

Bloody Sunday massacre: “Soldier F” back in court

Steve James**15 January 2023**

The legal case against “Soldier F”, the only member of the British armed forces ever to face charges for the January 30, 1972 massacre of 14 unarmed demonstrators protesting internment without trial in Derry, Northern Ireland, is due to resume in a committal hearing this month in Belfast.

Nearly 51 years after Bloody Sunday, a district judge will consider whether the evidence against Soldier F of the Parachute Regiment Support Company is sufficient for him to face a Crown Court trial for the murder of two men, James Wray and William McKinney, and the attempted murder of Patrick O'Donnell, Joseph Friel, Joe Mahon, Michael Quinn and one unknown.

Soldier F was granted anonymity by the court although his name is well enough known, having been identified in both the British and Irish parliaments under parliamentary privilege. The Saville Inquiry report into Bloody Sunday, published in 2010, found that Soldier F had shot three people and possibly another two.

Soldier F is also suspected of being present at the Ballymurphy Massacre six months previously, having been praised for “gallantry” at the time by his superiors, who included Brigadier Frank Kitson, author of the “Low Intensity Operations” counter insurgency manual.

The case against Soldier F was only launched in 2019. It was halted in 2021 after Northern Ireland's Public Prosecution Service (PPS) questioned the admissibility of statements made to the Royal Military Police in 1972. In March 2022, the Court of Appeal overruled the objections and ordered the PPS to resume proceedings against Soldier F, who in 1972 was a lance corporal.

The delay of more than half a century before a trial, let alone any conviction, testifies to the sustained efforts of the British state and its political appendages to prevent any legal reckoning with the origins and perpetrators of what remains the most infamous mass killings of the “Troubles”.

Bloody Sunday was not some accidental excess but flowed directly from the British government's brutal colonial policy. Thousands of British troops were deployed to Northern Ireland in 1969 by the then Labour government of Harold Wilson, to prevent the collapse of the British controlled Northern statelet under the impact of a mass civil rights movement demanding equal rights for Catholics, part of a worldwide upsurge of class struggle. In August 1971, the then Conservative government of Edward Heath, supported by Northern Ireland premier Brian Faulkner instigated a policy of mass arrests and internment of suspected Irish republicans. Hundreds were seized, their houses were smashed and families traumatised. Many were tortured for days.

Popular opposition to internment culminated in the January 30, 1972 march, by which time over 22,000 troops were active in Northern Ireland, including the notoriously brutal Parachute Regiment, which was deployed in Derry as it had previously been deployed in Ballymurphy, Belfast. 15,000 marchers participated in a largely peaceful march, billed as a family day and which was intended to conclude with speeches.

Instead, marchers were subjected to a planned assault by the British Army, authorised and overseen by the Heath government. Heath was prepared to instigate mass arrests and 'even a shooting war', according to the minutes of the Northern Ireland government's Joint Security Committee in Belfast.

An anonymous soldier placed in a witness protection programme told the Saville Inquiry of paratroopers anticipating “kills”, the day before Bloody Sunday. When they arrived in Derry, one paratrooper leapt out of the armoured vehicle and started firing immediately at some 40 civilians “running in an effort to get away.” Soldier F is one of 21 members of the Parachute Regiment who fired their weapons that day.

An initial inquiry which reported April 1972 into the

killings by a former British Army brigadier, Lord Widgery, was a blatant cover-up. Widgery said there would have been no deaths if there had not been an “illegal march”, that there was “no reason to suppose that the soldiers would have opened fire if they had not been fired upon first” and that the shootings reflected “differences in the character and temperament of the soldiers concerned”. Widgery falsely claimed there was “a strong suspicion” that some of the victims “had been firing weapons or handling bombs in the course of the afternoon.”

Recently released state papers underscored that maintaining the cover-up remained the policy of both Labour and Tory governments, even as the British establishment concluded a new inquiry would have to be conceded.

In early 1997, in the midst of the “peace process” that ultimately brought the “Troubles” to an end, then Tory Secretary of State for Northern Ireland, Sir Patrick Mayhew, told the Irish deputy premier, Dick Spring that the British government would not apologise for Bloody Sunday and that there was “not much prospect” of Widgery’s 1972 findings being overturned. Mayhew hinted that the British government might express “profound regret” but that any apology would be to “accept liability”.

A few months later, under Labour’s Tony Blair, Mayhew’s replacement as Northern Ireland Secretary Mo Mowlam was presented with a civil service briefing paper which noted “renewed interest in the prospects of securing some kind of change in the Government’s position, either unilaterally or through the medium of a new inquiry.”

Mowlam was inclined to agree, so long as any inquiry was rigged to ensure that no British soldier or official ended up in jail. Mowlam wrote to Labour’s Defence Secretary George Robertson to explain, “The overriding limitation would be that no soldier or other Crown servant should be placed in jeopardy of legal action by whatever the reviewer might find or by what might flow from his findings.”

Another paper from a Northern Ireland Office civil servant warned that what “concerns Ministry of Defence officials most” was the possibility of re-opening inquests for the Bloody Sunday victims or any review which might suggest soldiers should be prosecuted. In the event, Blair agreed to a new inquiry as part of a deal to bring Sinn Fein into the power-sharing structures of government in Northern Ireland, set up by the 1998 Good Friday

Agreement.

The Saville Inquiry was finally set up in 1998, heard evidence until 2004 and reported in 2010, when then Conservative Prime Minister David Cameron duly made an apology. While his report amassed a huge amount of testimony, Saville’s conclusion was consistent with the demands of his political masters. Saville rejected many of Widgery’s lies, exonerating the victims. The report concluded, however, that fire by one soldier resulted in others “losing their self-control and firing themselves, forgetting or ignoring their instructions and training.” The whole affair was, in effect, down to poor training and discipline on behalf of a handful of paratroopers.

The Soldier F case is one of many being subjected to every possible delaying action. Others, potentially much more damaging, include the threat of an inquiry into the 1989 murder of human rights lawyer Pat Finucane by a loyalist gunman acting with state collusion, which amounted, in the words of his widow Geraldine’s barrister, to an “extra-judicial execution”. Last December, the British government was found in the High Court, and despite a 2019 Supreme Court ruling, to still be in breach of its legal obligation to carry out an investigation into the killing.

While continuing to block an investigation into Finucane’s murder, the British government is pressing ahead with its Northern Ireland Troubles (Legacy and Reconciliation) Bill, which seeks amnesties on all “Troubles” cases in return for some level of co-operation with a toothless information recovery body. The legislation, intended to prevent any damaging new legal cases, is opposed by the groups who have campaigned for years to expose what happened to their loved ones. It has also been condemned by both the United Nation’s (UN) Human Rights Council and the human rights commissioner of the Council of Europe.



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