

Henry Thornton: Preliminary Findings

In August 1971 Henry Gerard Brendan Thornton, a 29 year old man, date of birth 19 September 1941, of Tullydonnell Cottage, Silverbridge, County Armagh, a husband and the father to 6 children, was working in Belfast as a driver for McGinnis and Harty, contractors. He and his colleagues were staying in digs at 6 Colinward Street, Belfast.

At approximately 7.30am on Saturday 7 August 1971 Mr Thornton, accompanied by his colleague Arthur Murphy, drove a 1955 Austin works van, registration number 8870 0Z from 6 Colinward Street to the Springfield Road where it continued in the direction of the Falls Road. The van was followed by another works vehicle containing Louis McGuinness and Mick McGlade. The men were making their way to a site in County Down.

A road barrier shortly before the Springfield Road Police Station and situated on the countrywards lane of the Springfield Road and another in the citywards lane situated opposite the police station dictated that vehicles travelling past the station in the direction of the city had to move to the countrywards lane. The road system, which was augmented by a series of additional cones and barriers, caused citywards traffic to drive past a guard post which was situated close to where the countryside of Violet Street met the Springfield Road.

Shortly after passing the barrier immediately before Springfield Road Police Station Mr Thornton's van backfired. It backfired again on its approach to the traffic lights governing the junction between the Springfield Road and the Falls Road. The van came to a halt in the inside lane in a line of traffic at the red light. In so doing it did not make any unusual manoeuvre. The men did not attempt to evade the scene either in their vehicle or on foot. Nor was there interaction between them and anyone else.

Military personnel and police stationed in Springfield Road Police Station and civilians in its vicinity interpreted the sound of the backfiring to be gunfire. In 1971 the Springfield Road Police Station was the subject of repeated terrorist attack. On the night of 6 August 1971 there had been a bomb attack at the station.

Soldier A, a member of the Parachute Regiment stationed at Springfield Road, was on desk duty when he heard the noises. He armed himself with a self loading rifle and made his way from the main door of the station to the Springfield Road where he spoke to Soldier C who was on sentry duty in the guard post where Violet Street met the Springfield Road. Soldier A asked Soldier C if he had heard shots and C replied "yes" and that they had been fired from the Austin van.

Soldier C gave evidence that his attention had first been drawn to the van as it did not follow the line of traffic but delayed at the barrier before the station thus creating a gap in the traffic. He also gave evidence that pedestrians appeared to have exited the scene. The emergence of this evidence so long after these events and the contrast with other available evidence causes me to conclude that it is inaccurate. Soldier C gave evidence that the van drove towards the post in which he was situated at an angle and speed that gave rise to concern. I find that evidence to be implausible given the dimensions of the road, the presence of barriers, the evidence of other witnesses and Soldier C's assertion that the van was delayed at the first barrier yet moved at 30 miles an hour towards the

post. Solider C said that he saw a weapon protruding from the driver's door window of the van, then heard a bang and saw a smoking weapon protruding from the driver's window and then heard another bang and smoke emitting from the cab of the vehicle but it is notable that he did not open fire upon the vehicle. There was no weapon found in the vehicle when it was searched shortly after the shooting. Neither were any cartridge cases located. The van was in view of witnesses over the entire duration of events. There is no evidence of anyone taking anything from the van or any item leaving the van. Neither is there forensic evidence of a gun being present or discharged. It is worthy of note that the lead distribution on Mr Thornton's hands was not typical of that following the discharge of a firearm. In those circumstances I conclude that Soldier C is incorrect in his recollection and interpretation of events. I find that there was never any weapon in the van driven by Mr Thornton. I conclude that Soldier C is correct in his evidence that two loud bangs emanated from the van and in the context of the period and environment it was not unreasonable to conclude that it was gunfire although I find that the bangs that precipitated this incident were, in fact, backfires from the van.

Soldier A proceeded on the honestly held but false belief that the van's occupants had been involved in firing shots at the station. After speaking to Soldier C, Soldier A dropped to his knee, cocked his weapon and took aim but observed the van stop at the traffic lights. The police officer who had accompanied him from the station, Constable Daniel Meehan, said that it would be possible to catch the occupants. Soldier A ran down the left side of Springfield Road towards the van shouting "Stop that man" but as he approached 23 Springfield Road the lights turned green and the van started to move off. Concluding that he could not reach the van, Soldier A dropped to one knee and fired two rounds in to the rear of the van in the direction of the driver whereupon the van came to a halt at a point in and around 3 Springfield Road. Constable Meehan did not fire his weapon and his evidence was that at no stage did it ever occur to him to fire on the vehicles which he described as being stopped.

Both rounds fired by Solider A entered the van through the right side rear door window and travelled horizontally through the length of the van from rear to front. The first round struck the back of Mr Thornton's upper chest just to the left of the midline and exited on the left side of the neck below the jaw. It struck Mr Thornton as he sat upright in the driver's seat with his head turned to the right. The first round caused Mr Thornton's head to fall back and the second round struck him on the top of his scalp in the midline at a point about 5 inches above the root of his nose. This bullet shattered the skull, lacerated Mr Thornton's brain and was responsible for his very rapid death. I am satisfied that Mr Thornton died as a result of 1a) Laceration of the brain associated with comminuted fractures of the skull due to b) Gunshot (High Velocity Weapon) Wound of the Head.

At the time Soldier A fired the fatal shots his objective was to stop the van. He would undoubtedly have known that firing two high velocity bullets at the driver of the vehicle was likely to result in the driver's death. There is no evidence that Soldier A considered a less forceful response to the situation than the death of the driver.

At the time of the shooting Soldier A was not under attack. The supposed attack upon the station had passed without damage or injury and neither Soldier C nor anyone else had opened fire. Soldier A had not seen a weapon. He had not been threatened or challenged by the occupants of the van nor was the movement of the van, which was either stationary or moving off slowly in a line of

traffic, such as to suggest its occupants presented an immediate threat. The van was certainly not progressing in such a way to suggest that it was evading the scene and its occupants had remained in the vehicle. Moreover, on Soldier A's own evidence, he would have been some 50 yards from the van, a short enough distance for him to catch up with it and take alternative action to stop it as had been suggested by Constable Meehan. Other options to stop or pursue the vehicle were available. In such circumstances the shooting of Mr Thornton was neither a necessary nor a reasonable nor a proportionate response to the situation Soldier A either actually encountered or thought that he encountered.