

Judicial Communications Office

24 October 2024

IN THE MATTER OF AN INQUEST INTO THE DEATH OF FRANCIS BRADLEY

SUMMARY OF CORONER'S VERDICTS AND FINDINGS

Introduction

His Honour Judge Irvine KC presided as coroner over the inquest into the death of Francis Bradley which occurred on 18 February 1986. Francis Bradley ("the deceased") was described by the police as being an "important member of the Provisional IRA ("PIRA"). He was shot by members of the Special Military Unit ("SMU"), a unit within the British Army, when he was in the process of removing a rifle from behind outhouses/sheds at the rear of 60 Hillhead Road, Castledawson.

The inquest focussed on identifying how, when and where the deceased came by his death. In particular, it considered the use of lethal force and the planning and control of the military operation. The coroner found that the use of lethal force was both reasonable and proportionate in the circumstances. He also found the operation was planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force.

Background events

The inquest was informed that the active service unit ("ASU") of PIRA in the Castledawson/Toomebridge/Hillhead area was extremely active at the time, with attacks on a police officer and a civilian in April 1985 and a gun attack on Castledawson RUC station in December 1985. In January 1986, the area around Castledawson and Toomebridge was put "out of bounds" for local police due to the increase in terrorist activity. The deceased had been arrested on three occasions between April and December 1985 but released without charge.

The Operation

On 18 February 1986, an operation was carried out on behalf of the military and the RUC Tactical Co-Ordinating Group ("TCG"). The inquest was informed:

"The HMSU [Headquarters Mobile Support Unit] officers involved and those from SMU were trained in anti-terrorist tactics. The HMSU was a specialist unit within the RUC trained in conducting hard stops or hard arrests where the suspect was believed to be armed. The SMU consisted of a surveillance and reactive subunit. The SMU were trained in the procedure of a hard arrest situation and were instructed in terms of the Yellow Card. HMSU was not simply a support role for the military. On this particular occasion, HMSU was responding to SMU when they had an interaction with terrorists. There had been an ongoing surveillance operation for a number of weeks, or indeed longer, in the Castledawson area with the desired aim being the apprehension of PIRA ASU. The surveillance subunit was deployed that evening and when contact was made with a suspected terrorist, the reactive subunit was crashed out to effect the arrest of the ASU."

Judicial Communications Office

The coroner was satisfied that the intention and plan was always to effect an arrest of armed terrorists who were members of ASU. He said the events which unfolded that evening necessitated the deployment of a reactive subunit extremely quickly with the desired intention always to effect a hard arrest if necessary:

“The degree of planning by the very nature of the events could not be carried out over a protracted period and relied upon the commander of the patrol, namely Soldier A, using his own initiative in deployment of the military personnel. The arrest plan was entirely dependent on what the military was faced with and very much what the terrorist did and the surrounding circumstances. At all stages the soldiers were trained to operate within the law and to detain terrorists who would then be formally arrested by the police. The task was carried out at very short notice and with limited information. It was a surveillance operation up until the time of contact with the deceased at the farmhouse.”

Evidence

The inquest heard from the deceased's brother, his girlfriend at the time and civilians who lived close to Hillhead Road. The inquest also received evidence from a number of ballistic and pathology experts. The postmortem report from 1986 said the deceased appeared to have been struck by eight bullets but there was considerable variation in the position of the wounds and in the direction of the bullet tracks. The ballistics evidence showed there were a total of 20 spent cartridges discharged from the rifle of Soldier C and one from the rifle of Soldier A. All experts were in agreement that the deceased was presenting his back to the shooter when he was hit, either kneeling or bending forward. The coroner was satisfied that a bullet wound to the deceased's pelvis, fired by Soldier A, was one of the first injuries sustained and resulted in the shattering of the pelvis. Three wounds to the deceased's abdomen would have caused rapid death and the experts agreed it was likely he was hit by these while lying on his back on the ground.

The inquest heard from police officers who were attached to HMSU and CID who were present at the scene. The HMSU officers were deployed in two vehicles who were carrying out general patrols in the area until they were tasked by the TCG to attend at a property at which the deceased had died.

The inquest also heard from undercover plain clothed soldiers (Soldiers O, P, Q, R, S, U and V) from the SMU surveillance unit who were present in the area. Soldiers O and P were in one car and gave evidence that when driving to Toomebridge they saw a man standing at the back of a parked car removing what appeared to be a weapon shaped object which was wrapped in what looked like cloth. This was reported over the radio. The man removing the weapon was identified by the soldiers as the deceased who was a known PIRA operative, and the car was a known PIRA vehicle that was associated with the deceased. The soldiers turned around and when they got back the car was unoccupied, the boot was closed, and the deceased was no longer there. Soldier O was aware that the car was parked close to a disused railway line and made the assumption that the deceased had taken the package along this route on foot. He did not know the location that he was heading for. Soldiers O and P then drove a short distance to No. 62 Hillhead Road which was adjacent to a garage and shop and parked up. They said a car then pulled into the garage and came close to their location with its lights on. There were five people in the car who appeared to be male. Soldier P radioed in the vehicle registration, and it was confirmed that this was a known PIRA vehicle. The soldiers thought they were a potential target and prepared for a possible engagement, however the

Judicial Communications Office

men did not open any of the car doors and after a few minutes the car drove off. Soldier O told the inquest that she had been told via radio that soldiers had been deployed into the area and it was on their way back to base that they were told there had been a contact.

The coroner said that having considered the evidence of Soldiers O and P, he was satisfied that the male person at the rear of the vehicle outside Toomebridge was the deceased and that both soldiers had observed him with a rifle shaped object wrapped in what appeared to be a cloth. He was also satisfied that when the soldiers drove to 62 Hillhead Road, there was a potentially threatening confrontation with a PIRA registered car containing five men which "did not just arrive there by chance". The coroner said it was highly significant that the property was immediately adjacent to No. 60 Hillhead Road, the location from which the deceased was removing a rifle when he was shot by members of SMU. The coroner said that, on the balance of probabilities, he found that the deceased was responsible for placing the rifle at the rear of the outbuildings at 60 Hillhead Road and used the discussed railway line as a means to get to the farmhouse rather than walking along the roadway.

The coroner also heard from soldiers who were part of the SMU reactive subunit (Soldiers A, B, C, D, E and G). Soldiers A (the patrol commander), B and C were in one car and Soldiers D, E and G in another. They had been briefed earlier that evening that a terrorist threat existed in the Castledawson/Toome/Magherafelt area and were to operate as a double patrol.

Soldier A, in his statement made in 2024 said the reactive subunit went along the hedge line at the back of the farmhouse and he had good visibility through a gap in the hedge. They had been at that location for a few minutes when he saw car lights. The area was reasonably lit by a light from the garage and from the farmhouse and the moon was up. Shortly after the car arrived, he saw the head of a young man appear around the corner of the gable end of the outbuilding. He appeared to be looking to see if anyone was watching him and his behaviour was suspicious. He walked across the gap towards the wood pile. At this point an older man appeared at the gable end on the corner where the young man had been. Soldier A said there was something unusual about the younger man's hands and now believes this was due to the gloves he was wearing. The younger man then went back to the wood pile, bent down, disappearing behind it before standing up holding a weapon in one hand. Soldier A said his task was to arrest the gunman. He was on one knee with his weapon to his shoulder and looking through the night sight and shouted out, "halt". Before he could say anything else the man turned around, moving the weapon into two hands, ready to fire. Soldier A said, "he posed an immediate threat to my life and that of my fellow soldiers." He fired one round at him and his recollection is that he fell down. He recalled that Soldier C also fired at the same time. Immediately after he fired, he saw the other man run off to the right and he shouted, "runner, right." He then ran in an effort to detain this man. At some point when he was running, he said over the radio that this man was not armed. He was unable to get through the hedge and returned to the gap where Soldier C was still in position. After the initial shots he did not recall seeing or hearing any gunfire. He could only recall hearing the first shots and after the incident had ended, he saw the deceased's body lying on his back.

The coroner was satisfied on the balance of probabilities that Soldier A fired the first shot and as a result of this shot the deceased fell to the ground. He was also satisfied that the deceased was not upright when he sustained this wound and in all probability was bent over with his trunk parallel to the ground and the firer behind him and obliquely to his right as suggested by the pathologist. Soldier A accepts that at the time he fired, the deceased was not pointing the rifle at the soldiers. The reason why he fired was because the deceased had moved the rifle from one hand into both hands

Judicial Communications Office

and Soldier A perceived an immediate threat to himself and the soldiers on the ground. This manoeuvre occurred as he shouted the word “halt”. Soldier A perceived immediate violence either to himself or his colleagues at the moment when the deceased transferred the rifle from one hand to both hands. He was unable to give the full warning in accordance with paragraph 3 of the Yellow Card because of this.

Soldier C provided a witness statement in 2024. He recalled taking up position in the hedgerow. He said they had been told there were weapons or a weapon were in a hide and were likely to be collected by an ASU gunman who was about to use them in an operation. He recalled seeing two men, the younger of whom moved through the gap in the outbuildings to the left of the gap. The young man ducked out of sight behind the dark area and when he stood up, Soldier C said he saw that he had a rifle. He said Soldier A challenged the man by shouting “Halt”. Soldier C concentrated on the man with the gun. Immediately, as Soldier A shouted “Halt” the man swung around to face their position, “he pointed his weapon in our direction. I believed he was about to fire his weapon in our direction. I believed he was about to fire his weapon at us.” The evidence was that there were four separate bursts of gunfire, including the shot fired by Soldier A. Soldier C fired 13 shots from his location at the hedgerow. He fired further shots from a location in the middle of the field and then fired a further five shots from a location adjacent to the outbuildings and gap between the outbuildings. The evidence established that at least three were fired in automatic mode. These shots resulted in the three wounds to the umbilicus, which killed the deceased.

The coroner said that Soldier C’s deployment of lethal force stands in contrast with that of the soldiers who were deployed alongside him. Soldier A fired a single shot, whilst Soldiers B, D and E did not fire any rounds. The NOK submitted that Soldier C was in breach of the Yellow Card. The coroner, however, said he was satisfied on the basis of the ballistics and pathologists’ evidence that at the time when the three shots were fired that the deceased was lying supine on the ground. He was satisfied that Soldier A fired the shot which effectively shattered the pelvis of the deceased and that almost simultaneously Soldier C fired a number of shots from behind the hedge and through the gap in the hedgerow. I was satisfied that the deceased was not standing upright when these initial shots were fired and, following the shot to the pelvis area, fell to the ground. The coroner was further satisfied that at the time of the first shot being fired the deceased was not pointing his rifle in the direction of the soldiers but that he did transfer the rifle from one hand to both hands before he was shot. He was satisfied that Soldier C did see Bradley standing up and that he had a rifle under his control at this point.

Findings of Fact

The coroner made the following findings:

“[504] I have considered the various written and oral submissions made by all sides in delivering my findings in this inquest and have carefully reflected upon those submissions from both a legal and factual perspective. I am satisfied that I am able to adequately address the statutory questions that I am required to determine upon and to formulate my views in respect of all matters which require adjudication upon in an open and transparent manner. I have provided in the body of the text my views and conclusions in respect of many issues arising during this inquest. I have attempted to allay rumour and suspicion about the events of 18 February 1986 and have approached this inquest from an entirely neutral standpoint surrounding the tragic events which flowed from the shooting of Francis Bradley.

Judicial Communications Office

[505] My primary focus throughout this inquest has been to address two key issues. The use of lethal force and the planning and control of this military operation. When considering the question of whether the use of lethal force by the soldiers was justified the words of Sir Brian Leveson in *E7 v Sir Christopher Holland* [2014] EWHC 452 are of particular significance.

“The use of lethal force by state actors must be subject to the most detailed and rigorous examination. The examination must be prepared to consider every perspective. Those perspectives include a full recognition of the enormous challenges facing the police along with the urgency and almost instantaneous decision making required of highly trained officers involved.”

[506] I have considered the entire sequence of the events at 60 Hillhead Road, and I have referred to the individual firing of shots both by Soldier A and Soldier C at the various instances when the shots were discharged by both of them in reaching my findings. I find individually and collectively that in respect of the sequencing of the firing by both, that they believed there was an imminent threat not only to themselves but to lives of the other members of the patrol as posed by Francis Bradley.

[507] I find that the use of lethal force deployed by Soldier C when he fired the final shots was reasonable and proportionate to the threat which was present at that particular time by the deceased. I also find that the firing of all shots by Soldiers A and C, whether in single mode or automatic mode in the case of Soldier C, was a reasonable and proportionate response to the threat posed by Francis Bradley. I also find that this imminent threat was present on each individual occasion when shots were discharged.

[508] I have reviewed the evidence in relation to the planning of the military/RUC operation that evening in very considerable detail throughout this document. I am satisfied that there was an ongoing operation in place which had been taking place over a period of time. I am satisfied that the desired intention was to apprehend members of PIRA ASU engaged in ongoing terrorist activity. I am satisfied that the planning clearly made provision for a hard arrest if at all possible.

[509] I am satisfied that Soldiers O and P did observe Francis Bradley earlier on that evening in Blackpark Road. I am also satisfied that he was involved in some form of terrorist activity that particular evening, at the very least, in the removal of weapon from a makeshift hide at the rear of 60 Hillhead Road. I am satisfied that the initial deployment that evening was a surveillance one, and it was only when Bradley was observed at Blackpark Road, that it turned into a reactive role on behalf the military.

[510] I accept that the positioning of the patrol behind the hedgerow was the appropriate location to carry out this surveillance role and then potentially a reactive roll to the circumstances prevailing at the given time. The desired intention at all times was to effect an arrest of an ASU and I am satisfied that the location chosen did not deflect from the chosen aim of effecting an arrest. I accept that the reactive subunit had to crash out because of the urgency of the situation and that in the circumstances did everything possible to ensure their own personal safety but also to arrest the potential terrorists as opposed to engaging in a confrontation involving the use of lethal force.

Judicial Communications Office

[511] In reaching my findings that Francis Bradley was engaged in activities on behalf of the IRA, the inquest has heard evidence to the effect that his name was entered into the IRA roll of honour which described him as a volunteer, County Derry.”

Verdict

The deceased was Francis Bradley.

He was born on 25 March 1965 at Mid Ulster Hospital, Magherafelt.

His father was Edward Bradley, a farmer and his mother was Rosemary Bradley, a housewife.

He died on 18 February 1986 at 60 Hillhead Road, Castledawson, County Londonderry.

He died in or about 10.00pm on the night of 18 February 1986.

He died as a result of gunshot wounds. The cause of death was laceration of the heart, right lung, liver and intestines due to gunshot wounds of the trunk.

The use of lethal force was justified. Soldier C held the honest belief that it was necessary in order to prevent the loss of life.

The use of force by the soldiers including the use of lethal force was both reasonable and proportionate.

The operation was planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force.

NOTES TO EDITORS

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

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Judicial Communications Officer
Lord Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

Judicial Communications Office

Telephone: 028 9072 5921

E-mail: Alison.Houston@courtsni.gov.uk