had nearly all been forced out of their sacs - the lungs, the kidneys, the liver, the heart.

Yet in court, he focused almost entirely on an injury to the aorta, saying this alone had caused Gary's death. Jim Brown, who had been smaller in stature than Gary, had an intact aorta. If they had both been subjected to the same impact from the front of the landrover, how was this possible?

"At the court case", says Mickey, "Marshall only had to swear an oath and read his evidence verbatim. He wasn't challenged. At the inquest, he had to defend himself. And he found himself down the bottom of the deepest well you can think of."

“That, however, was not spotted in time by our legal team. I realised the discrepancies and contradictions in the pathology evidence because I knew the case back to front. But I was sitting at the back of the courtroom.

“My hands were tied. I had no right to stand up and say ‘Hang on a second, that’s wrong. Marshall has to defend his assertions and counter Professor Dalgaard’s evidence that clearly states that Gary’s aorta was cut, transacted, one-and-a half times’.

“The verdict of the inquest, in the end, was that both Gary and James were killed by impact injuries as they ran down Creggan Street and were struck from behind by a landrover travelling at high speed.

Mickey points out that none of the 12 jurors came from the West Bank of the Foyle. The inquest verdict was yet another knock-back, another slap in the face. “We were back to square one and there we stand with no other legal recourse to truth and justice”, says Mickey.

“We never finished grieving for Gary as a family because, four years later - and four years is the mere blink of an eye when you are grieving - we lost Charles and went through it all again.

CHARLES ENGLISH – A LIFE

Charles English was Mickey and Maureen’s third child, their second son, coming after Gary and Pauline and one of seven children born to the couple between 1961 and 1970 along with Michelle, Stephanie, Mike and Keith.

Charles was born on 26 July 1964.

“He was very different from Gary. The rest of our children had dark-blond hair but Charles was darker, with darker skin and chocolate-brown eyes.

“Although he was a fighter, he was also sensitive. If you challenged our other children for some bad behaviour, as a rule they would deny what they had done. With Charles his eyes would well up in tears.

“He was tough physically though, a hard man, an athlete who enjoyed circuit training and never smoked. He was a keen marathon runner. I have a wallet full of his medals for swimming and running.

“At school he was fair, not excellent. Competent rather than accomplished, and popular with staff and students at Long Tower primary school and later St. Peter’s because of his athleticism. He was a brilliant footballer.

“People would queue up at the door to ask him to play for their team. His regular teams were Foyle Harps and Celtic Swifts. He was Sportsman of the Year when he was under-11 and swam for the city of Derry.

“Friends would call him ‘Charlie’ but he was ‘Charles’ in the house and if anyone came to the door asking for ‘Charlie’, Maureen would tell them there was ‘no Charlie’ living there.

“At the time of his death, he had been accepted by the regional technical college to continue his education but never got the chance to take it up - or even know that he had been accepted onto the course.



(Photograph: Charles English provided by English family)

“He had two hard knocks in his life. Gary was killed four years before Charles died and then his best friend was also killed in tragic circumstances.

The two young men had grown up together, his friend living close to the English home in Cable Street. They had run marathons together.

[Charles himself was killed on 5 August - ten days after his 21st birthday. Mickey reckons he must have been about 18 when he joined the IRA.]

Mickey was on his way home that day, passing the Bogside Inn, when he came upon Charles standing, impassive, on the corner. “He was in a complete daze and threw his arms around me, telling me Richard had been killed. He was devastated.”

Charles had, meanwhile, become quite a ‘pin-up boy’ for the IRA in Derry. One Easter, a photograph of him in full IRA military uniform, including a balaclava, and carrying an Armalite, had been taken under the flyover.

“It became an iconic image. Everyone in Derry knew who it was. The image was even reproduced on the reverse of a republican dinner-dance place-card.”

But after his best friend’s death, father and son had a straight conversation.

“I tried to persuade him that there were other ways to go. We had a man-to-man talk about it. But Charles had it all worked out and knew the consequences of his decision very well.

“I told him he could spend a lifetime in jail or on-the-run or he could end up returning home like Gary had, dead. But he said that he had to ‘live his life’ and, in any case, those outcomes could ‘never happen to him’

“He said that he had stood in court, and at the inquest into Gary’s death, and listened to the lies. Everyone had known what had happened to Gary but no-one would tell the truth.

“Charles said the only thing the British understood was force. He said he was doing it his way – that my way had been tried and it didn’t work.”

ANOTHER SON’S DEATH

In the 1985 Derry August holidays - the first two weeks of the month - Mickey had gone to the ‘Gate Inn’ near Butcher Gate in the city’s walls to meet friends, play snooker and take a pint.

Just as he arrived at the bar, he heard a thud - but he paid no heed as that was a regular occurrence in Derry at the time. “But”, says Michael, “I couldn’t settle. My head was telling me that something was wrong.

“Then word went round the bar that there had been an explosion down in the Bogside but it did not seem that anyone had been hurt badly or killed.

“Again, I couldn’t settle into the evening. I said to my friends that I was going home. I got my coat and, without even finishing the game, I set off down the hill at Fahan Street. Then I saw Jim Meenan, who knew Charles well. I noticed how Jim was avoiding my eyes. He was looking at the ground with his head down. I challenged him and asked him what was wrong, what was it that he was not telling me?

“Jim said that Charles had been hurt but that he was going to be all right. He said he had seen Charles getting into a car with a republican ex-prisoner, Eddie McSheffrey. I asked Jim if he was ‘absolutely sure’ and he said he was. He had seen them both getting into a car. So I made my way home.

“Then Maureen’s two brothers arrived at the house in a car. I went out and they told me to get in and they would take me to Altnagelvin Hospital. They didn’t know many details. I decided to go, first, to the house of Maureen’s brother, Gerry Doherty, at Carnhill. He was known locally as ‘Mad Dog’ and if anyone knew what had happened, it would be him. But when we arrived, he knew nothing either.

“As we arrived at the Leckey flyover, I feared I wasn’t going to any hospital bed. I was going to the morgue again just like I had four years before with Gary. When I reached Altnagelvin, a nurse came over to me and said the doctor wanted to have a word. I told her that ‘I knew the words the doctor wanted to tell me and I didn’t want to hear them. I just wanted to see my son’.

“The nurse was flustered and repeated that the doctor ‘wanted a chat with me’. I turned around and saw Gerry Doherty, a big strong IRA man, with tears running down his cheeks after hearing me saying that I knew I was going to the morgue, not a hospital bed.

“I hit Gerry a big slap in the face and told him that, if he was going to go down to the morgue with me, he was not going to do so crying so they could see how badly we were hurting. I got him a tissue and he stopped crying.

“On the way to the morgue, I saw a CID detective I knew, Derek Martindale.

“‘Mr English,’ he said, come with me.’ “Martindale took me outside to a car parked in the hospital grounds. A constable flashed a torch into the back of the car and asked me to identify my son.

“‘I can’t identify him like this’, I said. ‘At least open the car door and let me inside to see him’.

“Martindale said he needed to keep the car clean for forensic examination.

“I asked who had pronounced Charles dead. Martindale replied that it had been a doctor.

“So I pointed out that a doctor had been allowed inside the car and touch the body to pronounce him dead. Why not me? The forensics had already been compromised.

“I asked Martindale how long the car had been in that position and he said two hours. I pointed out that this was not where the explosion had taken place - so why was my son’s body not on a trolley and inside a hospital environment for me to examine and identify?

“Martindale could not answer. I knew that my son’s body and the car had no real forensic value. I knew as much at this stage about forensics as Martindale did, if not more.

“The RUC were deliberately twisting the knife, causing me as much pain as possible. Martindale gave up and left the scene, telling the constable to open the door and let me see inside the car”.

But the confrontation did not end there.

“A Scottish detective asked me to sign a pink form identifying Charles. Martindale had returned by then and told the Scottish police man to make a verbatim note of what I said. I identified myself by my full name and gave my address as Cable Street, Derry City, with the postcode BT48 9HG.

“The Scottish man wrote it down. I asked him to read it back and he read out my address as ‘Londonderry’. I stated that I had not given that as my address. I had given Derry City. I told him I had ‘more important things to do at this moment than correct you. I have to tell my family about the death of my son.’

“‘By the way’, I said, Mr. Martindale, there are more detectives around here than I can count. When my other son was killed, there was only one uniformed constable in the morgue. There was no-one else around to investigate what had happened.

“The contrast between the two killings was obvious. Martindale tore up the pink paper and

threw it in the bin, ordering the Scottish man to ‘Write down exactly what Mr. English says’”.

After the altercation, Mickey signed the form and left to go home to speak to the family and organise a wake for Charles.

The funeral was massive. Virtually the entire Bogside, Creggan and other nationalist areas came to a halt. Charles English got full military honours.

“The night before the funeral, a colour party came to the wake-house and removed the coffin into Cable Street and put it on a trestle table. A volley of shots was fired over it and the coffin taken back into the family home.

“There were queues for days up and down Cable Street with people waiting to pay their last respects but, the morning of the funeral service, at 7am, a red Cortina full of RUC men drove past the house carrying white ribbons.

“Those inside sang out ‘Wee Charlie’s gone, wee Charlie’s gone’ and pumped the horn. The Cortina was followed by a British Army landrover, also bedecked in ribbons, with those inside shouting out the same words.

Charles’ coffin was one of the last the Catholic Church allowed to funeral mass carrying the tricolour. His three sisters bore it out of the chapel down the Leckey flyover - observing a “sea of grey RUC landrovers” engulfing the Bogside.

“The cortege stopped outside the family home in Cable Street and, in Westland Street, a colour party joined in. Wearing full military gear, including balaclavas and berets, the colour party took up the coffin. Amongst them were the Sinn Féin leader, Martin McGuinness, and Martin Galvin of NORAID in the US.

“The roads were lined with RUC landrovers who began squeezing mourners between increasingly narrow lines. But the force of numbers defeated the police who realised that, if they had moved in to arrest the colour party, it would have sparked a major incident”.

THE IRA EXPLANATION

The IRA later gave Mickey a detailed account of what had happened to Charles. “It was totally accidental. Charles, Eddie and another man had been exiting a house into a narrow alleyway near William Street. Charles was leaving first, carrying a home-made rocket-launcher over his shoulder with his finger on the trigger. Eddie was carrying a rifle.

“Charles had somehow tripped on the door, on a draught-excluder, which had thrown him forward. He had realised what was about to happen and instantly tried to slam the door behind him to act as a barrier to protect the other two men behind it.

“As he did so, the warhead had hit the brick wall on the other side of the alleyway and detonated, sending shrapnel all around. Eddie had stumbled too and shot his toe off and was also wounded with wooden splinters. All three of them must have been in shock.

“Charles got hold of Eddie and carried him to a friend’s house nearby, about 30 yards away and laid him down. It’s unbelievable he was able to do that when he had been so badly wounded - he was so strong and fit.

“His friends went to a nearby Chinese restaurant in the Market Flats [Note: Rossville Flats] and commandeered a car belonging to someone they knew who worked there. Charles and Eddie got

into the car and the man began driving them to the border and Letterkenny Hospital.”

It was at this stage that Jim Meenan had seen Charles and Eddie, climbing into the car, believing them, quite honestly, not to be seriously injured.

Another friend, Frank McMenamin had joined them in the fleeing car on the road to Letterkenny but, as they reached the outskirts of the city, before Killea, the driver panicked and refused to go further.

The party turned back and drove back to the Brandywell where a leading republican in the area was sent for to get advice. “Eddie didn’t want to go to Altnagelvin as he had been released from jail already and knew he was going back there if he was arrested” says Mickey.

“The senior republican arrived. He took one look at the two of them and immediately ordered that Charles and Eddie go straight to Altnagelvin as soon as they could. So they headed for Altnagelvin. As they were driving over the Leckey flyover, past the Long Tower Church, Frank says Charles put his head on his shoulder and quietly said, ‘I’m dying’.

“I think myself he died very soon afterwards. Shrapnel had entered his right lung, causing internal bleeding. Charles drowned internally. Ironically, if they had gone to Altnagelvin straight after the explosion, Charles may very well have lived.”

“Charles had told me himself that he had his own life to live”, says Mickey. “He knew what he had chosen. We had spoken as father and son. I had hoped he would step back from it but, looking back, the injustice inflicted on the family over Gary’s death, his murder, may have pushed him over the edge.

“I accept what happened to Charles in a way that I can never accept what happened to Gary.”

REVIVED HOPE – THE HET STEPS IN

After failing through the courts to get justice for Gary, Mickey says his life became “flat-line”. Then something happened to change it.

“I had accepted that my campaigning was over, that I had come to an end of a long road. I was taking great pleasure in my grandchildren. I was managing to get on. “Then a large, brown envelope came through the front door in the post - it was 8 August 2012.

“The letter was from the Chief Constable [of the PSNI], Matt Baggott. It contained a mission statement from him informing me that the death of my two sons would be part of the inquiries being conducted by the Historical Enquiries Team [HET].

“It promised me that the process would be family-orientated and that the HET would do its best to get to the truth. I thought, ‘It’s easy to make promises in a mission statement’ but I elected to engage through an intermediary, The Pat Finucane Centre. My daughter, Stephanie, had previously worked as a paralegal with the PFC and they were willing to take it on. The PFC became a buffer.

“I had no real expectation of getting to the truth, verbatim, as it should be told. But I had hope. If people asked me if I expected to get the truth, the answer was no. But I had hope, not about the outcome but that maybe I would get the chance to communicate with someone who was honest and courageous enough, someone with integrity to translate the evidence into a report that told the truth.

“The next step was, through the PFC, to meet the two former police officers who had been appointed to look into the case. One was the lead investigator who I found very forthright. I

study people and that is how I found him. I thought to myself, maybe there is someone here who will listen and have some courage and honesty.

“I told him that all I could do was present him with the facts and his report would reflect on his own integrity and that of the HET in general. He looked at me in some surprise. I could see the thought processes running through his head.

“He asked me what facts was I going to present him with. And he was surprised at the quantity and quality of the evidence I was able to give him which included the transcript of the trial of the two soldiers and of the inquest and photos of Gary and his clothing.

“I told him, ‘You take them away and come back to me with your conclusions because the right questions have never been asked’.

“The lead investigator was a former senior police officer in Manchester - but he was taken off the case and another man, an ex-Metropolitan police officer replaced him. He had also previously been seconded to the PSNI for six months.

“All I can say about him was that he was a ‘firm’s man’. As Jean-Paul Sartre said, he was a ‘sentinel of colonialism’. The report he wrote was a mere synopsis of the court case, devoid of any of the relevant questions needed to establish the truth.”

Mickey never read the whole report prepared by the HET and presented to him about four years later in 2016. The front page was enough.

“Before I had turned a page, I saw the introduction on the fly-leaf which introduced my son as ‘Constable Gary English’.

“Now I have learned to control my emotions but I could not contain myself. I broke down and had to go into the corridor. I walked up and down. I had waited three years and that was what I got.

“It was a complete and utter insult. Even Paul O’Connor [of the PFC] was shocked and amazed. It was as if they had simply collated a number of newspaper clippings and rehashed them. As if they had slammed them altogether and put a cover on it about who it referred to.”

HISTORICAL ENQUIRIES TEAM (HET)

CHRONOLOGY

- The HET wrote to Gary’s father (Michael) on 8 August 2012 stating that they were about to begin the reviews into the deaths of Gary English and Charles English.
- The purpose was to re-examine the circumstances of all the deaths that occurred during the ‘troubles’ and to *“provide the families with as much information as possible about death of their loved ones, and to assess whether or not there are any new investigative opportunities which can be taken forward.”*
- Gary’s father met with the HET investigators at PFC’s offices in the Rath Mór centre, Derry, on 26 September 2012. He outlined his expectation that the investigation would be conducted with ‘integrity and objectivity’, as promised in the HET’s literature.
- Michael asked the HET to answer a number of questions concerning Gary’s death, including the fundamental issue of how exactly Gary died, i.e. were his fatal injuries caused on impact with the landrover, or as a result of the vehicle reversing over his body.

- Michael provided the HET with documents relating to Gary's death, including:
 - » *Court papers dated January 1982 relating to the prosecution of Buzzard and Smith for reckless driving causing the death of James William Brown and James Gary English, including witness statements, transcripts of examinations in chief, transcripts of cross-examinations, the judge's summing up and the verdict;*
 - » *Court papers relating to the inquest that took place on 22 March 1983 in Derry Court House including a copy of the autopsy report, inquest depositions and the verdict;*
 - » *Photographs of the clothing Gary was wearing when he was killed.*
- These documents were copied and scanned for PFC and the HET. Mr English retained the originals.
- Following the meeting, PFC and Michael accompanied the two HET investigators to visit the site of Gary's death.
- In or around March 2013 PFC was informed that the lead Senior Investigating Officer (SIO) had been reassigned. Shortly after, the new SIO met with Michael and PFC in Derry.
- At this meeting Gary's father provided the HET with the original clothing that Gary was wearing when he was killed. The HET agreed to forensically test same.
- HET was suspended on 3 July 2013 following the publication of an inspection report by Her Majesty's Inspectorate of Constabulary (HMIC) (details below). The Chief Constable at the time, Matt Baggott, states that all cases that involved the military that had been examined by the HET would be reviewed again.
- On 21 November 2014 the HET provided the family with a Review Summary Report into the circumstances of Charles' death. The correspondence states that there was no family report into Gary's death, and given the pressures on the policing budget, it was not possible to advise if and when a review would be completed. The HET ceased operations on 31 December 2014, with cases transferring to the newly established Legacy Investigations Branch (LIB) within the PSNI.
- Over the coming months the PFC wrote to the LIB seeking access to the RSR completed by the HET.

ISSUES

- On 25 May 2016 the LIB released the report, stating that it was a draft document and had not been subject to quality assurance processes. The document refers to the death of 'Constable Gary English'. This causes great distress to the family and is interpreted as a deliberate attempt to cause hurt and demonstrate contempt;
- According to 'Lost Lives' there were no police officers with the name 'English' killed during the conflict;
- The RSR failed to address the issues raised by Mr English, but rather paraphrases information in the documentation provided by the family to the HET;
- The RSR does not outline any conclusions under the 'conclusions' section, however throughout the report there are short, loaded comments, examples including:
 - » The HET outlines the investigation carried out by the RUC at the time and gives details of the actions **not** done, including: soldiers interviewed as witnesses without a solicitor present; no interview notes taken; second landrover not examined; no blood samples taken from Creggan Street etc;

- » The HET report states “The HET believes that despite the investigation being conducted by a mainly unsupported (named officer), a thorough investigation was undertaken”;
- » “The transcripts (from the trial) reflect a fair trial with an unbiased summing up”.
- Michael feels that he was promised a review of all the evidence regarding his son’s death, to be conducted with integrity as promised in the first correspondence from the HET. This did not happen;
- The family’s engagement with the HET has perpetuated the English family’s feeling of hurt and distrust with those who were tasked to investigate the death of their son and brother.

Interview with Michael English continued

TWO SONS DEAD – A FATHER’S REFLECTION

Mickey’s experiences in court, at the trial of the two soldiers and at the inquest, have left a permanent mark on his everyday life. “I will never again go to bed and fall asleep normally, as other people do.

“It’s not that Gary’s death is re-enacted every night - but the court case and the inquest are. I imagine myself to be the barristers and I ask those questions each night in my head, those questions that were never asked in court, that were never asked even to this day by anyone in authority.

“I re-enact the whole episode. There is no escape, even more so since Maureen died in 2005. My big double bed seems the loneliest place in the world. That is where we are at now”.

Mickey does not want to give the impression, however, that this has taken over his life. “I have had a good life. I’ve returned to education, got a degree and studied two years for a Master’s Degree. I have 12 grandchildren and seven great-grandchildren.

“I lost a lot when I lost my two eldest sons but I have come to terms with that. I visit their graves in the cemetery each week and never miss a birthday but life goes on. What I can’t come to terms with is the injustice, the obvious lies. It eats at you. Injustice is something you can see, you can touch, you can know. It haunts me.

“You can see the truth even if you are fed on lies and deceit by those who are supposed to stand for the law and democracy. I can get no-one to challenge the law now. I have to live with that but I still ask myself, ‘How can this happen?’

“I know I am never going to get the truth, acknowledged in public, by the state that killed my son. It’s just not going to happen. Learned men have come together and decided that I will be denied the truth.

“I cannot get another inquest. The lawyers tell me that there is nowhere for me to go. I have reached an impasse. I have a few words of caution for all those now [Note: 2018] fighting for inquests, please be under no illusions about the deviousness of the people you will face in court.”

Speaking in February 2018, thirteen months after Martin McGuinness walked out of office at Stormont and a year after his death, Michael English passes his own verdict on how the state has treated him and his family. “This speaks volumes about the state we live in. It is incapable of delivering justice. It can only be sustained through injustice. The British state bows to unionism’s majoritarian politics which requires that people like my son and my family are treated this way.”

Mickey has also become an astute observer of how people’s facial expressions give them away, whether they are telling the truth or a lie.

“If you look at the faces of presenters and politicians on TV, if you study their body language, you can tell when they are avoiding the truth. They can’t hide it. The way they ask questions, the way their face looks, you can tell when they are lying.

“The greatest weapon in the armoury of those who lie is the use of half-truths. If someone tells a lie, everyone knows it. But if they carefully tell half-lies, they can get away with it.” Mickey uses the example of a politician he was watching the night before this interview was conducted.

Arlene Foster, the DUP leader, had issued a statement after Sinn Féin deputy president, Michelle O’Neill, had claimed Foster had handed her an agreement on restoring devolution. “Foster used her words carefully. She diverted attention from whether the statement had been agreed by mentioning she had discussed how Sinn Féin ministers would have operated a ‘Military Covenant’. It was a clear attempt to sow dissent within republican circles.

“The experience of fighting for the truth about Gary’s death has made me a connoisseur of the truth and of lies. But no matter how hard they have tried to bury the truth, to dig a hole deep enough, about how my son died, they cannot hide the evidence that exists about his body and his clothing in the post-mortem report.

“Gary was not killed by the first impact. The soldiers could have reversed up to Gary’s body and got out to check him and lifted him to be cared for.”

Instead it was soldiers in a second landrover who lifted Gary’s body off the roadway. “When they came down Creggan Hill, everyone in the road immediately scattered in every direction, even the BBC reporter, Paul Clements, got out of the way onto the pavement.

“When they halted in Creggan Street, one of the military passengers in the back of the landrover said in court, they had looked out of the back of the vehicle through the open door and could see two bodies in the street ten or fifteen yards back. They had a clear view because parking was not allowed on the street at that time and it was one-way.”

Mickey feels he is able to keep a lid on his anger, most of the time. “I have learned to manage my sense of injustice. The most important achievement I can make now - now that I have accepted that I may never get an apology - let alone justice and the truth from the courts for Gary - is that as many people as possible know about what happened to me and to my family and what was done to us by the law.

“That is why I am speaking to you now. That is why we are having this conversation - why I am giving this interview.

“Yes, it is a burden I carry and will carry for the remainder of my life but at this point I’ve lived with it for so long that it’s part of my psyche. Honestly, the campaigning and telling the story helps.” Michael agrees that he is very self-aware, that he watches his own emotions, analyses them and controls them, as far as possible. That, he says, is perhaps why he has never felt the need for counselling. He has counselled himself.

He is grateful for the help provided by the PFC. “Extremely grateful. On occasions, they have gone beyond their remit to be as helpful as possible. And I have repaid them, in part, by participating in events, like the ‘In Their Footsteps’ events in Derry, Belfast and Dublin.”

Mickey has 12 grandchildren and seven great-grandchildren.

This interview is for them, and their own children and grandchildren so they, at least, know the truth about the deaths of the uncles, great-uncles and great-great uncles they never knew, Gary and Charles English.

TIMELINE OF KEY EVENTS

19 April 1981 (Easter Sunday)	Gary English and James (Jim) Brown are killed after being run over by a British Army landrover at Creggan Street, Derry.
19 April – August 1981	INVESTIGATION RUC decide to launch a ‘road traffic investigation’ into the circumstances surround Gary and Jim’s deaths.
24 August 1981	ARRESTS Lance Corporal Stephen Buzzard is arrested and charged with causing the deaths of Gary and Jim by reckless driving. Colour Sergeant Hugh Smith is arrested and charged with aiding and abetting the offences at Derry courthouse.
14 – 20 January 1982	PROSECUTION The criminal trial of soldiers Stephen Buzzard for reckless driving causing the death of Gary and Jim and Hugh Smith for aiding and abetting takes place at Belfast Crown Court. Verdict of ‘Not Guilty’ delivered on 20 January 1982.
22 March 1983 & 4 May 1983	INQUEST The inquest into the deaths of Gary and Jim takes place at Derry Courthouse before coroner Mr Ronald O’Doherty.
8 August 2012	HISTORICAL ENQUIRIES TEAM (HET) The HET writes to Mr English stating that they were about to begin the reviews into the deaths of Gary English and Charles English. The purpose was to re-examine the circumstances of all the deaths that occurred during the ‘troubles’ and to “provide the families with as much information as possible about death of their loved ones, and to assess whether or not there are any new investigative opportunities which can be taken forward.”
14 August 2012	PAT FINUCANE CENTRE (PFC) Mr English contacts the PFC seeking advice and support in respect of the HET review of Gary & Charles’ cases. PFC engaged with the HET with and on behalf of Mr English for the next eleven months.
3 July 2013	Her Majesty’s Inspectorate of Constabulary (HMIC) published a highly critical report of the HET following an inspection. HMIC conclude that “(T)he HET’s approach to state involvement cases is inconsistent with the UK’s obligations under Article 2 ECHR. The inconsistency in the way that state involvement and non-state involvement cases are dealt with undermines the effectiveness of the review process in Article 2 terms. In addition, the deployment of former RUC and PSNI officers in state involvement easily gives rise to the view that the process lacks independence.” Following publication of the report, the Chief Constable suspends the HET pending implementation of HMIC’s recommendations.
21 November 2014	HET provides the family with Review Summary Report (RSR) concerning the death of Charles English on 6 August 1985.

23 December 2014	<p>STORMONT HOUSE AGREEMENT (SHA)</p> <p>Agreement reached between British and Irish government and the main political parties on a series of mechanisms to deal with the past. This would include an independent investigative unit, the Historical Investigations Unit (HIU) to investigate outstanding cases.</p>
31 December 2014	<p>HET ceases operations and outstanding cases and reviews carried out by HET into deaths caused by soldiers are transferred to the Police Service of Northern Ireland (PSNI.) The Chief Constable sets up the Legacy Investigations Branch (LIB) to “review past investigations with a view to identifying any potential investigative or evidential opportunities.”</p>
25 May 2016	<p>LEGACY INVESTIGATIONS BRANCH (LIB)</p> <p>Following on-going correspondence between PFC and PSNI LIB, the draft Review Summary Report (RSR) compiled by the HET prior to disbandment is provided to the English family. The report refers to the death of ‘Constable Gary English.’ An amended version is delivered later.</p>
Summer 2016	<p>LEGAL ADVICE</p> <p>Following receipt of the HET draft RSR the family seek legal advice on applying for a new inquest. Counsel’s opinion is that the Attorney General would be unlikely to grant a fresh inquest at this point.</p>
2017– present	<p>PFC REPORT</p> <p>Following ongoing delays in the establishment of the SHA institutions, PFC agree to undertake a review of materials and compile a report concerning the death of Gary English. PFC also agreed to interview Michael English and record his personal family story regarding the impact of Gary and Charles’ deaths.</p>

APPENDIX I – ACCORDING TO THE NCCL REPORT

Lord Diplock said: 'An appropriate instruction to the jury on what is meant by driving recklessly would be that they must be satisfied of two things: first, that the defendant was in fact driving the vehicle in such a manner as to create an obvious and serious risk of causing physical injury to some other person who might happen to be using the road, or of doing substantial damage to property; and, second, that in driving in that manner the defendant did so without having given any thought to the possibility of there being any such risk or, having recognised that there was some risk involved, had none the less gone on to take it.

Mr Justice Hutton took the first of these ingredients, but added in a second one which was quite different. His direction was that the jury had to be satisfied of three matters:

'First of all that the accused in this case, Lance Corporal Buzzard, was in fact driving the vehicle in such a manner as to create an obvious and serious risk of causing physical injury to some other person. Secondly, that in driving in that manner the accused took a risk which it was unreasonable for him to take in the circumstances. And thirdly, that the driving of the accused caused the death of the person named in the charge.' (My emphasis).

Having given this direction, the judge was then able to draw attention to all the factors which the jury should bear in mind in considering whether the soldiers took an 'unreasonable' risk. Again I quote these words:

'The first principle is this: it is the duty of soldiers to seek to suppress riots and to seek to arrest rioters...'

'That is the balance, risk against risk. It has to be weighed up by the accused in the brief second or two which the accused had to decide and under all the stresses to which they were exposed... That is the test you have to apply in deciding whether a risk they took - if you think a risk was taken - was reasonable in the circumstances.'

'When you are considering whether, in the circumstances, that was an unreasonable risk for Lance Corporal Buzzard to take, you are entitled to take into account and you should take into account that Sergeant Smith ordered him to go on...'

And in the last paragraph of the summing up:

'Before you can convict you must be satisfied beyond a reasonable doubt that any risk which was taken by them was unreasonable having regard to all the circumstances. If you accept this evidence, or if you think they have raised a doubt about it, having regard to the points that they make that they were concerned for the safety of the men in the jeep and particularly the man standing up looking out through the roof.'

The jury acquitted both defendants, by a majority verdict. Perhaps they believed the soldiers who said that they had come almost to a halt, although the evidence to the contrary was overwhelming. More probably, after the judge's summing up, they thought that to drive into a crowd of rioters as 'reasonable'.

"JUSTICE MUST BE DONE"

LARGE NUMBERS of mourners
attended the Requiem Masses and



The English children. Back row, left to right: Pauline, Gary and Michelle.
Front row, left to right: Stephanie, Charlie, Mike and Keith.



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