

DANIEL HEGARTY
Aged 15
Killed by British Army
Operation Motorman, 31
July 1972
Creggan Heights, Derry



Introduction

On 30/31 July 1972 units of the British Army began a major military operation designed to restore to state control a number of 'No-go' areas controlled by the IRA throughout the north of Ireland. 'Operation Motorman,' involving thousands of soldiers and armoured units, was aimed at saturating working class nationalist areas with troops, in particular the Bogside, Brandywell and Creggan areas of Derry, 'Free Derry' as it had become known. Media reports in the hours before the operation began suggested that unprecedented levels of troops and armoured vehicles, including Centurion tanks and bulldozers, would be involved.

Eye-witness Accounts

At approximately 3:40am on 31 July 1972 sirens sounded throughout Free Derry, alerting residents to the incursion of British troops into the area. Thomas Hegarty (18) left his home at 53 Creggan Heights to see his cousin Danny (15), who lived at 22 Swilly Gardens. After going to a shop on Central Drive, the two returned to Thomas' house in Creggan Heights where they picked up an old coat for Danny. Christopher, Thomas's brother, joined the other two.

The three walked on the left-hand pavement of Creggan Heights, going towards Circular Road. On the

way Daniel said to Thomas that "he would like to see one of the long centurion tanks that the army were supposed to be bringing in." As they walked they saw Eddie Moor standing outside his front gate, which Thomas believed was either 90 or 92 Creggan Heights (**Map ref. 1**). The four had a short conversation about the explosion that had occurred shortly before the sirens sounded and then continued on their way.

About 10-12 yards farther down the road the boys met Lexie Lynch, who warned the boys, "not to go any farther as the army were coming down the alleyways of the houses." On hearing this, Christopher said: "We decided to turn and go home." Thomas said that: "Just as he told us I saw two or three soldiers coming down the Watery Lane (**Map ref. 3**). They stopped at the junction with Creggan Heights. I told Christopher and Daniel about the army." Returning home along the same route, Thomas crossed the street diagonally towards 112-114 Creggan Heights (**Map ref. 2**) with the other two boys following immediately behind him.



The area around Creggan Heights/Bligh's Lane where Daniel Hegarty was killed.

Thomas said that as he stepped onto the footpath next to the garden fence of 114 Creggan Heights, "I suddenly heard a burst of about four shots ring out. I noticed a gun barrel on a tripod sticking out of the side of the gatepost of No 114." Daniel, the first behind Thomas, was hit and fell to the pavement. Christopher, who was grazed in the head by a bullet, fell, but did not lose consciousness.

Thomas then said that: "About a dozen soldiers or so immediately then ran out of the alleyways at No 112 and 114. One of them grabbed me. Before he grabbed me he shouted 'Halt'. The soldier pulled me in the road for a bit and then gave me a push out into the road." Thomas was told to "get out of the fucking road". "They did not search me or ask me who I was." He returned to give assistance to Daniel and Christopher.

After returning to his brother and cousin, Thomas told Christopher to knock at 114 Creggan Heights, the home of William Morrin. Mr Morrin and Thomas carried Daniel into the house while Christopher

walked inside himself. A Knights of Malta member arrived later to give assistance to Christopher and then the two boys were taken by ambulance to Altnagelvin Hospital. Daniel was already dead.

The Official Version

The accounts of two British soldiers, identified in inquest papers as simply Soldier "A" and "B", differ significantly from those of the civilian witnesses. The two soldiers stated that shortly after taking up position in the front garden between 112 and 114 Creggan Heights, three armed figures ran towards them, despite repeated warnings to stop. Soldier B then fired three rounds, hitting two of the three boys. The shots were fired from a General Purpose Machine Gun on a tripod, (GPMG), at a range of less than five yards.

Three questions are crucial from a legal perspective:

- **Were warnings given before opening fire?**
- **Were the boys armed?**
- **Did the soldiers believe them to be armed even if they weren't?**

If the answer to the latter two questions was no then Danny Hegarty was murdered.

Warning before firing:

In his statement to the inquest, Thomas said: "I did not hear any warning shouted before the shots were fired." Mr Morrin said: "Before the shots were fired I did not hear the soldiers shouting any kind of warning of their intention to fire." Christopher made no mention of any warnings. However, both soldiers dispute this claim. Soldier A claimed that Soldier B "shouted at the men to stop but they continued to run towards us." Soldier B shouted for them to stop again but they took no notice. At this time the three men were about 20 yards away from us and several of my patrol including myself, shouted at the three men to stop."

Although Soldier B claimed "I shouted for them to 'HALT' but they took no notice. I called on them again to HALT and I shouted, 'HALT or I'll fire'," he made no mention of any other soldier shouting warnings.

If Soldier B shouted several times and, soon after, several men in the patrol shouted warnings, how could the boys not have heard the soldiers (especially given that, as we shall see later, the boys were at the very most yards away from the soldiers at the time of shooting)? If they were aware that there were soldiers there at all, why would the boys be running towards them if they were

running home, away from other incoming British Army units?

Mr Morrin, in his statement to the inquest said: "At roughly 4.00am I was awakened by the sound of sirens. The siren was a red alert to the people of Creggan that something was happening. I saw movement of men in the back garden of my house. I stood in the porch of my house. A short time later a soldier looked around the gable wall of my house and told my wife and me to get in and shut the door. The soldier had a gun and there was another one standing behind him. I got my wife in and closed the door and almost at once I heard a burst of automatic fire outside my door."

Firing

Soldier B said: "I cocked the weapon and when the youths were **about 25 metres away** I aimed at the leading man and fired a quick burst of 3 x 7.62 rounds."

Soldier A stated, "At this time the three men were about 20 yards away from us and several of my patrol including myself, shouted at the three men to stop. They still continued to run towards us. At this time I was standing next to Soldier 'B' who was in a kneeling position with his GMPG. It was obvious that the three men had no intention of stopping and Soldier B cocked his GMPG and fired 3 x 7.62 rounds at the gunmen."

Both boys claim to have heard four shots. Christopher said: "About four shots rang out in quick succession" while Thomas said: "I suddenly heard a burst of about four shots ring out." Mr Morrin told the inquest: "I would like to say that after the army fired the shots I went outside. I saw four empty bullet cases lying on the ground approximately 6-9 inches to the right of the edge of the concrete path about 2 or 3 feet from my front gate on the inside. Mr McGill, a neighbour of mine, took possession of the four empty shells."

Were the boys armed? Did the soldiers believe them to be armed even if they weren't?

Mr Morrin supports the boys' claim that they were unarmed when he said: "I am satisfied that when we removed Daniel's body into the house that there was nothing lying at or near the body. There certainly was no guns or bombs, in fact, there was not even a stone within view."

Again, the soldiers disagree with the boys. Soldier B said: "I then saw the leading youth was holding something in his right hand. I thought it was a revolver. It was bulky and could easily have been a nail bomb or similar object."

The RUC "Police Report Concerning Death" stated that: "It was alleged that one of the 3 youths had been carrying a gun" under the heading "Circumstances Relating to Death." There was no mention of any type of weapon in the coroner's report.

If any of the three were armed or were believed to be armed, as Soldier B claimed, why would he allow them to get so close before firing?

The soldiers claimed that they fired on the boys from 20 to 25 yards depending on the various accounts. In fact the range was between 3 and 5 yards. The Detective Inspector investigating reported to the inquest that the bloodstain was 7 feet 8 inches from the right hand gate post of no 114 Creggan Heights. Soldier B claimed: "Just as I got to the gate at the front of the house, I heard movement on my right." The civilian accounts are consistent on this issue as are the statements from Christopher and Thomas. The shooting occurred as the three approached the pavement 3 to 5 yards from the gatepost of 114 Creggan Heights.

After the shooting, the soldiers pulled Thomas aside, but as he noted: "They did not search me or ask me who I was." He was released within approximately one minute. It beggars belief that a young man who was viewed as a potentially dangerous terrorist seconds beforehand would not be searched and would instead be told to "get out of the fucking road."

Soldier A said: "The operational task dictating otherwise, the two bodies were not examined." Nor was any search made of the immediate area. The 'operational task' of any soldier would be to ensure that he did not leave a weapon at the scene in the possession of two youths who had just witnessed their cousin being shot down. Following the death the RUC did not attempt to question or arrest Christopher or Thomas regarding possession of weapons.

It was stated above that questions needed to be answered regarding the death of Danny Hegarty. Were warnings given before opening fire? Were the boys armed? Did the soldiers believe them to be armed even if they weren't? It cannot be stated with certainty whether a warning was given or not. It is also of less relevance given the circumstances that surround the shooting. The actions of the soldiers clearly point to one certain conclusion. None of the three youths were armed nor did the soldiers who fired on them believe them to be armed. Danny Hegarty was murdered.

Dealing With the Pain of the Past

In October 1997 Alec Hegarty, father of Daniel, approached the Pat Finucane Centre for help in clearing his son's name. Since his death Daniel has been branded a 'terrorist' by the British Army, but his family had always maintained his innocence.

Appealing for information about Daniel's death, the PFC said that the family had never been able to find closure over his death, and wouldn't until the full circumstances of his death were revealed. Alec who, only six months after Daniel's death, comforted a young British soldier who had been shot and lay dying outside his front door, just wanted the truth. He was convinced that if he were just given the chance to tell his side of the story, and to get to speak to the right people, that they would admit that a terrible wrong had been done that morning in July 1972.

The PFC compiled a file on the case and forwarded it to the Minister for Victims, Adam Ingram MP. Ingram is also the Minister for Security, a strange anomaly which also makes him the minister for victims of security force violence. A clear conflict of interest. By this stage Alec was seriously ill, and the urgency of a meeting was impressed on NIO advisors. Even the offer of a totally private meeting between a senior civil servant and Alec, just to allow Alec to tell his story without publicity or commitment from either side, was refused by the NIO. Ingram's office finally replied in November 1999, acknowledging the "anguish and suffering felt" and then attempting to cloud the issue of Daniel's death in much the same way the Bloody Sunday issue was clouded for so many years - 'circumstances surrounding death...was subject to investigation at the time...there are no new grounds for re-opening the case...'. The Hegarty family decided not to show this letter to Alec. It would have been the final blow.

Alec also wrote to the Conservative spokesperson on Northern Ireland, Andrew Hunter MP, after he had pledged to name those responsible for the Omagh bombing. Alec asked would he also name those responsible for killing Daniel, soldiers A and B. In his reply Hunter simply displayed his ignorance of the situation in the north of Ireland, confusing Operation Motorman with Bloody Sunday.

Alec died in November 1999, unaware that Ingram had refused a meeting. His daughter Margaret said after his death: "Just last week - three days before he died - he told me 'I want my son's name cleared'." So the fight for justice, the fight that the NIO hoped would have died with Alec, goes on.

Since Alec's death the family have continued their struggle, a struggle through a maze of conflicting and confusing information from the NIO and the RUC. The PFC refuted the claim that the death had been properly investigated and noted that no statements had ever been sought by the RUC from Christopher or Thomas. In reply we were informed that signed statements had indeed been taken from the two men, both of whom deny that this was the case. We requested the signed statements. In response we were forwarded copies of unsigned typed statements dated August and September 1972. In fact these were the verbatim transcripts of the evidence submitted more than a year after the killing to the inquest in October 1973 and not the signed statements as claimed by the RUC. Repeated requests for the actual signed statements finally elicited the following response from RUC HQ on May 20 2000: "There are no signed statements taken by the police from Christopher, Thomas or Daniel (the uncle) Hegarty other than the statements already provided to you." As noted above the statements provided to us are neither signed nor are they 'police' statements. **In addition it has emerged that the RUC did not interview the soldiers concerned or take statements from them. The RUC have recently confirmed that they have no written reports of forensic tests carried out on the body or clothing of Daniel Hegarty. They admit, however, that a verbal report was received indicating a negative result, ie that there was nothing found to suggest that Daniel Hegarty was armed or had been handling a weapon at the time of his death.** They also again admit, as stated above, that at no stage did the RUC ever interview the soldiers involved in the killing of Daniel Hegarty. Yet the Minister for Victims based his refusal to meet with the family on the totally false assertion that the death had been investigated at the time. Meanwhile the search for the truth goes on.

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