

# Review Summary Report

The death of William Francis McGreanery, who was shot by a member of the 1<sup>st</sup> Battalion Grenadier Guards at the junction of Eastway, Lonemoor Road and Westland Street, Derry on Wednesday, September 15, 1971.

## Introduction

The Historical Enquiries Team has now completed its review process. This report will set out for you the details that we have been able to find out about the incident and the answers we have to any questions that you asked us. The report begins with a description of the Team's role and continues with the specific details of your case. It is yours to keep. You will have the opportunity to discuss it with our staff and raise any further questions that you may have.

## Role and Function of the Historical Enquiries Team

### What is the role of the Historical Enquiries Team?

The Historical Enquiries Team (HET) was created in 2005 and began work at the end of January 2006. It has three objectives:

- *To assist in bringing 'a measure of resolution' to those families of victims whose deaths are attributable to 'The Troubles' in the years 1968 to pre -Belfast/Good Friday agreement 1998.*
- *To re-examine all deaths attributable to 'The Troubles' and ensure that all investigative and evidential opportunities are subject to thorough and exhaustive examination in a manner that satisfies the PSNI's obligation of an 'Effective Investigation' Article 2, Code of Ethics for PSNI.*
- *To do so in a way that commands the confidence of the wider community.*

## How will it do this?

With regard to every death, we look at a number of Review Factors:

- The original case records
- Exhibits
- Any Fingerprint evidence
- Family concerns
- Any Intelligence records
- The original investigation
- Any linked issues (Analysis)
- Any "Open source" material (books, newspaper articles, television programmes, internet, public records etc).

Our approach to the investigative process is designed to concentrate on what evidence, if any, exists, what potential remains for gathering new evidence - either from new lines of enquiry, missed opportunities, advances in forensic science - or what opportunity exists for turning existing information/intelligence into evidence.

Our "contract" is with the families; by this we mean that we deal with families on a basis of honesty, trust and confidentiality. We approach each case independently, no case is deemed more important than another, and we make no moral or political judgement about the victims. We seek only to conduct a factual review to a modern, professional policing standard, to determine whether any additional evidence can be found, and we will always ask families what questions they would like us to try to answer. We will respond with as much information as we can, subject to legal and ethical considerations.

Whilst the Chief Constable of the PSNI set up the HET, it was designed to provide re-assurance to families that it would be operationally independent. It has external managers answering directly to the Chief Constable, and contains a mix of people, serving police and retired officers, some from outside Northern Ireland and some from the PSNI. We have established separate units, so that, if a family requests an entirely external review, it will be conducted by staff with no previous connection to Northern Ireland.

## **How does the review process work?**

It is a five-phase process:

- Collection
- Assessment
- Review
- Focussed Re-investigation
- Resolution

Generally, cases are taken in chronological order, although HET will 'fast track' cases in certain situations, for example if relatives of the victims are themselves very ill.

### **Collection**

HET staff have searched all the police estate, including all buildings, stores, headquarters and storage facilities. Simultaneously, the Forensic Science Service of Northern Ireland reviewed all the exhibits in its stores. Checks were made with the Public Records Office of Northern Ireland, gathering all available relevant material and Inquest Files. The Fingerprint Bureau has upgraded its databases and many thousands of additional finger marks have been identified for re-examination. We have made agreements with other agencies, including the Ministry of Defence, to provide us with access to relevant records and information that they hold. We research records in newspaper libraries, television archives and examine the many books that have been written about events in Northern Ireland.

Whilst the HET is confident that our collection phase was comprehensive, we cannot rule out the possibility that in future new material could be recovered. If this occurs, then the case will be re-assessed and families fully updated of the outcome.

### **Assessment**

This is the beginning of the review process, and involves identifying and tracing relatives, to contact them and ascertain their wishes and any questions that they have. Sometimes this is straightforward, as in many cases families get in contact with us; other times this is far more challenging, as with the passage of time, people have moved away.

HET has established dedicated tracing teams who liaise with many agencies and support groups from within Northern Ireland and other parts of the world. Once found, families are seen or spoken to by our Family Contact Officers, who explain the objectives of the HET and ascertain family wishes and/or concerns.

Original case papers are retrieved, relevant 'Open Source' material is identified, analysts start work on assessments of patterns or links, and any exhibits remaining are brought out for re-examination using the latest scientific techniques.

## **Review**

The case is passed to one of our teams, either an internal or external team in line with the wishes of the family. The team assesses the case against the Review Factors outlined above, and makes recommendations for further investigation based on issues that emerge from the review process. Senior managers, at a Review panel, consider these recommendations. The review panel will authorise the investigation of any lines of enquiry that are necessary.

## **Focussed Re-investigation**

Re-investigations are initially focussed on the new opportunities identified to gather further evidence. The whole case is kept under review whilst these are completed, to monitor whether developments change our understanding or perception of existing evidence. Focussed investigations can be incremental, leading to a wider review if appropriate. This means that if our work uncovers new information or evidence we re-assess the whole investigation to take account of it.

If sufficient additional evidence is found, case files will be submitted to the Public Prosecution Service for consideration. At the end of this process, whether or not a court case follows, the file is passed back to the Family Contact Unit and enters the last phase of resolution.

## **Resolution**

This phase begins with a close scrutiny of all aspects of the review, by a Resolution Panel. The findings of the review process are contrasted with the requests made at the outset by the family, to see whether we have answered the questions asked. On occasions, the panel sends the file back to the Enquiry Team with a request for additional work to be completed if necessary. Work begins on the preparation of this Review Summary Report. We will report as much detail to families as we can, in line with legal and ethical obligations. We must observe laws that prohibit the disclosure of certain information, and we have a duty to protect the safety of individuals under the Human Rights Act. After the panel has agreed, members of the HET will meet families and inform them of our findings, and provide them with a copy of this report summarising what has been done.

Families will always be able to seek further clarification of any issue or make any representations they want, and, if necessary, there will be the option of a meeting with the senior managers of the HET to resolve any issues of concern.

## **Circumstances of the death of William Francis McGreanery**

This part of the report explains the circumstances of the death of William Francis McGreanery, who was shot by a member of the 1<sup>st</sup> Battalion Grenadier Guards at the junction of Eastway, Lonemoor Road and Westland Street, Derry, during the early hours of Wednesday, September 15, 1971.

Mr McGreanery was aged 41 years at the time of his death and was born on August 15, 1930. He was employed as an assistant in a sports store. He was a Catholic and was a single man with no dependants. He was of good character with no known associations to any paramilitary or criminal group.

### **Background**

By 1971, the 'Troubles' had been running for three years. The security situation was bleak, indeed nearly a hundred people had died during the early part of 1971, and all the indications were that the situation was only going to get worse. The British army had been deployed on the streets since August, 1969; originally welcomed by nationalists, that honeymoon period had long passed and they were regarded by a substantial section of the nationalist community as an instrument of oppression. In their turn, young soldiers from other parts of the United Kingdom viewed tours of duty in Northern Ireland with trepidation. Between February and August of 1971, fourteen soldiers had been killed on the streets of the Province. They regarded the nationalist communities as the danger areas from which threats to their safety were most likely to emerge.

The political scenario offered no hope of resolution, with entrenched hard-line positions on both sides. At the time of Mr McGreanery's death, there was considerable debate about 'No Go Areas', locations where communities had erected barricades and physically prevented access to the army or RUC, enforced by armed paramilitaries who controlled the movement of people within them. Such areas included the Creggan and the Bogside in the City of Derry.

These areas were a visible symbol of success to those who espoused a republican agenda, and an embarrassing provocation to those opposed. They presented a challenge to the authority of the State; in calmer times, efforts to remove them may have been conducted by negotiation

and compromise, to avoid bloodshed and further alienation of communities. However, September 1971 was far from a 'calmer time' and the relationship between the majority of the local community and the British military was far from positive.

Over several days and nights leading up to Mr McGreanery's death, there had been a number of shootings in the city where soldiers and civilians had died or had been severely injured. Barricades had been erected, nail and petrol bombs had been thrown and rioting had broken out. Tension was running extremely high. One of the documents examined as part of this review process has been the RUC Duty Officers Report for the area for the 24 hour period ending at 8am on Wednesday, September 15, 1971. These reports were a central digest of all events and occurrences that took place throughout Northern Ireland within a twenty-four hour period. It reads as follows: -

*Rioting in Londonderry for most of the morning and into the afternoon  
Stones thrown at Military personnel repairing the perimeter fence at  
Blighs Lane Army Camp.*

*1040hrs - 2 shots fired at Army base Blighs Lane - fire returned.*

*Crowd in Blighs lane increases to over 200 - CS gas deployed by Army.*

*1240hrs - Gelignite Bomb damages Army vehicle - no injuries*

*Baton rounds deployed by Army.*

*1308hrs Sgt James Black of 45 Med Regt Royal Artillery shot in the neck  
by a sniper - no fire returned.*

*1500hrs - crowd increases in size to about 300.*

*1620hrs Sgt Martin Carroll shot by sniper in Blighs Lane Army base (dies  
later from injuries).*

*2000hrs crowd now about 150 strong - barricades being erected @  
Eastway.*

*2020hrs 2 civilians admitted to Altnagelvin Hospital with Gunshot wounds  
received in the Creggan area of the City.*

*2300hrs Crowd of about 300 in Blighs Lane area engaged in stoning. Army  
deploys baton rounds & CS gas against the crowd.*

*Improvised Explosive device found on the roof of a building in William St  
- made safe by ATO.*

*0043hrs call for ambulance to attend Lone Moor Road.*

*Army patrol stops van on Craigavon Bridge - man inside with gun shot  
wounds (William McGreanery) - taken to Altnagelvin Hospital for  
emergency surgery.*

*0312hrs Mr McGreanery died whilst undergoing surgery.*

There has never been any dispute that Mr McGreanery was shot and killed by a soldier who had been on duty in an army observation post which was situated in an elevated position overlooking the junctions of Eastway, Lonemoor Road and Westland Street in Derry. What has always been in dispute are the circumstances leading up to the shooting, in particular how Mr McGreanery and his colleagues got to that location, what their intention was and whether or not he had been armed with a rifle.

Two soldiers were involved in this incident, both of whom were interviewed after the shooting by the RMP. They were never questioned by the RUC.

The version of events which was related to the RMP investigators by the soldier who had discharged the shot and by his colleague, were at odds with the accounts given by numerous witnesses to RUC investigators, and also to a solicitor acting for the family. (A detailed review of each statement will be made later in this report).

Around 11.40pm on the night before his death, Mr McGreanery called at the home of a friend, James McGinley. They talked for a while before going out for a walk and soon met up with two other men, Sean Canning and Michael Campbell. As they approached Laburnum Terrace they came across a barricade that had been placed across the road. In order to get around it they all had to go into the passageway of the end house in Laburnum Terrace and climb over a low wall.

The men then stood on a low wall before walking towards a small traffic island at the junction of Eastway, Lonemoor Road and Westland Street. As they moved forward a single shot rang out and Mr McGreanery fell to the ground.

The shot had been fired by the soldier at the observation post. Mr McGreanery was then dragged by his friends to a nearby lane and within a very short space of time a priest arrived at the scene and administered the last rites. He was then taken in the back of a van to the Altnagelvin hospital arriving around 12.45am on the morning of 15, September, where he was seen by Doctor Fay.

On arrival at the hospital, Mr McGreanery was still conscious. The doctor noted that Mr McGreanery had a wound to his left chest and a corresponding wound in his back. The front wound (chest) appeared to be



the entry, and the rear one (back) the exit wound. There was also an entry and exit wound to his left forearm. Doctor Fay had a short conversation with Mr McGreanery who told him that he was in pain. No conversation took place as to how he had come by his injuries.

Mr McGreanery was transferred to the operating theatre, where a Consultant Surgeon, Doctor H.M. Bennett operated on him. The operation commenced shortly after 1.25am. At 3.12am that morning Mr McGreanery died whilst on the operating table.

***HET Comment:** There are some discrepancies with the official timings of events during the evening. The call for an ambulance to attend the scene of the shooting was logged at 0043hrs and yet Mr McGreanery's arrival at the Altnagelvin hospital (about 4.5 miles away) was timed at 0045hrs. To add to the confusion, it is known that an army patrol stopped and checked the vehicle in which Mr McGreanery was being transported as it passed over the Craigavon Bridge. They clearly let the vehicle carry on its journey but because of the inconsistencies with the timings, it has not been possible to make a judgement as to whether the inevitable delay in getting to hospital as a result of the stop/check was a contributory factor in Mr McGreanery's death. We do know though, that the surgeon who tried to save his life was called out from his home address at just after 1am so any delay that may have been caused would appear to have been minimal.*

## **Witnesses**

Witness accounts given to police in any investigation are written down and referred to as 'Statements'. If they are used in judicial proceedings, they are regarded as being 'within the public domain' and details of the person making the statement can be made public. Some accounts were also given at the Inquest proceedings, these are referred to as depositions and are regarded as 'within the public domain', and as a consequence those witnesses can be named in this report, but only if their identity was made public during the inquest proceedings.

Statements that were not used during the inquest or other public proceedings have never been in the 'public domain'; the HET must observe the provisions of the Data Protection Act, and those statement providers cannot be named in this section of the report, although summaries of their evidence will be given.

Statement makers who were acting in an official capacity (such as police officers or doctors) can be identified.

In this particular case, statements were obtained by the RUC, the RMP and by a solicitor who was acting on behalf of the McGreanery family. A further statement has also been obtained by the HET as part of this review from a witness who was identified by the Pat Finucane Centre. A synopsis of the evidence is incorporated within this report but for the reasons outlined above, the witness cannot be named.

**HET Comment:** *The soldier who fired the fatal shot and his colleague made statements to military investigators. They were identified at the subsequent inquest only as soldiers 'A' and 'B'. The Coroner's Rules in force at that time were that where a person was suspected of causing a death, or had been charged or was likely to be charged with an offence relating to the death, they were not compelled to give evidence at the inquest. If someone in that position volunteered to give evidence then the onus was on the Coroner to inform the witness that he/she was not obliged to do so, and that their evidence may be subject to cross examination. In those days therefore, many potential witnesses exercised their right not to give evidence at inquests.*

*The dilemma faced by Coroners was in balancing the need for public justice against the risk of denial of justice by deterring a witness from giving evidence. For that reason the practice of a Coroner granting anonymity to witnesses became commonplace, especially in respect of serving soldiers and police officers where there were perceived security threats against them. Once the Coroner had agreed to allow a soldier to give evidence anonymously, their names were erased from their depositions (statements) and were replaced by a letter of the alphabet, hence the terms soldier 'A' and soldier 'B' in this case. The Coroner would then be passed a slip of paper with the name, rank, regiment and service number of the witness. At the completion of the hearing the Coroner would hand the note back to the military. In the interest of security, it was military policy to destroy the slip of paper after the Coroner had returned it to them.*

*The Coroners Rules, which in effect gave a suspect the absolute right not to be asked to testify, were called into question by a ruling of the European Court of Human Rights (ECHR) in 2001. It was determined that*

*the basic principle of a 'right to life' requires there to be an effective state machinery for the investigation of deaths. The previous rule was ultimately substituted in response to the ruling and now any person who is suspected of involvement in a death may be required by the Coroner to give evidence but that person is not obliged to answer any question that would tend to incriminate himself/herself.*

### **Soldier 'A'**

Sergeant J. Robinson of the RMP interviewed soldier 'A' on September 16, 1971 and a witness statement was obtained. (The soldier has also been traced and interviewed by the HET as part of this review process and his present day recollections are documented later in this report). His initial account is summarised as follows:

He said about 12.45am on September 15, 1971 he was on duty in Observation Post 10, Blighs Lane camp, Londonderry. The observation post overlooked the junction of Eastway / Lonemoor Road and Westland Street.

He saw an Austin Cambridge or Morris Oxford car stop at the traffic island junction.

Three men got out of the vehicle and crossed the road where they then stood beneath some trees. The vehicle was then driven away.

He then said he saw one of the men walk from beneath the trees and stand on a path that surrounds the traffic island at the junction. He was holding a .303 calibre rifle in his hand. The soldier says the man then placed the rifle in the 'aim' position. He aimed at the observation post occupied by the soldier and his colleague soldier 'B'. Soldier 'A' estimated the gunman was about 100 yards away from the observation post.

Believing that he and his colleague were about to come under fire, the soldier took the decision to fire one round from his 7.62mm rifle at the man. As soon as he had done so the 'gunman' fell to the ground with the rifle beside him.

A few seconds later two men came to the assistance of the injured man. One of the men picked up the rifle and then together they dragged him down to the corner of a back lane off Westland Street.

### **Soldier 'B'**

Soldier 'B' was also interviewed by Sergeant J Robinson of the RMP on September 16, 1971 and a witness statement was obtained. (This soldier has also been interviewed by the HET as part of the review process. His present-day recollections are documented later in this report). His initial account is summarised as follows:

He said that about 12.45am on September 15, 1971 he was on duty in Observation Post 10, Blighs Lane Camp, Londonderry in company with soldier 'A'.

During that evening approximately 150 local residents had started to build a barricade across Eastway. This number later reduced to between 10 and 15.

He recalls soldier 'A' stating he had seen someone at the junction of Eastway and Lonemoor Road pointing a rifle at their observation post. Just as soldier 'A' said this, he fired one round from his 7.62mm rifle.

Soldier 'B' then said that he looked in the direction of Eastway / Lonemoor Road and saw two men dragging someone /something from behind a small wall towards a nearby building.

He added that the area was well lit and he had a clear view. He did not see anyone with a rifle.

### **Michael Martin CAMPBELL**

Detective Sergeant Ruddell of the RUC interviewed Michael Campbell on September 16, 1971.

Mr Campbell said that about 12.15am on September 15, 1971 he left his home address at 52a, Westland Street, Londonderry with his friend Mark McLaughlin. It was their intention to walk to some shop premises at William Street to check that all was in order.

He checked the shop premises at 12.30am and at the suggestion of Mr McLaughlin decided to walk home via Lonemoor Road. On route they met

William McGreanery and James McGinley. All four continued walking together.

At Beechwood Avenue, Mr Campbell flagged down a car that had turned right towards Lonemoor road. He spoke to the driver and told him about the barricade that had been placed across the road at Laburnum Terrace.

The driver of the car was a Mr Sean Canning. Mr Canning decided to park his car and walk with the other four men.

All five men eventually arrived at another barricade located at the top of Westland Street. In order to get around this barricade they walked along a path leading to the end house of Laburnum Terrace. A small wall which was about 2' high and led into Westland Street had to be negotiated before they could continue on their journey.

Mr Campbell was first over the wall followed by the other four men. He said none of them were carrying anything and also recalled that Mr McGreanery had his hands in his trouser pockets. All five of them walked towards the traffic island in the centre of the road.

Mr Campbell went on to say that just as Mr McGreanery had stepped into the road he heard a single shot. He saw him stagger forward and fall to the ground. He then went to his aid. He says Mr McGreanery was lying on his back in the road and that he dragged him to safety. He then requested an ambulance be called but within a short space of time a local resident arrived at the scene with a van. Mr McGreanery was placed in the back of the van and was taken to hospital.

Mr Campbell said that when Mr McGreanery was shot he would have had his right side to the sentry in the observation post.

### **Mark McLAUGHLIN**

Detective Constable Neilly of the RUC interviewed Mr Mark McLaughlin on September 16, 1971.

The evidence of Mr McLaughlin is the same as that of Mr Campbell and includes the fact that none of the men were in possession of a firearm.

### James McGINLEY

Mr McGinley made his statement on October 4, 1971 to Senator Claude Wilton, solicitor for the family of Mr McGreanery.

He said that about 11.40pm on September 14, 1971 he was at home when he received a visit from Mr McGreanery. They talked for a while and about 12.30am on September 15, 1971 they left to go for a walk. As they walked they met up with Michael Campbell and Mark McLaughlin.

The four men continued walking together and at Beechwood Avenue they stopped a car that was being driven by Sean Canning who told them about the barricade that had been erected across Laburnum Terrace.

Mr Canning left his car and walked with the other four men. On the way to Westland Street, Mr Canning and Mr McGreanery stopped to examine a plank of wood that had been nailed to the road. (It was obviously designed to puncture vehicle tyres as nails had been hammered through it and were pointing skywards).

The five men then decided to look at the barricade on Laburnum Terrace. Having reached this point they discovered that the only way to get past the barricade was to step over a low wall that was at the entrance to the end house at Laburnum Terrace.

Messrs McGinley, Canning and McGreanery got over the wall, stopped for a while and looked up towards the Creggan. They intended to walk down Westland Street. They hesitated for a short time by the gable end of the last house of Laburnum Terrace and then began to walk towards the roadway. As they did so Mr McGinley heard a shot. He saw Mr McGreanery fall to the ground. He then heard him say, "I am shot". Mr McGinley then saw two people dragging Mr McGreanery away. He decided to leave the scene of the shooting to find a priest. He went with Mr Canning in his car.

Mr McGinley stated that Mr McGreanery was not in possession of a rifle when he was shot.

## Sean CANNING

Mr Canning made his statement on October 4, 1971 to Senator Claude Wilton, solicitor for the family of Mr McGreanery.

He said about 9pm on September 14, 1971 he attended a meeting at the Phoenix Social Club, Park Avenue, Derry. He was the Club Secretary. The meeting ended at 9.45pm and he eventually left at 10.45pm to make his way home. He arrived home shortly after and spoke briefly with his wife. He then went to the Castle Bar across the road from where he was living in Waterloo Street. He stayed in the bar until 11.45pm and then returned to his home and spoke briefly with his wife who by that time was in bed.

Around 12.15am on Saturday, September 15, he again left his home intending to take a drive and look around the town. He drove down Beechwood Avenue and at the bottom turned right over Laburnum Terrace where he recalled being flagged down by a man whom he knew by sight and later discovered to be Michael Campbell. Mr Canning could see there was a barricade across Laburnum Terrace.

As the pair of them were talking, Mr McGreanery and Mr McGinley approached them. All four men then carried on walking together.

As they approached the barricade at Laburnum Terrace they came across the wood that had been nailed into the ground. The plank was about fifteen to twenty yards from the barricade. Billy McGreanery examined the plank and Michael Campbell made a comment about it being securely fixed to the road.

In order to get around the barricade they all had to go into the passageway of the end house in Laburnum Terrace and climb over a low wall. Mr Canning could not recall in what order they walked but remembers saying to someone (possibly Michael Campbell) how bright it was in the area.

Mr Canning then stood on the low wall along with Mr McGreanery and James McGinley. They then stepped down from the wall and walked forward from the footpath towards the traffic island. As they moved forward he heard a single shot and saw Mr McGreanery fall to the ground. Mr McGreanery had been to the right of Mr Canning. Michael Campbell had been to the left but was in front of the others, either on the traffic island or very close to it.

Shortly after the shooting Michael Campbell dragged Mr McGreanery down the street by his legs. Mr Canning then returned to his car with James McGinley and went to summon the help of a priest.

Mr Canning also stated that none of them were in possession of any weapons.

### **Terence O'DONNELL**

Mr O'Donnell made his statement on October 4, 1971 to Senator Claude Wilton, solicitor for the family of Mr McGreanery.

He said that at 12.35am on September 15, 1971 he was walking up Westland Street having left his girlfriend's home. He stopped at the junctions of Westland Street, Lonemoor Road and New Road where he spoke with a number of local youths who were standing outside a corner shop known as 'McCloskeys'.

He was looking at the barricade when he saw three men climb over the small wall of the end house in Laburnum Terrace.

At 12.45am Mr O'Donnell said goodbye to the youths and started to walk towards the steps leading to Beechwood Avenue, which was his usual way home when on foot. He then heard the sound of a single shot. His immediate reaction was to crouch down. He looked behind and saw a man writhing on the ground. He then crawled on 'all fours' to the man and saw he was bleeding from the chest. With the assistance of others he dragged the injured man to the cover of a back lane off Westland Street. A priest was summoned from nearby and administered the last rites. A small van arrived soon after and took the wounded man to hospital.

Mr O'Donnell stated that the man who had been shot was not in possession of a firearm.

### **John McGINLEY**

Mr McGinley made his statement on October 4, 1971 to Senator Claude Wilton, solicitor for the family of Mr McGreanery.



At 12.40am on September 15, 1971 McGinley was walking up New Road towards the junction with Laburnum Terrace with his friend Billy McCallion. He climbed over the low wall of the end house at Laburnum Terrace and after he had taken about four steps heard the sound of a shot. He went to ground. Mr McGinley looked down the road and saw a man lying in the street. He then went to a house in New Road where Mr McGreanery had been dragged to after he had been shot. He saw a Priest administering the last rites. Shortly after that a grey van arrived at the scene and the injured man was placed in the rear and was taken to hospital.

Mr McGinley did not see anyone before or after the shooting armed with a firearm.

### **Fred CAMPBELL**

Mr Campbell made a statement on October 4, 1971 to Senator Claude Wilton, solicitor for the family of Mr McGreanery.

He stated that at 12.40am on September 15, 1971 he was with Patrick Cullen, Daniel Cullen, David Downey and others (whom he did not name) at the junction of Elmwood Terrace and Westland Street. They were talking when his attention was drawn to three men who were standing halfway between the footpath and the roundabout.

He then heard a shot and with his friends ran for the cover of Mews Lane behind Elmwood Terrace. On reaching the entrance of Mews Lane he heard someone shout, "A man has been shot".

He then looked back towards the roundabout and saw a man lying on the ground calling out, "I've been shot by the British army". The man then started to moan and thrash his arms and legs about.

Mr Campbell then saw Michael Campbell run to the injured man, take hold of him by the ankles and pull him along the ground towards the entrance of Mews Lane. He then recognised the shot man as Mr McGreanery. Within a short time a priest arrived at the scene followed soon after by a man with a grey van. Mr McGreanery was taken to hospital in the van.

Mr Campbell did not see anyone in possession of a weapon.

### **Patrick CULLEN**

Mr Cullen made a statement on October 4, 1971 to Senator Claude Wilton.

The evidence of Patrick Cullen is the same as that of Fred Campbell and Daniel Cullen.

### **Daniel CULLEN**

Daniel Cullen made also made a statement on October 4, 1971 to Senator Claude Wilton.

His evidence was the same as that of Fred Campbell and Patrick Cullen.

### **David DOWNEY**

Mr Downey made a statement on October 4, 1971 to Senator Claude Wilton.

He said that at 12.40am on September 15, 1971, he was standing at the gable end of 'Annie McGlincheys' shop. He was in the company of a few friends who were not named in the statement.

Mr Downey saw three men come over the top of the barricade that had been placed across Laburnum Terrace. The first two men turned to walk down New Road and the third walked out into the crown of the road.

A shot was fired and the man who had gone into the middle of the road fell to the ground. On hearing the shot Mr Downey dived for cover. A companion of the shot man then ran to his aid and dragged him by his feet to the side of the road.

Mr Downey stated that the man who had been shot was definitely not armed.

### **Eamon SHIELS**

Mr Shiels also made a statement on October 4, 1971 to Senator Claude Wilton.

He said that at 12.30am on September 15, 1971 he was standing at the gable end of Frank McCloskey's shop that was located at the top of New Road. He was in the company of about six other friends whom he did not name.

He saw three men come over the barricade at Laburnum Terrace and noticed that one of them had a bald head and was wearing a light coloured shirt. This man also had his hands in his pockets. A shot rang out at this point and Mr Shiels and his friends dived for cover.

A short time later someone shouted, "A man has been shot over there". He then saw another man run across the road and pull the injured man by his legs to safety. A grey van arrived within minutes and took the wounded man to hospital.

### **Albert Kieran McCOLGAN**

Mr McColgan made a deposition on February 8, 1972 at the inquest into the death of Mr McGreanery before the Coroner for the District of Londonderry, Mr Hubert J. O'Neill. (However, at the request of Counsel acting for Mr McGreanery's family, the inquest was adjourned until February 29, 1972).

He said that about 12.25am on September 15, 1971 he was walking along Beechwood Avenue towards New Road. He then walked over to the roundabout at the top of Westland Street where he stopped to talk to a friend (not named). While the two were talking he saw two or three men walk towards Lonemoor Road and another man, who he recognised to be Mr McGreanery, walk over to the roundabout.

Mr McColgan was about to speak to Mr McGreanery when a single shot rang out. On hearing this he and another friend ran to a lane that runs behind 'McGlinchey's' shop. From that position he looked back and saw that Mr McGreanery was lying face down on the ground.

Together with some other people, Mr McColgan then ran to Mr McGreanery and dragged him to the safety of a nearby lane. They could see that he had been shot.

A priest arrived at the scene within a short time and administered the last rites. Mr McGreanery was then placed in a van and was taken to

hospital. A short time later Mr McColgan heard soldiers in the observation post shouting, "Hurray, we've got one".

Mr McColgan also said that when Mr McGreanery was shot he was walking towards the roundabout with his hands in his pockets and was not armed.

**HET Comment:** *Mr McColgan is the only witness to have mentioned hearing soldiers from the observation post shouting "Hurray, we've got one". Both of the soldiers involved in the shooting have told the HET that they did not shout anything, and that they did not hear anyone else within the base make any comment at all.*

### **Peter GALLAGHER**

Detective Sergeant Ruddell of the RUC interviewed Mr Gallagher on September 15, 1971.

About 12.30am on September 15, 1971 he was with his girlfriend at 2, Westland Terrace, Derry. He heard a single shot. A few minutes later someone called at the house. When he got to the door he heard people shouting, "Phone a priest and an ambulance, there is a man shot". He asked what had happened and someone shouted out, "The army shot him, he wasn't doing anything".

He was then asked to drive his van towards the roundabout where the injured man was lying in the road. The man was placed in the rear of his van. A priest and a woman also got into the back of the van. Mr Gallagher then drove the injured man to the Altnagelvin hospital.

On their journey to the hospital, the van was stopped at an army checkpoint on the Craigavon Bridge. Mr Gallagher does not say in his statement how long the army detained them before they were able to continue on their way.

### **Additional Witness**

With the assistance of the Pat Finucane Centre in Derry, an additional witness has been identified and a statement was obtained from her by members of the HET on February 25, 2009. As stated earlier in this review document, for legal reasons, the witness cannot be named.

The witness was a child at the time of the shooting. She was in a room of a house that was situated near to the junction of Lonemoor Road and Westland Street, Derry.

She does not know the date, but remembers that late one night she heard the sound of a gunshot outside. She went into another room and looked out of the window and could see a man lying on his back with his feet pointing towards Westland Street.

She could see what she took to be blood spurting out of his chest. Some people were trying to pull him to safety.

She said that she did not know the identity of the injured man, but she had a clear, unobstructed view of him on the ground. As far as she can remember, the night was fine and dry and the area was well lit.

She did not see a weapon of any description.

She cannot recollect there being any trees in the vicinity of the traffic island at the junction of Lonemoor Road and Westland Street.

### **Doctor Sean FAY**

Detective Sergeant Ruddell of the RUC interviewed Doctor Fay on October 30, 1971.

Doctor Fay said that at 12.45am on September 15, 1971 he was the duty Casualty Officer at Altnagelvin hospital when Mr McGreanery was brought in to reception.

He examined the patient on arrival and found him to be fully conscious but in a state of shock. He saw that Mr McGreanery had a gunshot wound to his front left chest with a second wound in his back corresponding to the front. The front wound appeared to be the entry wound and the rear one an exit wound. The doctor also saw the patient had an entry and exit wound to his left forearm.

Mr McGreanery was immediately transferred to the care of the surgeon Mr Bennett for operative procedures.

## Doctor H.M.BENNETT

Detective Sergeant Ruddell of the RUC interviewed Doctor Bennett on September 15, 1971.

He said that at 1.25am on September 15, 1971 he attended at the Out-Patients Theatre within the Accident and Emergency Department of Altnagelvin hospital, Londonderry, where he saw Mr McGreanery who had been admitted with serious gunshot wounds. He commenced operating on the patient who had a wound to the left chest and was bleeding severely from the left lung. He said that Mr McGreanery died from his wounds at 3.12am that same morning.

## **Post Mortem Examination**

At 3.05pm on Wednesday, September 15, 1971 the Deputy State Pathologist for Northern Ireland, Doctor Derek Carson, carried out a post mortem examination on Mr McGreanery at the Altnagelvin hospital Mortuary. Dr Carson said the wound to the left forearm was 4" below the elbow and had been caused by the passage of a bullet through the fleshy tissue. Dr Carson was of the opinion that the bullet had passed through the forearm before hitting Mr McGreanery's chest and exiting through his back.

Doctor Carson described the chest wounds as follows: -

*"One appeared to have been located on the front of the chest in the region of the left breast and this was described as an entrance wound. The other, called an exit wound was located on the left side of the back of the chest. There were corresponding holes in the chest wall, the line connecting them passing from front to back, from left to right at an angle of about 20 degrees to the sagittal plane and slightly downwards at an angle of about 10 degrees to the horizontal plane.*

*There were two further wounds on the inner side of the left forearm, 4 inches below the elbow. These were caused by the passage of a bullet through the fleshy tissues of the forearm and are likely to have been caused by the same bullet which passed through the chest. Their size and appearance would lend support to the view that the bullet first passed through the forearm before entering the front of the left chest and leaving at the back. At the time the forearm must have been flexed at*

*the elbow and held up in front of the chest, either vertically or horizontally or in some intermediate position. This would be a most unusual position in a man walking at the time.*

*Thus, in conclusion, the bullet must have come from in front of the deceased, somewhat to his left and slightly above him, at a time when his left forearm was held in front of the chest. It could not have come from his right side."*

The pathologist gave the cause of death as a left haemothorax due to laceration of the left lung due to a gunshot from a high velocity rifle.

## **Inquest Proceedings**

An Inquest was held at the Courthouse, Bishop Street, Londonderry on Tuesday, February 29, 1972, before the Coroner Mr Hubert J O'Neill. An 'Open Verdict' was returned.

The terminology 'Open Verdict' was that used by Coroners Courts in Northern Ireland at the time; it was given when a death had not been through the criminal courts process. The Coroner, after hearing the evidence, would not apportion blame in the matter of the death, but would be required to establish the time, day, date and the cause of death. It was not then their role to enquire into any motive behind a death. As a result an Open verdict would often have been declared.

**HET Comment:** *The Coroners (Practice and Procedure) Rules (Northern Ireland) 1980 replaced 'verdicts' with the term 'findings' at inquests in Northern Ireland, allowing Coroners to give more of a commentary on the circumstances of a death than had previously been the case.*

## **HET Review of Original Investigation**

### **Papers / Documentation**

The HET has conducted a review of the original investigation into the shooting of William Francis McGreanery, and this has now been completed. As part of the process, the HET recovered and considered the original papers for this incident consisting of a police file, including sketches and plans of the scene, a Post mortem file, Inquest File and a file compiled by the army.

### **Review of Exhibits**

The presence of entry and exit wounds indicates that the high velocity bullet that killed Mr McGreanery passed straight through him. The bullet was not recovered by the police or the army. There are no references to any weapons being recovered but soldier 'A' said that a superior officer examined his weapon after the shooting to confirm that only one shot had been discharged. The weapon was returned to him after the examination.

**HET Comment:** *Had such an incident occurred today, the weapon would have been seized as part of the police investigation even though there was no dispute about who had fired the fatal shot and what weapon had been used. However, it is not military policy to take possession of weapons that have been discharged by soldiers unless there is a suggestion that for some reason or another the weapon malfunctioned.*

### **Review of Forensic Evidence**

There are no forensic files or exhibits in existence that would be available for further forensic analysis. However, hand swabs were taken from Mr McGreanery when he was in the hospital mortuary, and they were later examined by scientists at the Forensic Science Laboratory.

**HET Comment:** *It was standard police practice in firearms incidents to examine the hands and clothing of victims and suspects to establish via forensic testing if they have been in contact with firearms or explosives. The results of these tests, which concluded that Mr McGreanery had not fired a weapon, are discussed later in this report.*



## **Review of Fingerprint Evidence**

There is no record of any items being identified or recovered during the original investigation that would have had any evidential value as far as fingerprints are concerned.

## **Review of Intelligence Matters**

All investigative agencies rely on intelligence to assist in the investigation of crime. Intelligence is not evidence.

Intelligence is information from any source and can be given openly or confidentially. Ideally when information is given openly, particularly where the person giving the information is a witness, it is in the best interests of justice for that person to make a statement, and give evidence at court (which converts that intelligence into evidence). Understandably not every person wishes to do this.

Such intelligence sources are many and varied and could include anonymous information, information given by a member of the public, by an agent (informant), or as a result of surveillance.

Intelligence sources may be reliable or unreliable. There are occasions when intelligence received is no more than local gossip or rumour, or may even be given maliciously. In all cases the intelligence has to be assessed, and steps taken to ensure that it is disseminated to the investigators of crime, due consideration is given to that intelligence and acted upon where appropriate. Police take every precaution to protect the identity of intelligence sources.

The police also occasionally encountered operational difficulties when investigating intelligence, such as the lack of public co-operation and the dangers of operating in certain areas.

In reviewing all intelligence records in connection with the death of Mr McGreanery it was established there was no intelligence available to suggest that this death could have been prevented.

## HET Review of Original Investigation

### The RUC investigation

The HET allows for the context in which the original investigative work took place; the local community was hostile to the army's presence and outraged by the shooting of Mr McGreanery. The RUC could not have responded to the scene in the same way that police forces elsewhere in the UK would have done. However, from the papers available to the HET, it is clear that the original investigation into Mr McGreanery's death did not address one issue in this case robustly enough. That related to the discrepancies in the witness accounts and what the soldiers said to the military investigators about Mr McGreanery carrying a rifle. (This issue will be dealt with in more detail later in this report).

The examination of these papers reveals that Detective Sergeant Ruddell and Detective Constable Neilly of the RUC commenced a criminal investigation into the incident as soon as it was reported. They went to the Altnagelvin hospital at 1.20am on September 15, 1971 where they took possession of Mr McGreanery's clothing. At 4.30am his brother, Thomas Desmond McGreanery, formally identified William Francis McGreanery to them. Prior to leaving the hospital mortuary, the officers swabbed Mr McGreanery's hands for traces of firearms residue.

At 6.35am the same day they visited the scene of the shooting and discovered blood on the road at Westland Street near to the traffic island. Measurements of the scene were taken and a detailed sketch plan was prepared. Mr McGreanery's clothing was sent to the Forensic Science laboratory in Belfast for analysis together with the hand swabs, the blood sample from the road and also a blood and urine sample that had been taken by the medical staff at the hospital. There is no record of what, if any examinations were conducted at the laboratory. A test for the presence of firearm residue was conducted on the hand swabs. The test was negative and no residue was found.

**HET Comment:** *Today, a more senior officer would take the role of 'Senior Investigating Officer' in such an investigation. At the time, however, it was not unusual for the RUC to deploy more junior ranks to investigate serious crimes, reflecting the pressure on resources at that time. Senior officers would have taken an oversight of the case. In this*

*instance the area Chief Superintendent was closely involved with the investigation. (This will be discussed later in this review report).*

During the HET review of the original investigation, one of the most contentious issues identified was that the Special Investigation Branch (SIB) of the RMP interviewed the soldiers involved and recorded their statements of evidence. It is the view of the HET that this practice brought about major failings in the investigative process, to such an extent that it rendered the whole process ineffective.

**HET Comment:** *This report acknowledges that the original investigation in this case was conducted in accordance with an agreement made in 1970, between the Chief Constable of the RUC and the General Officer Commanding of the British army, whereby RMP had primary responsibility for interviewing soldiers who were involved in fatal shooting incidents and the RUC dealt with civilian witnesses. The HET has been researching this policy, and has found an RUC Force Instruction of the time. Crucially, the policy sets out that ultimate responsibility for the conduct of the investigation remained with the RUC. The RUC investigators were to have gathered all relevant civilian witness and forensic evidence, and furnish it to the RMP prior to an interview being conducted with a soldier. It clearly envisaged that soldiers would face a thorough investigation, and was designed to enable the RMP to provide effective support in the difficult times that existed.*

*However, this policy was not followed; in any event it negated any possibility of independence and it is questionable whether the Chief Constable had the legal authority to devolve his responsibilities in this manner, notwithstanding the immensely difficult security situation that existed at the time.*

*These arrangements meant that, in practice, soldiers were not interviewed by civilian police officers at all.*

*Evidence heard during the Saville Enquiry was that the Director of Public Prosecutions for Northern Ireland became concerned that existing practices were unsatisfactory and he directed that all allegations made against the security forces were to be passed to him for examination. The RUC policy in respect of military investigations was updated in September 1973 and from that date onwards the responsibility for the entire investigation, including the interviewing of military personnel*

*should have reverted back to the Criminal Investigation Department of the RUC. In practice though, this did not always happen, and the HET have identified numerous cases where the military interviewed soldiers on behalf of the RUC well into the late 1970's.*

A major component to any investigation is the interviewing of potential suspects or witnesses. A crucial aspect of any such interview is to challenge and test the interviewees' account of events against what has already been established during the rest of the investigative process. It is obvious that the SIB investigators in this case had no knowledge whatsoever of the allegations that had been levelled at the soldiers by civilian witnesses who had been at the scene of the shooting. Soldier 'A' was interviewed at 1.45pm on September 16, 1971, about 36 hours after the shooting. (The statement of soldier 'B' is not timed and dated but was probably made around the same time).

The RUC had taken statements from the key witnesses Michael Martin Campbell and Mark McLaughlin the day before and both had said that Mr McGreanery was unarmed at the time of his death. Had that vital information been in the possession of the SIB investigators prior to the interviews with the soldiers then at the very least they should have been treated as 'suspects' and should have been interviewed 'under caution'. The evidence of the two civilians should then have been used to challenge the accounts given by the soldiers. This did not happen and the only conclusion that can properly be drawn is that from that point onwards the investigation was irrevocably flawed.

**HET Comment:** *During interview with the HET, soldier 'A' said that at no time during his interview with the SIB was the allegation put to him that Mr McGreanery had been unarmed when he had been shot. He added that he was not aware until the date of the inquest (February 29, 1972) that such allegations had been made.*

It is clear that during the interview of soldier 'A' by the RMP they had immediately accepted his account that Mr McGreanery had been armed with a rifle. It seems incredible that even though the area RUC Chief Superintendent was of the firm opinion that Mr McGreanery was not armed at the time he was killed, and that in his opinion the soldier should have been charged with murder, that neither soldier 'A' or 'B' were ever interviewed by the RUC, or even re-interviewed under caution by the SIB at the behest of the RUC.

**HET Comment:** *During evidence to the Saville Enquiry, some former members of the SIB said that statements were taken from the soldiers primarily for the purposes of informing headquarters as to what had happened, rather than for the purpose of considering a criminal prosecution or challenging an account and that the procedure was very informal. However the HET have recently interviewed a former senior SIB investigator about procedures he worked to when investigating army shootings in Belfast and Derry between 1970 and 1972. He was adamant that his investigations were robust and he dismissed any notion of 'informal investigations'. He did however confirm that the SIB would not always have been in a position to challenge verbal accounts given by soldiers, as often they would not have been made aware beforehand of any accusations made by civilian witnesses. He added that in respect of fatal shootings, it was commonplace that the military would only become aware of the full extent of any allegations during the subsequent inquest proceedings.*

The local RUC Commander, Chief Superintendent Frank Lagan was clearly of the opinion, despite the evidence of the soldiers concerned, that the shooting of Mr McGreanery was unlawful. A report he submitted to police Headquarters (Dated November 8, 1971) is reproduced in full below.

### Chief Constable

*Submitted. From the statements of the deceased's companions- Campbell, McLaughlin, McGinley and Canning - and those assembled at Lonemoor Road / Westland St., junction (locally known as Stones Corner), it is evident that the deceased with his friends walked rather disjointedly along the Lonemoor Road (Laburnum Terrace) to that junction. He was not armed with a rifle or any article or instrument resembling same. He was not making any gestures with his arms at any time that might be so interpreted. Neither he or his companions have any affiliation or association with any illegal organisation. There had been no disturbances at the junction at the time or within the recent past.*

*Soldiers "A" and "B" were on duty in their observation post which is on an elevated position from the Lonemoor Road / Westland St., junction and about 100 yards distant. Soldier "A" states that he saw three men alight from an Austin Cambridge or Morris Oxford car at Stones Corner near the traffic island. After standing under some trees at West End Park*

*they moved towards the traffic island and one of them moved from the others. He had a rifle in his hand and came to the aim position towards his - the soldier's - observation post. Soldier "A" moved from his position slightly and on seeing this man clearly fired one round 7.62 at him. He fell and was pulled away by one man whilst the other took the rifle which the soldier says was of .303 calibre. He was not using visual aids. There was street lighting at the junction. He announced to soldier "B" who was in the same observation post of what he had seen. Soldier "B" states that as he was so informed, soldier "A" fired his shot. Soldier "B" cannot help further in any material detail.*

*As can be seen from the army Log Sheets attached to this file the soldiers were under considerable tension and strain in this locality on the date in question.*

*Dr. Carson gives his opinion on page 28 and I refer in particular to paragraphs 4 and 5 thereof in which he outlines the direction of the bullet and the bodily position in which McGreanery must have been in relation to the line of fire. Dr. Carson details the position of the forearm and he qualifies this by saying that it would be a most unusual position in a man walking at the time.*

*Having tried to demonstrate I find it difficult to assimilate the probable positions of deceased's left forearm with that of a man holding a rifle or with his left arm extended to give that impression.*

*There are two questions to be answered - (1) Was William F. McGreanery armed with a rifle and (2) If not so armed did the surrounding circumstances support the soldier's belief that he was so armed? If the former is the case then justification for the soldier's action prevail. However, in the latter I consider that a jury would accept that the deceased came along Lonemoor Road on foot and from the opposite direction from which he was alleged to have alighted from the car by the soldier. Soldier "A" is therefore in error and this puts his other observations very much in doubt and the acceptance of his detail about the presence of a rifle unacceptable.*

*Taking all the circumstances into consideration I cannot find that soldier "A's" action was justifiable and I therefore recommend that he be charged with the murder of William F. McGreanery.*

On behalf of the Chief Constable, an RUC Superintendent at Force Headquarters passed the file to the Chief Crown Solicitor on November 11, 1971 with the following comments: -

Chief Crown Solicitor

*Submitted for favour of directions please. The accompanying reports and statements indicate the manner in which above-named met his death at the hands of soldier "A" who was on duty in an army Observation Post, near Eastway Road, Londonderry, at approximately 12.45am on 15<sup>th</sup> September, 1971, and armed with a S.L.R.*

*I do not propose to cover all the circumstances which have already been thoroughly gone into. Briefly the facts are that McGreanery and his two companions were on their way home and walking at the junction of Westland Street / Lonemoor Road / Eastway Road, when a soldier in an Observation Post approximately 100 yards away, near Eastway Road, discharging one aimed shot at McGreanery and killed him. Though there had been serious rioting and shooting in this area on 14<sup>th</sup> instant, the streets around the Observation Post were pretty quiet at the time of this shooting and no rioting was taking place. The unsupported statement of the soldier reveals that he saw McGreanery point a rifle at him, and he then fired an aimed shot at McGreanery, who fell to the ground mortally wounded. The soldier further alleges that the rifle was taken away by another man, yet he does not say that he made any attempt to shoot the second man - in fact he didn't.*

*The position of the wounds on McGreanery's body, when taken in relation to the Observation Post from which the S.L.R. is alleged to have been discharged, is quite difficult to understand. One would not have expected these wounds to have been on the left upper arm and left side of the body, but either to the front or right hand side. By the same token one could not presume that McGreanery was in the act of pointing a rifle at the soldier at the time of the discharge of the fatal shot.*

*Soldier "A" maintains that his orders were that if he was about to be shot he could return the fire, provided it was an aimed shot. There is no evidence that soldier "A" was being attacked with firearms. In fact the whole weight of evidence contained in this file indicates clearly that McGreanery was not attacking anybody, that he was not armed at the*

*time, that the soldier was clearly mistaken in his observations, and that his actions in deliberately shooting McGreanery were clearly wrong.*

*I feel that the only way to establish the truth of the incident to the satisfaction of everyone is to proceed against soldier "A" for the murder of William Francis McGreanery. I am satisfied that a prima-facie case of murder has been established against him and I recommend proceedings accordingly.*

**HET Comment:** *Prima facie is a Latin expression that is used in the modern English legal system. In layman's terms it means that on first examination of the facts the evidence must be sufficient to prove that a particular offence has been committed and justify criminal proceedings.*

On November 15, 1971 the Chief Crown Solicitor passed the matter to the Attorney General for his observations. As a result of what the Attorney General said, the Chief Crown Solicitor responded to the Chief Constable on December 23, 1971 in the following terms:

- 1. If soldier A was guilty of any crime in this case, it would be manslaughter and not murder. Soldier A whether he acted wrongly or not, was at all times acting in the course of his duty and I cannot see how the malice, express or implied, necessary to constitute murder could be applied to his conduct.*
- 2. Is there a prima-facie case of manslaughter? There is a sharp conflict between soldier A and the civilian witnesses. If the latter are right then there is a clear prima-facie case of manslaughter and if soldier A is right then the homicide is not criminal. Obviously one must look for independent evidence and this is forthcoming in that of Dr. Carson, the pathologist. His findings are that "the bullet must have come from the front of the deceased somewhat to his left and slightly above him at a time when his left forearm was held in front of his chest. It could not have come from his right side." This evidence destroys most of the civilian evidence which to be true would require the deceased to be shot on the right hand side and certainly not "at the time the forearm must have been flexed at the elbow and held up in front of the chest, either vertically or horizontally or in some intermediate position" - as Dr. Carson says. Dr. Carson's evidence does not of course prove that the deceased had a rifle but it is*



*strongly suggestive of the fact that he was holding his arms in the position of aiming a rifle.*

3. *My conclusion is that Dr. Carson's evidence tends to corroborate that of soldier A. I am impressed also by two further facts - one, that immediately before he fired, soldier A made a remark to soldier B that he saw someone pointing a rifle at their observation post and second, that there was some basis for soldier A's initial suspicions - a car in fact did stop nearby (it was a taxi) and the passenger did get out for a time and talk to a number of men including the deceased who then moved away.*
4. *Having regard to all these circumstances, and adding the fact that gunmen had been sniping in the area over a period of time before soldier A fired his shot, I cannot say that I am satisfied there is a prima-facie case of criminal negligence amounting to manslaughter on the part of soldier A. There may well be a case of some negligence on his part - but I can only properly be concerned with the question whether this negligence was so reckless as to amount to manslaughter - or putting it another way, that soldier A's belief that he was in a position of danger by reason of a civilian pointing a rifle at him was formed in a criminally negligent way. (See R - v - Lamb (1967) 2 Q.B. 981)*

**HET Comment:** *The inference drawn by the pathologist Dr Carson that the gunshot wounds to Mr McGreanery's left forearm were indicative of him having been in the 'aim' position with a rifle at the time he was shot is feasible, but the HET are not convinced it is the only explanation available. He could have been merely 'mimicking' the aiming of a rifle, or simply had raised his forearm for some other reason at that crucial moment, such as placing a cigarette in his mouth or combing / fixing his hair, for example.*

## Outcome of the HET Review

The HET has conducted a review into the death of William Francis McGreanery and this has now been completed. From the papers available to the HET, it is quite clear from the outset of the original investigation that soldier 'A' was responsible for shooting Mr McGreanery, a fact that was never in dispute.

The HET acknowledges that applying modern standards to contrast earlier enquiries is potentially misleading and can be viewed as unfair. The context of the times is a feature in all HET reviews, and officers involved in investigations of the time will point to an environment that included a huge volume of cases and incidents, an atmosphere of fear and confusion, and adherence to policies and practices that were in place at the time but which seem completely unacceptable when judged against present day procedures.

They will also frequently highlight that recovering evidence was not always a routine process, and that security concerns sometimes precluded the passing of information from witnesses to the security forces due to the involvement of paramilitary organisations.

Nevertheless, it is the responsibility of the HET to examine these previous investigations, and comment upon issues that arise. In this review, a number of matters have arisen that deserve consideration.

**HET Comment:** *This report acknowledged earlier that the original investigation in this case was conducted pursuant to an agreement made in 1970, between the Chief Constable of the RUC and the General Officer Commanding of the British army, whereby RMP had primary responsibility for interviewing soldiers who were involved in fatal shooting incidents and the RUC dealt with civilian witnesses. These arrangements meant that, in practice, soldiers were not interviewed by civilian police officers at all.*

*The HET recognises that real concerns exist regarding the effectiveness and independence of the original investigations that were subject of this agreement.*

*In civil proceedings arising out of one such case, (the death of Kathleen Thompson in 1971), the issue was considered by the High Court in Belfast*

*in 2003. The Lord Chief Justice ruled that no effective investigation had taken place in such circumstances.*

*The HET review acknowledges the importance of these factors, and accepts that the overall issue of shootings involving the army has an important political dimension in the current debate over dealing with the past in Northern Ireland. Individual cases are subject of appeals for direct political intervention, Public Inquiry, Inquests, discussions over a Legacy Commission and, in many cases, involvement with the HET review process.*

*At this stage, the best service that the HET can provide to families is to conduct an impartial and objective examination of individual case circumstances, critically evaluating the effectiveness of any original investigations and actively seeking to obtain any new or further witness evidence, including re-contacting original investigators and attempting to trace and interview soldiers who were present.*

The identities of soldiers 'A' and 'B' are known to the HET, their details having been supplied on request by the Ministry of Defence.

The question as to whether the HET should interview soldiers who were involved in shooting incidents whilst on duty in Northern Ireland is considered on a 'case by case' basis. Usually, but not exclusively, the determining factors will be around the thoroughness of the original investigation, especially the way in which interviews were conducted by the military, and whether the original interviewers had prior knowledge of any allegations that may have been levelled against the soldiers.

Another major consideration is the evidence that was tendered by the soldiers or their representatives at the inquest, and most importantly whether there is any evidence available now that would not have been available to investigators at the time. Sometimes the HET conduct further interviews with former soldiers merely in an attempt to clear up any ambiguities identified through our review process, but on other occasions we conduct formal interviews 'under caution'. We do this so that whatever is said during the interview would be admissible in evidence should a prosecution follow. We would normally seek to conduct this type of interview when we have reasonable grounds to suspect that an offence may have been committed.

Very careful consideration was given in this case to re-interviewing soldiers 'A' and 'B' under caution. Crucial aspects of the case, albeit known to the investigating authorities at the time, were apparently not used to challenge the version of events given by the soldiers. The account given by the various civilian witnesses (which are at odds with what soldier 'A' said) is a prime example. It is the view of the HET that but for the fact that the Chief Crown solicitor at the time determined that the actions of soldier 'A' did not amount to criminal negligence (accepting that there may have been some negligence on his part, but not sufficient to amount to the degree of recklessness required to commit an offence of manslaughter), the re-interviewing of soldier 'A' under caution would have been appropriate.

Soldier 'B' was not actually involved in the shooting of Mr McGreanery. His evidence has always been that he did not see anything in particular, but he did say that soldier 'A' shouted something about a man with a gun immediately before he (soldier 'A') opened fire. Soldier 'B' was therefore invited to engage with this review purely as a witness. He agreed to do so, and was interviewed by members of the HET at his home address in the North of England on July 2, 2009. He is in extremely poor health and is housebound. His memory is poor and he suffers bouts of nervous depression. His recollection of the events of September 15, 1971 is as follows:

- He was a member of the 45 Medium Regiment of the Royal Artillery. In 1971, he was posted to a four-month tour of duty in Northern Ireland, all of which was spent in Londonderry. It was his only tour of duty in the Province. He cannot recall the name of the barracks where he was accommodated, but says it was very close to the City Walls of Londonderry. The majority of his time was spent on observation duty within sangers in the city. He would often spend twelve hours on duty followed by 12 hours off duty. Normally there would be two soldiers at a time in each sanger.
- He could remember that the shooting of Mr McGreanery happened on the same day as the death of army Sergeant Carroll. He said that Sergeant Carroll had been in the next Sanger to him for most of the day and then for some unknown reason he left the relative security of the sanger and placed himself in unnecessary danger in an open area of the base. That was where he was shot and killed soon after. He thought Sergeant Carroll had been very foolish.

- He assumes that he must have been on the day shift that day because he was there when Sergeant Carroll was killed - but cannot recollect why he was also there that evening because normally he would have been on his twelve hour period of 'down-time' after completion of his tour of duty. He does however recollect that he had been in the sanger for a long time on his own during the evening and in to the night, which was unusual. His guess is that he had been retained on duty because of the ongoing security situation particularly in light of the death of Sergeant Carroll.
- He said that about two hours before the shooting of Mr McGreanery, soldier 'A' joined him in the sanger. He was from a different regiment and he had never seen him before. He thinks that he said he had been based in Belfast, but he is not sure. He added that there was very little conversation between the two of them and soldier 'A' took cover behind some sandbags. Soldier 'A' kept observations down the hill towards the road junction and he (soldier 'B') kept watch on the houses opposite. He thinks the area was called the Creggan. Both of them were armed with SLR's which would not have been fitted with night scopes. They would not have been in possession of night vision binoculars.
- He said that it had been a relatively quiet night and there were not very many people about. He recalled seeing a small number of people 'milling about' near to a small wall at the road junction, but said that he didn't pay them much attention because his job was to observe the housing estate opposite.
- The former soldier was then shown a series of current day photographs of the area that had kindly been produced by the Pat Finucane Centre to aid the review. He said he could vaguely remember that someone had been sitting on the wall of the island not long before the shooting, but he couldn't recollect on which side or which way the man was facing. He added he could not remember anything else about the actual scene of the shooting.
- He could not remember any specific conversation he may have had with soldier 'A', and added that it would often be the case that several hours would elapse in such situations before anyone would feel the need to speak. He did concede however, there must have

been at least some conversation between the two of them, but he could not remember what it would have been about. He said that especially in Londonderry around that time, full concentration was required when manning an observation post and many of his colleagues did not like to engage in conversation unless it was absolutely necessary.

- He said he does remember soldier 'A' saying something about a group of men at the road junction and then suddenly shouting 'man with rifle'. Immediately after that he heard a single shot and realised that his colleague had fired it. He added that soldier 'A' did not shout a warning before opening fire. Soldier 'A' then told him he had fired at a man who had had a rifle. He has no recollection at all of what soldier 'A' did or might have said straight after the shooting. He looked in the direction of the traffic island and could see someone on the ground, but could not see a weapon. He then focussed his attention to the area of the housing estate because it was not unusual to be attacked from two or more locations simultaneously. At the same time he 'radioed in' and reported that his colleague had discharged a shot. Very soon after, additional soldiers arrived in the sanger and (he thinks) both he and soldier 'A' were replaced.
- At no time did he shout, or hear anyone else shout anything such as "Hurray, we've got one". In fact he said he was not aware of anyone shouting anything after the shooting.
- After the shooting he was spoken to by one of his superior officers who had asked him what had happened. He recalls being interviewed by the SIB but cannot remember whether it was on the same day as the shooting or where the interview took place. He does not know who his interviewer was or what questions he was asked but does remember showing him his SLR to prove that he had not discharged a shot. He thinks he and soldier 'A' were interviewed separately. He said that the majority of the soldiers did not particularly like the SIB, and that they were regarded as bullies.
- He added that the only time he saw soldier 'A' was on the night of the shooting. He never knew his name.

- After his tour of duty in Northern Ireland he was posted to Germany. Some time later (he cannot remember how long it was after the shooting), he was brought back to Northern Ireland to attend the inquest. Although he was told that he would probably have to give evidence, he was not required and spent the whole time sitting outside the court in the back of an army Landrover.
- He had no other recollections of the shooting or what happened after it.
- He added that the shooting of Mr McGreanery had been the only incident that he had been involved in during his time in the army. He completed his service without ever having to discharge a firearm of any description other than in a training situation.
- Soldier 'B' was unable to offer any further assistance to the review.

Soldier 'A' was seen at his home address in the North-East of England, also on July 2, 2009. As no new evidence had been unearthed during the review process, and soldier 'B' had not said anything to contradict his original statement, the decision was made to interview him as a witness.

**HET Comment:** *This pragmatic approach was adopted specifically to give the HET maximum opportunity to obtain as much information as possible for the benefit of Mr McGreanery's family. People who are interviewed under caution as 'suspects' are typically either extremely guarded in what they say, or exercise their right not to say anything at all.*

His recollections of that day were as follows:

- He had been a member of the 1<sup>st</sup> Battalion Grenadier Guards from 1969 to 1973 and reached the rank of Lance Sergeant. His Battalion had been serving in Kenya up until their posting to Northern Ireland in 1971. It was his only tour of duty in this country and lasted for three or four months.
- When they arrived in Northern Ireland they were posted to the barracks at Black Mountain Primary School, Ballymurphy. Some time later they were moved to HMS Belfast, which at that time was moored off Derry.

- On the evening that Mr McGreanery was killed, he remembers being sent to the observation post at Blighs Lane. He cannot recall what time he arrived, but does remember he was with several other members of his Battalion and it was the first time they had been sent to that particular post. He knows that he and his colleagues were briefed as to what had been happening in that area over the preceding days and that they were told about the shooting dead of Sergeant Carroll. They were also told about the rioting that had been taking place. He cannot recall where the briefing took place or who conducted it. Their role was often to lend short-term support to Battalions that were for one reason or another short staffed and he thinks that was probably their role at Blighs Lane.
- He remembered that it was dark when they arrived at Blighs Lane but has no idea what time it was. He said he was told to join another soldier in one of the sangers and he thinks the soldier who was already there was from one of the Artillery Regiments. He had never seen him before. The sanger was high up on a steep incline overlooking a road junction that had a traffic island in the middle of it. He estimated the sanger was around 300 yards from the junction. He said he thinks there may have been some derelict houses either at or very near to the junction. He said he had a clear and unobstructed view of the road junction below, and although it was dark outside, there was some street lighting around the junction. He said the lighting gave off a yellow glow and although visibility was not perfect, the area of the traffic island and the immediate vicinity were illuminated. There were however, many areas that were in shadow at either side of the junction.
- He said he was absolutely petrified. He could hear the occasional sound of gunshots but did not think the shots were either aimed at or from the Blights Lane observation post. He said he was being especially vigilant because of what had happened in the area during the day, particularly the shooting of the army Sergeant.
- He added he had little or no conversation with the other soldier. He positioned himself on the side of the sanger that overlooked the road junction only because the other soldier was already covering the housing estate opposite. He said he had been there



for a few hours when he saw two or three people who were on foot and were near to the traffic island. They were drifting in and out of the shadows and the adjacent buildings. He remembers saying something to the other soldier on the lines of "we had better watch this lot", because he got the impression they were paying particular attention to the observation post. One of the men emerged from the shadows and appeared to be holding something long and thin. He thought it was a rifle. He watched this particular man through the sights of his SLR (which did not have an image intensifier or starlight scope attached). Suddenly the man raised both his arms above his head and then immediately brought them down again into a position the soldier thought was a typical firing stance. He says he instinctively fired off one round of ammunition at what he genuinely thought to be someone who was about to shoot at him or a colleague. He said it had to be a 'split second' decision and any hesitation at all would have placed either him or other soldiers at immediate risk of death or serious injury.

- He said as soon as he fired the shot he was aware that everyone in the area of the traffic island immediately dropped to the ground - and that he did not know whether he had actually hit anyone. He explained that he has little recollection as to what happened immediately after the shooting. He had hoped he had missed with his shot, but realised he had not when he heard over the radio a short time later that a van carrying a man suffering from a gunshot wound had been stopped at an army checkpoint on a bridge as it was on its way to a local hospital.
- His next recollection was having his weapon examined to check how many rounds of ammunition had been expended, but he cannot remember who did it. He says he was given one additional round of ammunition to bring him back up to a full magazine (20 rounds). He thinks whoever it was that checked his weapon also recovered the spent cartridge from inside the sanger. At some time that night, he gave a verbal account of what had happened to either a Platoon Commander or an Artillery Sergeant. He was allowed to keep his weapon and he remained on duty in the sanger for the rest of the night.
- He can remember being interviewed about the shooting by the SIB who took a statement from him. He said he must have been

interviewed separately from soldier 'B' because he did not see him at all after the incident. He said the SIB were quite oppressive in manner, but at no time did they suggest to him that the man he had killed might not have been armed. In fact, he says that had they done so, he would have immediately accepted that possibility; but would have also stated that he genuinely perceived he was under threat of mortal injury and had no alternative but to fire.

- Soldier 'A' then went on to say that he did not perform duty at Blighs Lane again after the shooting, but did spend quite some time in the Londonderry area before his Battalion was transferred back to the Chelsea barracks in England.
- Some months later he was flown on military transport to Aldergrove airport to give evidence at the inquest. On arrival he was placed in the back of a large car and was driven to Londonderry. He was told to lie down and to keep out of sight. He never got out of the vehicle, because he was not required to give evidence. He was driven straight back to Aldergrove and eventually taken back by military aircraft to London. At no time did he either see or speak to any other person who was due to attend the inquest.
- When he had finished recounting the circumstances as he could remember them, the HET read over to him the contents of his original statement. He said he had no recollection whatsoever of the car that Mr McGreanery had arrived in, and although he did recollect there had been some trees somewhere in the area, he could not remember exactly where they were. He added that visibility was good because of the street lighting and he does not remember his view of the men being obstructed at any time by trees. The only time, as far as he can remember, that the men went out of his line of site was when they disappeared for short time into shadows or behind buildings.
- He was asked about his knowledge of the army's rules of engagement at the time, (known as the 'yellow card' rules of engagement). He acknowledged that he was required, if possible, to shout a warning before he discharged his firearm, but said that to have even attempted to have done so would have been a worthless exercise because of the distance involved, and that any delay in

responding to the 'threat' would have placed him and his colleagues in considerable danger.

- Soldier 'A' was surprised to hear that in his statement he had described the rifle definitively as a .303. His recollection was that he had described it only as a 'long dark object', rifle shaped, and similar in size to a .303. He also had no recollection whatsoever of describing the distance from his position in the sangan to the traffic island as 100 yards. He thought it would have been at least 300 yards. He was at a loss to explain why the apparent anomalies in his statement existed, but he was adamant that he had not intentionally or otherwise given inaccurate information to the SIB, or even that the SIB had misconstrued what he had been saying. He said they were very stressful times and put any apparent discrepancies down to the fact that his mind was in turmoil because he was so horrified that he had killed a fellow human being.
- He was shown the same photographs of the current-day scene that had been shown to soldier 'B'. He said Mr McGreanery had been standing to the left of the traffic island as he looked at it from the sangan, and commented that the area does not look a great deal different now to what it had done in 1971.
- He went on to say the only time in his entire army career he shot a live round other than in training was that night. He said he was not proud of what he had done, but was convinced that if he were ever to be in a situation again where he feared his or another's life was in immediate danger, he would have no option but to do the same again.
- He said it was only after he left Northern Ireland with the rest of his battalion that he really became aware of the allegations that Mr McGreanery had been unarmed. A friend of his sent him a series of press cuttings about the case, particularly the local coverage of the Inquest proceedings and he said he felt 'sick to the stomach' at the thought he might have shot and killed an innocent man. He said he could not understand why Mr McGreanery would have had his arms in the position he did, but accepted fully that the McGreanery family were adamant he was not a gunman. He said he had made a terrible mistake, albeit an honest one. He added that he could only assume Mr McGreanery had simply been 'larking

about', and had been mimicking the actions of a gunman to 'wind up' the soldiers at the observation post.

**HET Comment:** *The soldier may have been correct in making this assumption, but the HET would argue there could have been any one of a number of other possible explanations. This will be referred to in the 'HET conclusions' section of this report.*

- Soldier 'A' refuted absolutely any suggestion he had acted out of a sense of revenge for the shooting dead that day of the army Sergeant. He said he was absolutely horrified that anyone would think he would be capable of such a thing and added that nothing could have been further from the truth. He said it had been a 'spur of the moment' situation and there was nothing premeditated about it.
- He said for all his life he has been more interested in creating peace than being involved in conflict. He thinks about Mr McGreanery and his family constantly, and has had many a discussion with his wife and children about what he did and why. He said that he hoped that the review process would bring some resolution to the McGreanery family, and asked that the HET pass on to them his sincere apologies and regret for what he had done.
- He said at no time did he shout or hear anyone else shout anything such as "Hurray, we've got one". He also said he was not aware of anyone shouting anything after the shooting.

The HET also seeks to engage with the original police officers who were in charge of the investigation. This allows for an insight into the considerations given to lines of enquiry, and affords the review team an opportunity to understand the context in which the original enquiry was conducted. Unfortunately Chief Superintendent Lagan died some years ago. The original investigating officers have been contacted by letter but have not taken up the invitation to assist with HET reviews.

The HET will often seek to re-interview civilian witnesses where there appear to be evidential opportunities in doing so and/or the witnesses have not had the chance to engage previously with the judicial or investigative process. Many of the witnesses in this case were interviewed by officers from the RUC and ultimately gave evidence at the

inquest. The vast majority of those witnesses who were not interviewed by the RUC, but who nevertheless engaged with the original investigation, had their evidence recorded by a solicitor who was acting on behalf of the family. In the main the evidence recorded by the solicitor was comprehensive. The statements were made available to the RUC and formed part of the case submitted to the Chief Crown Prosecutor for consideration of a prosecution of soldier 'A' for the offence of murder. Most of the evidence was aired at the inquest. Consequently there seems little to be gained in this case in re-interviewing the original civilian witnesses, even those who were not directly interviewed by the RUC at the time. (Already documented within this review is the fact that one new witness was identified with the assistance of the PFC and that she made a witness statement outlining her recollections of the shooting).

## HET Conclusions

The review into the death of Mr McGreanery has been examined against the below factors:

- The original case records
- Exhibits
- Fingerprint evidence
- Family concerns
- Intelligence records
- The original investigation
- Analysis of any linked issues
- Open source material
- Tracing of the soldiers
- Search for fresh independent witnesses

Like a number of other cases resulting in fatalities from army action, when the practice of the RMP interviewing the soldiers in isolation from the RUC investigative process was involved, the investigation was rendered ineffective. It cannot be said therefore that the death of Mr McGreanery was properly investigated at the time, even though it was clearly the view of Chief Superintendent Lagan that soldier 'A' should have been prosecuted.

The HET concludes, on the basis of the available evidence that:

- Mr McGreanery was shot on Wednesday, September 15, 1971, by a soldier from the 1st Battalion Grenadier Guards at the junction of Eastway, Lonemoor Road and Westland Street, Derry.
- An examination of the original case file reveals that there were clear doubts over the veracity of soldier 'A's account yet nothing was done to challenge it or investigate further.
- The prosecution papers that were sent to the Chief Crown Solicitor and then to the Attorney General were lacking in detail and certainly by today's standard would have been rejected on the basis that insufficient information was available to make an informed decision as to prosecution.

- The HET has conducted this review with an open mind, and believes it is important to put matters in a historical context. Fairness dictates that an overview of the circumstances should include consideration of the threat level the soldiers believed they were facing. The soldiers were well aware they faced a real threat of being shot at, in fact only a few hours before army Sergeant Martin Carroll was killed in a gun attack at the same observation post. Some 49 soldiers were to die in 1971; the threat therefore was very real.
- On his own admission, soldier 'A' was petrified. There can be no doubt that tensions were running high, and all the soldiers at Blighs Lane will have been extremely nervous and edgy.
- Two of the most contentious issues in this case revolve around whether Mr McGreanery was armed and whether he posed a threat to the soldier(s). On the one hand soldier 'A' is adamant that he genuinely thought a rifle was being aimed in his direction and was therefore (he says) fully justified in shooting at the 'gunman'. Soldier 'B', whilst not seeing a weapon, says he heard soldier 'A' comment about seeing a rifle immediately prior to the fatal shot being discharged.
- There is an abundance of evidence from the civilian witnesses to say that Mr McGreanery was not armed and therefore posed no threat whatsoever to the soldier(s). Soldier 'A' is prepared to concede, on the basis of what the civilian witnesses say, that he was mistaken about the rifle.
- Mr McGreanery was a mature man of 41 years. It is fair to say that much of the violence and riotous behaviour that took place during this period was attributable to a much younger and more excitable element and /or by those involved with paramilitary organisations. Mr McGreanery was not involved with any such organisation. The review has considered the likelihood that he may have acted foolishly whilst under the influence of alcohol. When he was in the hospital, samples of blood and urine were taken which upon analysis showed that although he had consumed alcohol that evening, the levels in his body were low and in the opinion of the pathologist would have had little effect on his emotional stability.

- According to the witness Eamon Shiels, Mr McGreanery was wearing a light coloured shirt on the evening he was shot. The police at the hospital seized Mr McGreanery's clothing but unfortunately they did not itemise what they took possession of, so it is impossible to say exactly what he was wearing at the time. Of course, if he was not wearing any outer clothing it would have been very difficult for him to carry a rifle of any description for any length of time without it being seen by the soldiers. The evidence of soldier 'A' is that Mr McGreanery and his friends were walking around the area for quite some time prior to the shooting. It seems to follow therefore that had Mr McGreanery been in possession of a weapon of that nature it would easily have been visible to the soldier beforehand.
- Had Mr McGreanery been armed with a rifle and been intent upon shooting at a soldier, it would have been an extremely foolhardy thing to do from the location at which he himself was ultimately shot. Soldiers had regularly been shot at and either been severely wounded or killed at the observation post in question. It was poorly sited, being overlooked from numerous vantage points from where gunmen could and did mount attacks upon it.
- The most unlikely location from where to mount an attack with a rifle would have been where Mr McGreanery had been standing when he was shot. There was no cover behind which he could have concealed himself, and he would have known he would have been in full view of the soldier(s) throughout the entire period. Several ideal vantage points would have been available to him very nearby had he wished to engage the soldiers with a rifle.
- The witness Mr Campbell mentioned that he, Mr McGreanery and the three other men had climbed over a low wall and had then walked towards the small traffic island in the centre of the road. At that time, Mr McGreanery had his hands in his trouser pockets. Within what must have been only a few seconds, he had been shot dead - with his left forearm raised in front of him.
- None of the civilian witnesses made any mention of Mr McGreanery acting in a provocative way. He was not drunk and as already stated in this report, was a man of mature years, and was therefore unlikely to have been acting in a foolish manner.



- Inferences were drawn by the pathologist during the investigation in 1971 that the gunshot wounds to Mr McGreanery's left forearm were indicative of him having been in the 'aim' position with a rifle at the time he was shot. That itself is feasible, but the HET are not convinced it is the only explanation available. He could have been merely 'mimicking' the aiming of a rifle, although that would have been an extremely reckless thing to do, or he could simply have raised his forearm for some other reason at that crucial moment, such as placing a cigarette in his mouth, or fixing his hair, for example.

Thirty-eight years later, the soldier still maintains his original account of events during that evening. He does accept however, that he made a mistake, albeit an honest one. The reality is that we can never know conclusively why Mr McGreanery's left forearm was flexed at the elbow and held up in front of the chest when he was killed, but it is the view of the HET that he was not pointing a rifle at the soldier at the time. He was not involved with any paramilitary organisation, he was not carrying a firearm of any description, and he posed no threat to the soldiers at the observation post.

Given the passage of time, there are no further lines of enquiry or investigative opportunities open to the HET to pursue in respect of Mr McGreanery's death.

## **Open Source Material**

The death of William McGreanery is referred to in the book 'Lost Lives' at page 98, entry 123. 'Lost Lives' is a publication chronicling all deaths in Northern Ireland, which were attributable to the 'Troubles', between 1966 and 2006. The authors, 5 journalists, felt compelled to commit to print the various accounts of the deaths within the time span outlined. The entry describes William McGreanery as a single man, 41 years of age, who was a shop assistant. The death of Mr McGreanery is linked in the book to the death of army Sergeant Carroll, who was shot dead at Blighs Lane army post about 9 hours earlier. The Catholic Ex-Servicemen's Association and SDLP MP Mr John Hume made comments at the time casting doubt on the army's version of events, stating Mr McGreanery was unarmed and not affiliated to any political organisation.

The McGreanery family issued a statement after the shooting saying: -

*"We ask everyone not to use Billy's death in any way to arouse hatred or revenge. Billy lived quietly. He was not in any political organisation. The statement that he had a rifle when he was shot is not true. In spite of this we must try to forgive"*

**HET Comment:** *The 'Lost Lives' entry is incorrect in as much as it gives the date of Mr McGreanery's death as September 14, 1971, when in fact he died during the early hours of September 15, 1971. The HET will notify the publishers of the error.*

An article in the Belfast Telegraph dated September 15, 1971, reported the shooting and said:-

*"Police said he died shortly after 3am from gunshot wounds. He was discovered in a van on Craigavon Bridge after soldiers shot a man seen with a rifle at the junction of Eastway and Lone Moor Road".*

*The army said they were still investigating the incident. A spokesman said the man seen with the rifle raised it to his shoulder as if to fire at troops in Bligh's Lane. The spokesman said the man was seen to fall after two soldiers at the post fired and he was dragged away by members of the crowd".*

An Internet search revealed the following website which chronicles the death of a number of Catholic civilians who were shot by the army. [www.hvk.org/articles/0501/8.html](http://www.hvk.org/articles/0501/8.html) In respect of Mr McGreanery it says the following:-

*"William McGreanery aged 41, a shop assistant. A statement from a soldier read at the inquest into his death said one shot was fired at a man aiming a rifle at an army observation post. Six civilian witnesses who were with McGreanery said he was unarmed. A forensic science report said swabs taken from the dead man's hands showed no lead traces. His family later received compensation for his death".*

*Family questions have been redacted. PFC*

## **What Happens Now**

The Historical Enquiries Team has now concluded their review into Mr McGreanery's death.

All material gathered in this review, and records of the review and the investigative process are being consolidated and will be filed in purpose built PSNI storage facilities, where they will be kept indefinitely.

This report is a full summary of those papers and is yours to keep.

We are very aware that concerns exist regarding the disclosure of information obtained by the HET during the review of the original investigation. In order to maintain the confidence of families and the integrity of the review of all those deaths linked to the Troubles, Freedom of Information Act and Data Protection Act requests will be resisted by the HET and the PSNI, who will seek, on a case-by-case basis, to impose legal exemptions.

In the opening paragraphs, the HET objectives were set out. Of these, the primary concern is the interests of the family. Our hope is that you will find some clarity and comfort from the work that has been undertaken and some measure of resolution in a greater knowledge of the circumstances of the tragic death of Mr William Francis McGreanery.

Paul K Johnston  
Lead Senior Investigating Officer  
Historical Enquiries Team