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12 July 2021

Dear [REDACTED]

Thank you for your email of 18 June requesting the following information:

*By the Freedom of Information act, I would appreciate a digital copy of the internal Army Legal Service document 'Scales of Justice' produced in 2003 (a history of the ALS).
The Information Commissioner's Office notes, 'requesters have the right to specify their preferred means of communication' and I would like a digital copy via email.*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed within the Ministry of Defence, and I can confirm that all the information in scope of your request is held and can be found attached below.

If you have any queries regarding the content of this letter, please contact this office in the first instance. If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

[REDACTED]
Army Policy & Secretariat

SCALES OF JUSTICE



THE FIRST 50
YEARS OF ARMY LEGAL SERVICES

A special edition of the
MILITARY LAW JOURNAL



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Abbreviations

Editor's note

When editing this book I fondly imagined that I could assist the lay reader by reducing abbreviations to a minimum, but I soon gave up as the use of abbreviations is so deeply embedded in the Army psyche that it cannot be eradicated. I have tried to set out terms in full where they first appear, but I may have missed some, so thought it best to give a full list at the beginning.

AA	Anti-Aircraft; Automobile Association
ACE	Allied Command Europe
ADALS	Assistant Director of Army Legal Services
AG	Attorney-General; Adjutant-General
AGC	Adjutant General's Corps
ALA	Army Legal Aid
ALANWE	Army Legal Aid, North West Europe
ALC	Army Legal Corps
ALG	Army Legal Group
ALS	Army Legal Services
ALSSL	Army Legal Services Staff List
ALS1, 2 etc	Army Legal Services Staff Branch 1, 2 etc
ALT&PB	Army Law Training and Publications Branch
ANZUK	Australia, New Zealand, United Kingdom
AOC	Air Officer Commanding
APA	Army Prosecuting Authority
APTC	Army Physical Training Corps
ARRC	Allied Command Europe Rapid Reaction Corps
AWOL	Absent Without Leave
BAFSVS	British Armed Forces Special Vouchers
BAOR	British Army of the Rhine
BCFK	British Commonwealth Forces Korea
BEA	British European Airways
BMH	British Military Hospital
BRIXMIS	British Mission to the Soviet Commander-in-Chief
CB	Companion, Order of the Bath
CBE	Commander, Order of the British Empire
CBF	Commander British Forces
CGS	Chief of the General Staff
CID	Criminal Investigation Department
CinC	Commander-in-Chief
CLAS	Command Legal Aid Section
CMAC	Courts-Martial Appeal Court
CMDVLP	Chaplains, Medical, Dental, Veterinary, Legal and Postal
COS	Chief of Staff
CPS	Crown Prosecution Service
CSM	Company Sergeant Major
DAALS	Director of Australian Army Legal Services
DADALS	Deputy Assistant Director of Army Legal Services

DALS	Director of Army Legal Services or Directorate of Army Legal Services
DCM	District Court-Martial
DCOS	Deputy Chief of Staff
DDALS	Deputy Director of Army Legal Services
DGAGC	Director-General, Adjutant-General's Corps
DPP	Director of Public Prosecutions
DSC	Distinguished Service Cross
ERE	Extra-Regimentally Employed
FARELF	Far East Land Forces
FGCM	Field General Court-Martial
FCO	Foreign and Commonwealth Office
GCM	General Court-Martial
GHQ	General Headquarters
GOC	General Officer Commanding
HEO	Higher Executive Officer
HLI	Highland Light Infantry
HMG	Her Majesty's Government
HMS	Her Majesty's Ship
HQ	Headquarters
HQBF	Headquarters British Forces
HQNI	Headquarters, Northern Ireland
HRH	Her (His) Royal Highness
ICAC	Independent Anti-Corruption Commission
ICRC	International Committee of the Red Cross
IFOR	Implementation Force
IRA	Irish Republican Army
ITD	Individual Training Directive
JAG	Judge Advocate General
JC SOUTHCENT	Joint Command South Central Europe
JDSC	Junior Division of the Staff College
KAR	King's African Rifles
KBE	Knight Commander, Order of the British Empire
KC	King's Counsel
KGB	Komitet Gosudarstvennoi Bezopasnosti (Committee for State Security)
LANDCENT	Allied Land Forces Central Europe
LIDAD	leave inadequately disguised as duty
MBE	Member, Order of the British Empire
MC	Military Cross
MCC	Marylebone Cricket Club
MML	Manual of Military Law
MO	Medical Officer
MOD	Ministry of Defence
MELF	Middle East Land Forces
NAAFI	Navy, Army and Air Force Institutes
NATO	North Atlantic Treaty Organisation
NCO	Non-Commissioned Officer

NORTHAG	Northern Army Group
OBE	Officer, Order of the British Empire
OC	Officer Commanding
OIC	Officer in Command; Officer in Charge
OPEC	Organisation of Petroleum Exporting Countries
PACE	Police and Criminal Evidence Act
PBI	Peace Brigades International
PJHQ	Permanent Joint Headquarters
PRI	President of the Regimental Institutes
POW	Prisoner of War
PS	Personal Secretary
PT	Physical Training
PW	Prisoner of War
QARANC	Queen Alexandra's Royal Army Nursing Corps
QC	Queen's Counsel
QM	Quartermaster
RA	Royal (Regiment of) Artillery
RAC	Royal Armoured Corps; Royal Automobile Club
RADC	Royal Army Dental Corps
RAEC	Royal Army Educational Corps
RAF	Royal Air Force
RAMC	Royal Army Medical Corps
RAOC	Royal Army Ordnance Corps
RAPC	Royal Army Pay Corps
RASC	Royal Army Service Corps
RCB	Regular Commissions Board
REME	Royal Electrical and Mechanical Engineers
RHF	Royal Highland Fusiliers
RHKP	Royal Hong Kong Police
RIASC	Royal Indian Army Service Corps
RLC	Royal Logistic Corps
RM	Royal Marines
RMA	Royal Military Academy
RMP	Royal Military Police
RN	Royal Navy
RQMS	Regimental Quartermaster Sergeant
RRW	Royal Regiment of Wales
RSM	Regimental Sergeant Major
RTO	Regimental Transport Officer
SBA	Sovereign Base Area
SFOR	Stabilisation Force
SHAPE	Supreme Headquarters Allied Powers Europe
SO1, 2 etc	staff officer grade 1, 2 etc
SS	Schutzstaffeln (Protection Squads)
TA	Territorial Army
TD	Territorial Efficiency Decoration
UK	United Kingdom
UKLF	United Kingdom Land Forces

scales of justice

UN	United Nations
UNFICYP	United Nations Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
US	United States
USAF	United States Air Force
USSR	Union of Soviet Socialist Republics
VIP	Very Important Person
WOI	Warrant Officer Class I
WRAC	Women's Royal Army Corps
WRAF	Women's Royal Air Force

Preface

David Selwood

Army Legal Services came into existence as the Directorate of Army Legal Services, on the 1st October 1948. It celebrated its 50th Anniversary, as the Army Legal Services' Branch of the Adjutant General's Corps, in 1998, having spent a few years in between as the Army Legal Corps.

The current Director of Army Legal Services, Major-General Gordon Risius, decided that our first fifty years should be marked by the publication of a special edition of the **Military Law Journal**. Retired and serving officers were asked to submit contributions. These vary between accounts of officers' life in the service and more focused articles dealing with specific cases or experiences authors have considered noteworthy or of interest to a wider readership. The contributions have been grouped according to the decade to which they relate and follow a short review of that decade. The publication starts with a short history of Army Legal Services, originally published in the Adjutant General's Corps journal and reproduced by kind permission of the Corps. The work done by Colonel Philip McEvoy in preparing a first draft of this short history is gratefully acknowledged. There is a postscript by Gordon Risius to bring this publication up-to-date.

This is not a second edition of Brigadier RC Halse's **Forty Years On**, a unique personal account of life in the Military Department of the Judge Advocate General and the early years of ALS. Rather it is intended to supplement that work.

It was decided to let people tell their stories in their own words with a minimum of editorial interference. No uniformity of style has been imposed. Some contributions are less formal than others. When deciding whether to refer to officers by rank or by first name, we have tended to leave propriety to the good sense of the authors. When a rank is given, it is usually the rank held by the officer at the time of the events related. We have not attempted to check everything for accuracy and, human memory being what it is, there are bound to be errors and omissions, hopefully not serious. I trust this publication will be read in the spirit in which it was written - a fairly light-hearted series of reminiscences, intended to awaken memories and to entertain, not to offend - and that any *faux pas* we have committed will be forgiven.

Lieutenant-Colonel Leslie Lipson has, I am sad to say, passed away since his article was received.

A special word of thanks is due to Major-General Tony Rogers, who has nobly undertaken the task of editing this publication. Anyone who has ever had to organise any group of ALS officers knows that the moving of a recalcitrant elephant is easier. Tony has done a great deal of work and we, the readers and contributors are, rightly, very grateful to him.

scales of justice

ALS - a short history

Gordon Risius¹

There is such a thing as legitimate warfare: war has its laws; there are things which may fairly be done, and things which may not be done.

Thus Cardinal Newman, the great English theologian, writing in 1864. Whether or not his remarks were prompted by news from Switzerland that year of the signing of the original Geneva Convention, the first international codification of laws for the protection of victims of war, he was doing no more than confirming a fact known to generations of soldiers the world over - that special laws apply to military personnel. But laws on their own are rarely sufficient; they have to be enforced by prosecutors and the courts. Just as the development of the criminal law of the United Kingdom has led over the years to designated criminal courts, the jury system and prosecuting authorities, so too there has been a parallel evolution in the arrangements for dealing with charges brought against soldiers under British military law.

This short account outlines the origins and history of that part of the military discipline system concerned with the selection of charges against accused soldiers and prosecuting them before courts-martial, namely Army Legal Services (ALS), and concludes with a brief description of the expanded role of the present organisation.



The court-martial of Lt Col Brereton for dereliction of duty in failing to suppress the Bristol Riots of 1832. The trial was never completed, the accused having shot himself during an adjournment in the proceedings. The original painting by Rolinda Sharples is in the Bristol Museum and Art Gallery. A copy hangs in the AGC Officers' Mess at Worthy Down.

The Judge Advocate General

Many of the functions of ALS were once performed by the Judge Advocate General (JAG), whose own origins can be traced back to medieval times. But it was in the seventeenth century, when the "Marshal's court" became a "court-martial", that the "Advocate of the Army" first took responsibility for one of the main functions of ALS today, namely preparing the case for the prosecution of soldiers under military law. His other duties, however, included, for example, arranging for the summoning of courts-martial and administering the oath to witnesses, responsibilities which nowadays would be regarded as inappropriate for the

¹ This brief history, based on a first draft by Lt Col (now Col) Philip McEvoy OBE, reproduces the ALS contribution to a publication entitled "The Early Years: A Pictorial Account of the Formation, Development and Achievements of the

prosecution to undertake.

The first holder of the Office of JAG was Dr Samuel Barrowe, appointed in 1666, and from that time a distinction was drawn between the holder of the Office of JAG and the individual judge advocates who acted on his behalf at courts-martial.

In 1806 the Office of JAG was raised to Privy Council status and became a political appointment, changing with each new administration. JAG, together with the Secretary of State for War, answered for the government in parliament on questions of military discipline. In the latter part of the nineteenth century, however, doubts were expressed about the propriety of a holder of judicial office being a political appointee, and in 1893 Sir Francis Jeune (later Lord St Helier) became the first non-political JAG.

During the Boer War a Deputy Judge Advocate General was appointed to the staff of Kitchener's headquarters in Pretoria. He was Colonel JLC St Clair, a staff college graduate and a barrister. He and his assistant, Brevet Colonel AR Pemberton of the Rifle Brigade, were much involved in giving both pre- and post-trial advice, dealing in particular with the well-known Breaker Morant case. Their minute book still survives in the Public Record Office at Kew.

First World War

Immediately before the outbreak of hostilities, JAG was Sir Felix Cassel KC, with Sutherland Graeme as his deputy. Pre-trial advice was entirely in the hands of the "A" staff at the headquarters concerned. The increase in legal work resulting from mobilisation prompted JAG to appoint deputies at various force headquarters, with responsibility for reviewing the proceedings of courts-martial and supervising the work of other officers dealing with legal matters. At formation headquarters, legally qualified personnel were in due course appointed court-martial officers. Their duties included advising on charges and either prosecuting or sitting as judge advocates at courts-martial. For this last duty such officers were entitled to receive extra pay of fifteen shillings a day.

Military Department of JAG

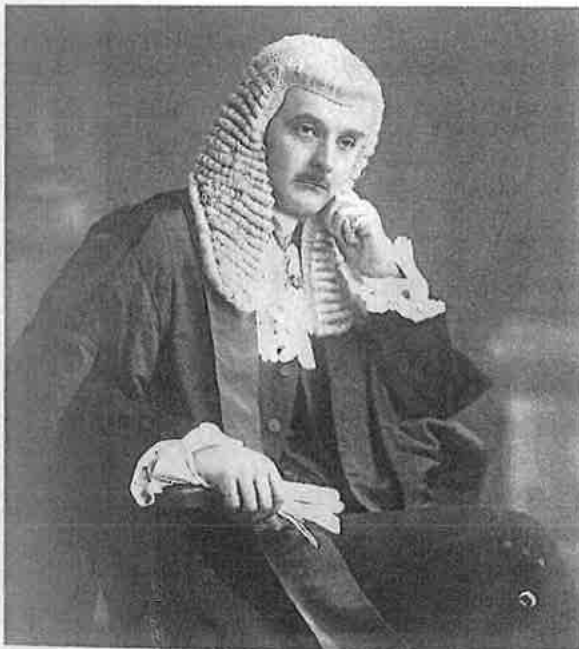
The fact that so many aspects of the court-martial process were ultimately in the hands of a single individual, JAG, did not pass unnoticed. However, the Treasury was opposed on financial grounds to the creation of a separate Army Legal Corps with responsibility for prosecutions, and a more limited reform was introduced by Army Order 216 of 14 June 1923. It involved the creation on 1 July 1923 of the Military Department of the Office of JAG, consisting of:

- 1 Colonel, Officer i/c Military Department, Judge Advocate-General's office (Class V).
 - 1 Lieutenant-Colonel (Assistant Adjutant-General).
-

- 2 Majors (Deputy Assistant Adjutants-General).
- 3 Captains (Staff Captain).

The main duties of the new department were as follows:

- To advise and assist convening officers upon ... Courts-martial, particularly in regard to the framing of charges and collection of evidence ...
- To provide, if necessary, a prosecutor at trials in intricate cases or where an accused is represented by civilian counsel ...
- To advise general officers, if desired, upon legal questions arising in connection with the exercise of summary jurisdiction ...
- To advise and assist ... upon legal questions arising in connection with important Courts of Enquiry ...
- To advise ... in connection with claims by members of the outside public against the military authorities, with a view to assisting the Treasury Solicitor ...
- To conduct periodical courses of instruction in the administration of Military Law.



*Col Sir Henry MacGeagh
KBE TD KC, the first
Officer in Charge of the
Military Department of
the Office of the Judge
Advocate General.*

Although there have been many changes of both detail and substance over the years, these duties remain at the core of ALS work today. The Military Department of the Office of JAG may therefore be regarded as the true forerunner of ALS, being the first organisation concerned primarily with the prosecution of soldiers.

Since the Special Investigation Branch of the Royal Military Police did not come into existence until much later, in serious cases it was normal for officers of the Military Department (from now on, "the department") to undertake the whole of the investigation, including taking the summary of evidence (a formal procedure at which the prosecution witnesses gave sworn evidence in the presence of the accused), before going on to prosecute at the trial.

The first colonel in charge was Sir Henry Foster MacGeagh (later to become JAG). Another distinguished soldier and lawyer to join the department was Lord Russell of Liverpool, formerly of the King's Regiment and the Indian cavalry and the holder of the Military Cross and two Bars.

As designated staff officers, the officers of the department received additional pay of five shillings a day, together with allowances for rations, fuel and light, lodgings and a servant. When travelling they were entitled to an overnight

subsistence allowance of £1 a night. Daily rates of subsistence were four shillings for over five hours and eight shillings for over ten hours.

It was common in those days for the judge advocate and the prosecutor to travel by the same train, stay at the same hotel, share a staff car to court and lunch together at the same table as the court, all without complaint. In the majority of cases the defence was conducted by a regimental officer. There was no provision for legal aid and it was exceptional for the accused to be legally represented at his trial. In some areas, however, Territorial Army (TA) officers who were solicitors appeared for the defence, receiving their normal TA pay for the duration of the trial.

In full dress, officers of the department on the Extra-Regimentally Employed List wore a scarlet tunic with buttons bearing the Royal cypher within the Garter and aiguillettes worn on the left shoulder; blue overalls with a wide scarlet stripe; wellington boots with spurs; and a cocked hat with plumes. They carried the sword appropriate to their previous regiment. Mess kit consisted of a scarlet jacket with no collar badges, a blue waistcoat and No 1 Dress Hat. Dress for courts-martial consisted of a khaki jacket, without collar badges but with the War Office brassard on the left arm in blue and red with the letter "A" below the Royal crest in gold; breeches; and either field boots, artillery boots or boots and gaiters with spurs. Buttons were as for full dress. The head-dress was a khaki cap with the Royal crest in metal. In 1939 permission was given for officers to wear trousers and boots in place of breeches and boots or gaiters.

Officers of the department served in China, Hong Kong, Palestine and Sierra Leone, as well as at home and with peacekeeping forces in Europe.

Second World War

Within a few months of mobilisation a number of individuals were commissioned into the department who later attained high judicial office, including three Lord Chancellors (Reginald Manningham Buller, David Maxwell-Fyfe and Frederick Elwyn Jones) and at least seven high court judges (Frederick Pritchard, Charles Collingwood, Jack Willis, Basil Nield, Geoffrey Streatfield, Melford Stevenson and Herbert Edmund Davies, who was subsequently elevated to the Court of Appeal). Initially much time was devoted to instructing on military legal procedures. A court-martial playlet was devised as an instructional aid, and when at one stage it was found that a number of Queen's Westminster Rifles cadets were well-known professional actors, they were quickly pressed into unexpected but valuable service, though some had constantly to be restrained from expanding their lines in order to emphasise their theatrical abilities.

When a corps headquarters was set up for the British Expeditionary Force not long after the outbreak of the war, it was provided with a major and a captain from the department. In addition, an office was opened at Headquarters, Lines of Communication. After Dunkirk it was decided to deploy officers to command headquarters, which resulted in offices being opened in Salisbury, Shrewsbury,

York, Edinburgh, Aldershot, Belfast and Hounslow, while smaller branch offices were set up in Cardiff, Nottingham, Catterick and Newcastle. Further north, an officer from the department accompanied the division sent briefly to Iceland.

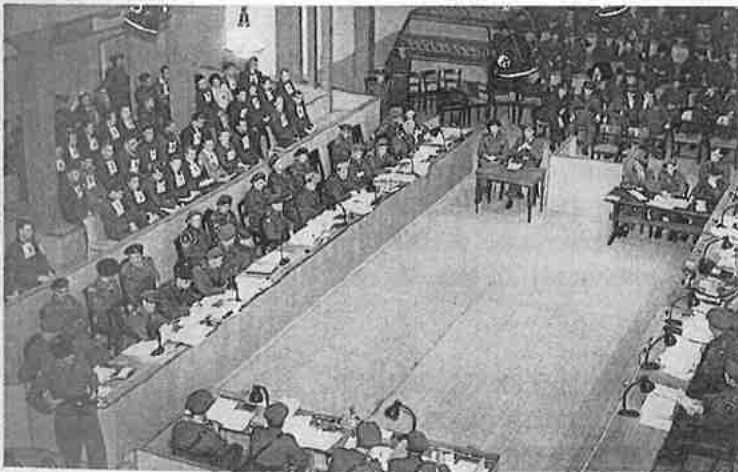
With the exception of Hong Kong, there were no members of the department in Asia, legal advice in that area being the responsibility of the Judge Advocate General, India (who, incidentally, in common with his staff, was not legally qualified). In the Middle East there were offices in Cairo, Baghdad and Jerusalem. West Africa was covered by a combination of officers from the department and local solicitors serving with the Nigerian forces, while East Africa was served by a local solicitor who had been a court-martial officer during the First World War. With the increasing number of personnel in holding units in South Africa, an officer was despatched there. Officers also accompanied the First Army when it landed in North Africa, transferring initially to Naples and later to Padua when operations moved to Italy.

As the war drew to an end, offices were gradually closed, though the large number of enemy prisoners of war brought with them a requirement for advice and prosecutions under the Trial of Prisoners of War Regulations. It was a requirement at such trials for the accused to be legally represented and for a judge advocate to sit with the court.

War Crimes Group

The prospect of large numbers of war crimes trials prompted the establishment towards the end of the war of a branch of the department dedicated to investigating, advising on and in some cases prosecuting at such trials. These did

not include the Nuremberg trial of the major Nazi leaders before the International Military Tribunal, but rather the prosecution of lesser war criminals, such as the Italian General Bellamo, accused of shooting British prisoners of war. In June 1945 Colonel RC Halse took over as OIC War Crimes Group from Colonel G Barratt.



General view of the courtroom in the Curio House, Hamburg, during the Belsen trial, October 1945.

An enormous amount of information was available which required careful filtering in order to identify war crimes suspects and enable a case to be mounted against them. The task of the War Crimes Group was to collate all the available information; interview every repatriated prisoner of war who had indicated on his "Q" form (given to all those returning) that he knew of alleged offenders; attend meetings of the United Nations War Crimes Commission; advise regarding trials and settle charges; and prosecute at trials convened under the Regulations for the Trial of War Criminals. Some thirty two officers joined the staff of the War Crimes Group, including a

number who had themselves been prisoners of war.

Those whose prosecutions were undertaken by officers of the department included eighteen members of the staff of Belsen concentration camp (October 1945); the captain and members of the crew of the U-boat *Peleus* (also October 1945); General von Falkenhorst, the Commander in Chief of German forces in Norway (July 1946); Generals von Mackensen and Maeltzer, senior German officers in Italy during the German occupation of that country after the fall of Mussolini (November 1946); Field Marshal Kesselring, the senior German officer in Italy during much of the war (February 1947); and eighteen members of the staff of *Stalag Luft III*, the prisoner of war camp from which a number of those who had been recaptured after escaping were later shot on Hitler's orders (June 1947).



General view of the court trying the Stalag Luft III case, June 1947.

Oliver and Lewis Committees

Shortly before the start of the Second World War, a committee headed by Mr Ronald Oliver KC (later a High Court judge) was asked to look at court-martial arrangements generally, and in particular to consider seventeen alleged miscarriages of justice by courts-martial between 1917 and 1938. As to the latter, the committee reported that in its "search for cases of injustice covering the period of 20 years, and from all over the world, [it had] discovered not a single one". But although the committee concluded that the court-martial system was basically sound and that JAG and his staff deserved praise for their ability and care in preventing miscarriages of justice, it expressed concern about the "widespread belief" that those who conducted prosecutions at courts-martial (i.e. officers of the department) were frequently the "agents" of JAG. It therefore recommended that JAG should in future be responsible to a minister other than the Secretaries of State for War and Air. It further recommended that the Military Department should become wholly independent of JAG and should be transferred to independent directorates responsible, in the case of Army personnel, to the Adjutant-General and, in the case of Royal Air Force (RAF) personnel, to the Air Member for Personnel.

The Oliver Committee's main recommendations were eventually approved, but the war intervened and it was decided not to implement them until hostilities were over. In 1946 a new committee under Mr Justice Lewis was tasked with reviewing the conclusions reached by the Oliver Committee. With one exception not relevant for present purposes, the Lewis Committee eventually endorsed the main proposals, and those relating to the formation of the Directorate of Army Legal Services and its RAF counterpart were the subject of an announcement by FJ Bellenger, the Secretary of State for War, in the House of Commons in June 1947.

The Directorate of Army Legal Services

The Directorate of Army Legal Services was formed on 1 October 1948, with an establishment of a brigadier as Director (DALs), three colonels, eight lieutenant-colonels and eight other officers. Those members of JAG's office who were commissioned and elected not to transfer to the new directorate, but to stay with JAG (including Lord Russell of Liverpool), duly relinquished their commissions. Some of those joining the new directorate (including Brigadier Sir Henry Shapcott, the first DALs, and Colonel Halse, his immediate successor) transferred from the Extra-Regimentally Employed List to the new Army Legal Services Staff List, while others remained for the time being in the regiments and corps into which they had initially been commissioned. Once questions of seniority had been addressed, however, most of the latter were invited to transfer to the Army Legal Services Staff List, and all accepted.

To begin with, the headquarters of the new directorate was co-located with JAG and his staff at 6 Spring Gardens, just off Trafalgar Square. After a few months it moved, first to the Metropole Hotel in Northumberland Avenue (now known as Metropole Building and currently occupied by, among others, ALS2 and the MOD Legal Adviser), and then after a year or so to Lacon House, Holborn. Twelve months or so later it moved again, to Lansdowne House, Berkeley Square, where it remained for over thirty years.



Maj Gen JC Robertson, DALs, escorting Lt Col HRH The Duke of Kent at the 25th Annual Dinner held at Gray's Inn on 1 November 1973.

The administration of the directorate was initially referred to as ALS4, but later as ALS1. It remains ALS1 today. ALS2 was known as the library, where most of the general legal questions were dealt with. ALS3 became responsible for lecturing, while ALS4 dealt with discipline case-work. The latter two departments transferred in 1953 to Stanmore and in 1972 to Wilton.

A year after the directorate was established, it was given formal responsibility for Army Legal Aid (ALA). A legal aid headquarters was established initially in Stanhope Gate, moving subsequently to King's Buildings, Dean Stanley Street. By the early 1970s HQ ALA was co-located with DALs, ALS1 and ALS2 in Lansdowne House. Court-martial legal aid, which enabled accused to be legally represented at public expense, was introduced in about 1950. It was administered separately from ALA, though by the 1970s the Command Legal Aid Section, British Army of the Rhine (BAOR) at Bielefeld in Germany was undertaking a certain amount of court-martial defence advisory work.

The decision to review the 1881 Army Act and bring it up to date gave rise to an enormous amount of work for the directorate in the early 1950s. There was not only the usual review of the provisions of the statute itself, but also a substantial requirement to revise all the subordinate legislation, to publish a new edition of Part I of the Manual of Military Law (MML) and to provide instruction in the procedures under the new Army Act 1955.

On 1 November 1973 DALs (Major-General JC Robertson) and the officers of the directorate celebrated the Silver Jubilee with a Dinner at Gray's Inn, attended by Lieutenant-Colonel HRH The Duke of Kent, the Lord Chancellor, Lord Hailsham, and a number of other distinguished guests.

In 1977 ALS recruited its first female officer, Captain Suzanna Woollam, a barrister, commissioned on 21 February that year. At the time of writing, twenty-two female officers are serving, including a colonel and six lieutenant-colonels.

Army Legal Corps

On 1 November 1978, eight days before Major-General DS Appleby MC TD handed over as DALs to Major-General JA McIlvenna, the officers of the Army Legal Services Staff List were transferred by Royal Warrant to the new Army Legal Corps (ALC). The advent of corps status brought with it an entitlement to a colonel commandant, the first holder of that appointment being Brigadier (retired) RC Halse CBE. A corps march was also commissioned from Kneller Hall, where Lieutenant-Colonel (retired) Rodney Bashford made a striking arrangement of two folk tunes, **Stop, Poor Sinner, Stop and Think** and **The Soldier has no Fellow**. Asked at the Annual Dinner in 1979 to suggest a suitable title for the new march, Sir Michael Havers QC, then Attorney-General and one of the principal guests, promptly offered "Scales of Justice", which was equally promptly accepted.

At the beginning of the 1980s there were two large ALS prosecuting offices, both headed by a brigadier, one at HQ United Kingdom Land Forces (UKLF) at Wilton and the other at HQ BAOR at Rheindahlen in Germany. Although large concentrations of legal officers had their advantages, the arrangement involved a good deal of travelling to courts-martial and there was little personal contact with units and formation staffs. It was decided to reduce first the Rheindahlen office, and later the Wilton office, in size, and to deploy most of the officers to divisional or district headquarters. HQ 1st Armoured Division in Verden and HQ 4th Armoured Division in Herford were the first to receive their own legal branches in 1981, followed by HQ 3rd Armoured Division in Körbecke, near Soest, the following year.

Notwithstanding the distractions caused by the Falklands conflict, which gave rise to much legal work in London and the requirement to deploy an officer to the South Atlantic, ALS UKLF transformed itself in 1982 into the Army Legal Group UK (ALG UK), with officers deployed to detachments at Aldershot and York. Remaining behind at Wilton with Brigadier Legal (re-titled Commander ALG UK) were a sufficient number of officers to provide local advice (Wilton (later Sarum) Detachment) and to man the group's training and publications branch (later known as the Army Law Training and Publications Branch).

In consequence of the increasing level of violence, Thiepval Barracks, Lisburn had seen a steadily increasing number of ALS officers attached to HQ Northern Ireland (HQNI) since the early 1970s. With the formation of ALG UK, the HQNI

office became the Lisburn detachment of the group, dealing not only with discipline, legal aid and general operational matters, but also criminal injuries compensation. This last service has been instrumental in securing compensation for injured servicemen and women totalling £28 million to date.

In the 1970s Hong Kong was established for a colonel, a major and a captain, while in Cyprus, initially at Dhekelia and later in Episkopi, were a lieutenant-colonel and either a major or a captain. Further south, in Australia, a number of officers took part in Exercise Long Look over the years, and eventually an exchange posting was arranged, with an ALS captain or major serving for two years in Sydney while an officer of the Australian Army Legal Corps served with ALS, either in Germany or the UK.

The requirement to provide criminal suspects with independent legal advice, introduced by the Police and Criminal Evidence Act (PACE) 1984, resulted in the expansion of the role of the legal aid office in Bielefeld, by then known as Army Legal Aid BAOR and latterly as Army Legal Aid North West Europe (ALA NWE). Additional officers were taken on to provide a 24-hour a day PACE service throughout British Forces Germany.

In 1990-91 the Gulf Conflict involved a substantial number of ALS officers. Some deployed to Saudi Arabia, while others manned the legal desk at the Joint Headquarters near High Wycombe, or dealt with legal questions at Ministry of Defence (MOD) level in ALS2. The requirement to provide all troops deploying to the Gulf with instruction on the law of armed conflict was met by yet further ALS officers.

Adjutant General's Corps (Army Legal Services branch)

The 1990s saw substantial and rapid change throughout the Army, and in particular within ALS. The first major development affecting ALS as a whole was the decision, brought into effect on 6 April 1992, to include officers of the ALC in the new Adjutant General's Corps (AGC). In consequence, officers of the ALS Branch of the new Corps added red and blue lanyards to their uniforms, but retained, or rather reverted to, the letters "ALS" on their rank slides when wearing shirt-sleeve or pullover order. They also kept the old ALC navy blue beret and cap badge. The Colonel Commandant of the ALC became the Deputy Colonel Commandant (Army Legal Services Branch) of the new Corps.

DALS, ALS1 and ALS2 had by this time been re-located for some years on the ninth floor of Empress State Building near Earl's Court, but in 1994 DALS and ALS1 were "rusticated" to Worthy Down, near Winchester - the home of the AGC - to join the other branches of the Corps, while ALS2 managed to retain a foothold in London by moving to Metropole Building, Northumberland Avenue. In due course responsibility for training and publications moved from Wilton to Worthy Down, but in 1996 it was decided that DALS and ALS1 should move to Upavon, so as to be co-located with the Adjutant General and HQ Personnel and Training

Command. This was part of a large restructuring of the Army into three major commands, the other two being Land Command, with its headquarters at Wilton under the Commander-in-Chief and responsible for all formations in Great Britain and Germany, and the Quartermaster General's Department, with its headquarters at Andover.

The formation of Land Command involved a substantial reorganisation of what had formerly been UKLF and BAOR, with the result that the ALS offices at Verden and Körbecke both closed and the Rheindahlen office was eventually reduced to a single lieutenant-colonel.

Hostilities in former Yugoslavia had a significant impact on ALS work in the mid-1990s, with seven officers temporarily deployed there at one stage, but little or no reduction in the workload back in their permanent locations. To date eighteen ALS officers have served in the Balkans since the UK first sent troops. The establishment of the United Nations War Crimes Tribunal in The Hague to deal with atrocities committed in former Yugoslavia prompted a request from the Foreign and Commonwealth Office for an ALS officer to join the Prosecutor's Office. Captain AJ Cayley became in due course the first ALS officer to take part in a war crimes prosecution since the late 1940s.

Apart from a burst of activity in the mid-1950s as a result of the Suez operations and the UK's subsequent ratification of the 1949 Geneva Conventions, international law was largely neglected until the mid-1970s, when Colonel Sir David Hughes-Morgan Bt took part as a member of the British delegation in the negotiations in Geneva which eventually led to the 1977 Geneva Protocols Additional to the Geneva Conventions of 1949. He was followed by Lieutenant-Colonel APV Rogers, who was involved in the international conferences, which resulted in the United Nations Conventional Weapons Convention of 1980. He was followed by Colonel CHB Garraway who took part in the negotiations that led to Rome Statue of the International Criminal Court in 1998.

In due course the post of ADALS International Law was established, initially at Wilton but later in ALS2, and today a substantial number of ALS officers are serving in posts involving operational and international law. Many have taken part as course directors or class leaders in training at the International Institute of Humanitarian Law at San Remo, Italy, while others are active in the International Society for Military Law and the Law of War, or in the Society's UK Group.

But although international humanitarian law is now a firmly established feature of the work of ALS, it was human rights law, in the form of the 1950 European Convention on Human Rights, which ultimately made the greater impact. In the early years the provisions of the convention had been generally assumed to be inapplicable to military discipline. By the 1980s, however, it had become clear from a number of decisions of both the European Commission and Court of Human Rights relating to other countries that the convention did apply, though there was still some confidence that the British court-martial system would withstand scrutiny, even if military summary procedures might well be found wanting.

In the event it was an Army court-martial which was the first to be challenged at Strasbourg. The Commission expressed the opinion that the court-martial system laid down by the Army Act 1955 contravened Article 6 of the convention, essentially on the basis that the requirement for the appearance of independence was lacking. Given the likelihood that in due course the judgement of the European Court of Human Rights would follow the Commission's opinion, it was decided to take advantage of the Armed Forces Bill 1996, then under consideration by Parliament, to make substantial reforms to the court-martial system in order to bring it into line with convention requirements. One of the main changes was the abolition of the convening officer and the transfer of some of his functions to two new authorities, namely the prosecuting authority and the court administration officer. The intention was that DAL5 would be appointed as the prosecuting authority, and that court administration would be the responsibility of an MOD staff branch, in both cases functioning independently of the chain of command.

The requirement to continue the provision of legal advice to commanders and within MOD and, under the legal aid scheme, to individual soldiers, in addition to taking on statutory responsibility for court-martial prosecutions, meant that ALS had to divide itself into three constituent parts, known as Advisory, Prosecutions and Legal Aid. Those in day to day charge of each part - namely Brigadier Advisory, Brigadier Prosecutions and Commander ALA NWE - were to report directly to DAL5, save in one respect. Because of the need to demonstrate DAL5's independence in his capacity as the court-martial prosecuting authority, it was decided that in relation to discipline advisory work, Brigadier Advisory would answer not to DAL5, but directly to the Adjutant-General.

Because the new arrangements necessarily involved a degree of duplication of legal work, additional ALS officers were recruited in order to staff the Army Prosecuting Authority (APA) and to maintain the various Advisory offices, of which there were no fewer than eighteen by 1997.

On 1 April 1997, DAL5 was duly appointed by Her Majesty as the prosecuting authority for the Army. He in turn appointed seventeen ALS officers as prosecuting officers, and the APA commenced operations at two new offices, one at RAF Uxbridge (APA (UK)) and the other at Rochdale Barracks, Bielefeld (APA (Germany)). Each office was in the charge of a colonel, responsible through Brigadier Prosecutions (based at Uxbridge) to DAL5 at Upavon. In the event it soon became apparent that seventeen prosecuting officers were insufficient to deal with the court-martial workload, and an increase in establishment was authorised.

It also became evident in late 1997 that more advisory officers were needed; at divisions/districts and at Upavon, primarily because of the substantial increase in the number of applications for redress of complaint being processed; and at ALS2, because of the growing demands of domestic legislation and international work. The rapid expansion had the effect of increasing the world-wide establishment of ALS from 54 to over 70 posts in under two years.

By early 1998, ALS2 in London consisted of a colonel, a lieutenant-colonel and a

major, concentrating on international law and tri-service matters, while HQ Advisory at Upavon, under Brigadier Advisory, accounted for a colonel, two lieutenant-colonels, five majors and two captains, dealing with single service legal matters, MOD-level casework, training, publications and operational (including special forces) matters.

Conclusions

The first five years of ALS as a branch of the AGCs were a period of unprecedented expansion, reorganisation and development, not to mention turbulence. In some respects the work of the branch was little different from the days of the Military Department of JAG's Office - officers still prepared charge-sheets and undertook court-martial prosecutions, for example - but in others there was little comparison. After the 1997 reforms less than a third of all ALS officers were involved in court-martial work, whereas even a few years previously the majority of officers could routinely expect to advise on, or to prosecute, a number of courts-martial during each posting. There were two main growth areas - operational law and administrative casework, both of which constantly demanded yet more legal officers.

The next few years seem likely to bring even greater challenges. On the legislative front there is a long-standing need to consolidate the Army Act 1955 and the numerous amendments made to it over the last forty or so years. There is some prospect, too, of a tri-service discipline statute on the horizon to help meet the trend towards joint-service operations and establishments. Disciplinary procedures continue to become ever more complex, particularly with prosecution and defence disclosure in prospect for court-martial cases, while administrative casework shows every sign of expanding further as soldiers become more aware of their rights and ready to enforce them. On the international front, too, there is increased activity in a number of areas, particularly in relation to weaponry and the establishment of an International Criminal Court. The greatest single challenge, however, is likely to come from the forthcoming incorporation into domestic law of the European Convention on Human Rights.

As the Adjutant General's Corps completes the first five years of its existence and the Army Legal Services Branch celebrates the fiftieth anniversary of the formation of the Directorate of Army Legal Services, there is every prospect that military lawyers will continue to be in demand and to play an increasingly important role in the Army in the years to come.

A Mandatory Witness

Henry Cleaver

Trials of alleged war criminals in Germany after the last war - not the more notable United Nations trials at Nuremberg - were the responsibility of the District Headquarters of the area in which the alleged offences were committed or where the accused were in custody.

In cases where there was a possibility of a death sentence being passed and confirmed, the convening officer was required to nominate a person who would be able to identify the person about to be hanged as the person convicted at the trial. He was known as the mandatory witness.

The case about which I am writing involved the execution was of a man called Marquardt who was convicted by a court-martial presided over by Lieutenant-Colonel Glendenning, a permanent president of courts-martial, at Hamburg on 20 August 1946 on charges of ill-treatment and killing of prisoners at the Neuengamme concentration camp on the banks of the Elbe, east of Hamburg². The nominated mandatory witness had been allowed to leave Germany. The members of the court had long been dispersed and the execution (which had been signalled to MOD and the Foreign Office) had been arranged. The next available deputy for the mandatory witness was the prosecutor, who was only informed of the extra duty required of him on the day before the execution was due to take place: that was me.

Unfortunately, my wife, Elinor, had on that day in early 1947 arrived in Germany among a party of what the press had called "BAOR Brides" and I did not want to leave her alone on her first day abroad. So when I went to Hameln to report to the Transit Hotel, which was the HQ for the occasion, I took her with me, expecting to be able to return home and come back to Hameln the following day. The powers that be vetoed that plan, so we both had to stay at the Transit Hotel.

Also in the hotel was the official hangman, Mr Albert Pierrepoint, who looked exactly like his normal occupation of inn keeper, and his assistant, whose name, I think, was Mr Ellis, a rather solemn looking man. At first the atmosphere was a bit strained but things improved after dinner and a sense of relaxation was apparent - except for Elinor who was the only partner for dancing.

Next morning, I reported to the prison, which was on the banks of the River Weser of Pied Piper fame.

I was told to stand at the side of a long corridor near the door of the cell in which the condemned man was held. He was led out, looking a bit dazed, presumably slightly drugged, and as he walked past me down the corridor I noticed him looking up at the window at the end where the sun was shining. He was ushered into the execution room and I followed him, being particularly careful where I walked! A hood was put on his head, the trap doors opened with a crash and he dropped below floor level.

After all that I paid my respects to Mr Pierrepoint and walked back to the hotel to meet Elinor for lunch.

² Presumably a PW court-martial - ed.

1948-1957: The formative years

Stanley Smith

Prelude

In the beginning was the Military Department of the Office of the Judge Advocate General to the Forces. It had existed for many years and, from the ashes of that department, there arose, phoenix-like, in October, 1948, the all-officer, all male, Directorate of Army Legal Services with its officers gazetted, in due course, to the Army Legal Services (ALS) Staff List.

The living bridge between the old and the new organisations was provided by those officers of the military department who remained in commissioned service in the Army and did not become civilian judge advocates under the Lord Chancellor with the Office of the Judge Advocate General to the Forces. They were officers who had served for the whole or the greater part of the 1939 - 1945 War with the Royal Artillery, infantry or one of the corps. They were all solicitors or members of the bar, and they had a common denominator background of regimental and, sometimes, staff experience in various theatres of war. None required any introduction to the colours or military discipline by way of the Royal Military Academy or other pre-commissioning training: they knew their Army. Two of these officers, John Robertson of the Gloucestershire Regiment (later to be Director of Army Legal Services) and Henry Cleaver of the Royal Artillery, had been prisoners of war in Germany from the days prior to Dunkirk until the end of the war.

The writ of the Judge Advocate General to the Forces (JAG) ran, through his military deputies, world-wide, but excluded the Indian Army. That establishment was served, as far as military law advice was concerned, by the JAG in India and it was to this organisation that the writer, after war-time service in India and Burma with the Intelligence Corps, was attached in January, 1946. For the next fifteen months I was prosecuting officer in many of the Japanese war crimes trials in Singapore, Malaya, British North Borneo and Sarawak. Subsequently, I was joined in Singapore by Kenneth Symons of the East Surrey Regiment, a member of the bar, who was also attached to the Indian Department of JAG. Both he, and Leslie Lipson, a solicitor, also attached to the Indian Department of JAG, will appear from time to time in this history.

In April, 1947, holding the appointment of Deputy Assistant Judge Advocate General, I returned to British service and reported to the Military Deputy of the JAG, Brigadier Henry Shapcott, MC, at 6 Spring Gardens, Cockspur Street, London. I was interviewed by him with a view to my transfer to the military department. He informed me that no officer was of the slightest value to him unless that candidate had a minimum of five years experience as a lawyer. My credentials were limited to articles from 1938 - 1941, admission as a solicitor in 1944 during the Burma campaign and war crimes prosecutions against the Japanese. On the strength of this background the brigadier agreed to "give me a chance" and, with this decision, I found myself in the twilight of the military department and the impending dawn of ALS. How justified Henry Shapcott was in his decision, which saw me for the next thirty years as an officer with a permanent regular commission in ALS, can only be answered by the verdict of history or the judgment of my fellow officers.

My previous involvement with Japanese war crimes inevitably propelled me into German and, to a lesser extent, Italian war crimes trials. These were a sequel to the international war crimes trial at Nuremberg and continued for some fourteen months after the formation of Army Legal Services in 1948. Stationed at the War Office, in Spring Gardens, I joined the United Kingdom team consisting of Geoffrey Barratt, late Royal Fusiliers, and Roger Marshall, late Royal Artillery, in the preparation and prosecution of war crimes cases in Europe and assistance to Allied Land Forces, South East Asia in interviewing witnesses and the preparation of affidavits. Geoffrey Barratt and Roger Marshall were to become Directors of Army Legal Services. Herbert Halse, who had been commissioned into the military department in 1936 and had been senior military department officer with 21 Army Group from D-Day + 9 until the German surrender at Lüneburg heath, was in overall command of war crimes, with the appointment of colonel, legal staff, until he was replaced by Colonel Lord Russell of Liverpool, MC in July, 1947. Lord Russell had extensive experience in war crimes trials, many of which are recorded in his publications, *The Scourge of the Swastika* and *The Knights of Bushido*.

Herbert Halse had already been heavily engaged in either the preparation or prosecution of such notable cases as the trials of the four German U-boat officers charged with firing with machine guns on the survivors of the S.S. *Peleus* when they were in the sea off West Africa after being torpedoed, Generals von Falkenhorst and von Mackesen who commanded, respectively, the German Forces in Norway and the German 14th Army in Italy, Field Marshal Kesselring for transmitting the order from Hitler for the massacre of 335 Italians in the Ardeatine Caves near Rome and, finally, the *Stalag Luft III* trial concerning the murder of 50 Royal Air Force (RAF) officers whilst prisoners of war.

The cases advised on at Spring Gardens, prior to and immediately after the formation of ALS, were initiated by a unit named War Crimes Group, North West Europe based in a small German spa at Bad Oeynhausen in Westphalia. This was the original 1945 headquarters in Germany under Field-Marshal Montgomery and, when I first visited the HQ, still had the security protection of barbed wire and houses from which all German civilians had been compulsorily evacuated. Officers of War Crimes Group, North West Europe, including Gerald Draper, late Irish Guards, a solicitor, subsequently a member of the bar and a professor of law, together with Henry Cleaver, conducted many prosecutions. Their efforts, however, were supplemented by officers from Spring Gardens who travelled to various parts of the British Zone of Germany.

I prosecuted in a number of these German trials, mainly in Hamburg. Notwithstanding the efforts of the RAF, the undamaged parts of this city, in particular the *Vier Jahreszeiten* Hotel, which was the officers' club and our residence, were pleasing, but the outward journey from London was bleak. It consisted of the train (usually unheated) from Liverpool Street Station to Harwich,



General view of the court trying the Stalag Luft III case, June 1947

the military night boat to the Hook of Holland and a military train from the Hook to Hamburg. The 21st century comforts of civil aircraft and RAF Transport Command were not available to the officers prior to and immediately after the birth of ALS in 1948.

1948 - 1949

1948 produced three events of major importance to the military law system. These were the final British war crimes trial, the demise of the military department of JAG and the emergence of Army Legal Services.

The early months of the year had seen the near closure of British war crimes trials but, as the year progressed, political pressures brought the names of Field-Marshal von Rundstedt and von Manstein and General Strauss into renewed prominence. These officers were held as prisoners of war at Bridgend and the expectation was that they would, in the near future, be repatriated to Germany. However, political decisions, mainly demonstrated by the intransigence of the USSR, produced a change of policy and, in the final days of the military department of JAG and the dawn of ALS, the military lawyers were directed to investigate, and if necessary prosecute, these senior officers for war crimes in the USSR and Eastern Europe during the Russian campaign.

Accordingly, a special unit from ALS was brought into being in October, 1948 for this purpose, divorced from Spring Gardens and housed at Hotel Metropole in Northumberland Avenue, London. It was commanded by Gerald Draper, and consisted of the writer and a formidable civilian legal advisory and investigative team which included Sir Arthur Comyns Carr KC as leading counsel and Elwyn Jones MP (later Lord Elwyn-Jones, Lord Chancellor) as junior civil counsel.

We were greatly assisted by the expert knowledge of many specialists who were German or of German origin. These included Dr Otto John, a survivor of the July 1944 bomb plot against Hitler. Dr John provided me with essential factual information on the Germany of the war-time years and that aspect of the case which was my particular responsibility. This concerned von Manstein's alleged knowledge of the activities of the Einsatzgruppen, or special SS extermination squads, in Russia and necessitated a detailed analysis of the events from the time of the Wannsee conference in January, 1942, when Heydrich propounded the 'Final Solution of the Jewish Question', until von Manstein was dismissed by Hitler from his command of Army Group South in March, 1944.

Gerald Draper visited the archives of the Pentagon in Washington and plans were made for me to travel to Poland to examine evidence relating to the SS in that country. However, doubtless through their reluctance to allow daylight to shine on their activities in the murder of officers of the Polish Army at Katyn, the Russians refused to grant me a visa. Consequently, my travels took me, in February, 1949, accompanied by Elwyn Jones and Otto John, to Landsberg Prison in Bavaria, in the American zone of Germany, where Hitler had been imprisoned

in 1923 for his attempt to overthrow the Bavarian government. There, we took evidence on commission from Dr Ohlendorf, a lawyer from Hanover, who had been the commanding officer of **Einsatzgruppe 'D'** in the Crimea during the period of von Manstein's command, and was in, 1949, under sentence of death following his conviction by an American war crimes court. For five freezing days, immediately prior to Ohlendorf's execution, Elwyn Jones and I questioned him and heard him expand on the minutiae involved in the killing of thousands of Jews, gypsies and other groups described, euphemistically, as 'undesirables'.

During the early part of 1949, the decision was taken to release von Rundstedt and Strauss from further proceedings, but to bring von Manstein to trial on a lengthy indictment. This marked the final saga of the British Army's involvement in war crimes trials; it was the first war crimes trial that was investigated, prepared and prosecuted entirely under the aegis of the newly formed ALS.

In August, 1949 the prosecution team moved from Northumberland Avenue to Hamburg and, the following month, the trial of von Manstein opened and continued until his conviction in December, 1949 when we returned to London to view the blueprint of ALS.

The report of the Lewis Committee was the catalyst which brought ALS into being, concentrating, as it did, on the necessity to separate officers responsible for advising commanding officers and convening officers on disciplinary matters under the Army Act, and any resulting prosecutions at courts-martial, from the staff of the JAG who provided judge advocates at courts-martial and gave post-trial advice to confirming officers. It was mandatory that complete independence existed between those responsible for the two disciplinary functions. The end product, if a civil analogy could be used, was that the then Court of Criminal Appeal and the Office of the Director of Public Prosecutions had to be free of any suggestion of association.

Independence was achieved by the formation of a new directorate within the Adjutant-General's branch of the War Office under the direction of a Director of Army Legal Services (DALS). Henry Shapcott relinquished his appointment as Military Deputy and was appointed director in the rank of Brigadier. Herbert Halse became Deputy Director Army Legal Services, the War Office (DDALS) in the rank of colonel. Below this structure were Assistant Directors Army Legal Services (ADALS) in the rank of lieutenant-colonel and Deputy Assistant Directors of Army Legal Services (DADALS) in the rank of major. At the lower end of the scale were captains who held the appointment of Staff Captain (Legal). Similar appointments came into being for ALS officers overseas and two branches, British Army of the Rhine (BAOR) and Middle East Land Forces (MELF) were under the command of a DDLS.

Henry Shapcott, who held a pre-1939 regular commission, remained *in situ* at Spring Gardens. Herbert Halse, the new DDALS, moved from Bad Oeynhausen to the War Office and the remaining officers of the military department, apart from changing their cap badges, relinquishing their previous military department

appointments and becoming part of the Extra Regimentally Employed (ERE) List, remained at their previous duty locations but in their new ALS appointments. Save for Henry Shapcott and Herbert Halse, they contemplated career prospects and the prospect of the securing of permanent regular commissions.

Terms of service were governed by the Royal Warrant for Pay and provided for promotion to the substantive rank of major after seven years service with ALS, and compulsory retirement at the age of 60 with retired pay. Promotion to the rank of lieutenant-colonel and above was by selection. Where an officer held an appointment carrying higher rank than his substantive rank, provision was made for the grant of temporary higher rank and pay for the duration of that appointment. On relinquishing the temporary appointment, an officer reverted to his substantive rank, a situation which frequently occurred in the first twenty years of ALS.

A number of officers who were members of or attached to ALS as national service officers during the period under review rose to positions of eminence in the legal world. Some became members of the circuit bench as judges or recorders. Two, John Cheeseman and Brian Canham, became metropolitan stipendiary magistrates, and 2nd Lieutenant H K Woolf, 15/19 Hussars, who was attached to ALS4 in March, 1956 as a national service officer, holds the appointment, at the time of writing, of Lord Chief Justice of England and Wales.

It is invidious to select a limited number, but reference must be made to a number of officers, not otherwise specifically mentioned in this history, who joined ALS in the years 1949 - 1958. These include Richard Lomer MC, late Coldstream Guards, Ben Odell, Tony McIlvenna, late the Durham Light Infantry, David Hughes-Morgan, Dennis Brayden, Robin Parry, Colin Overbury, Geoffrey Weston DSC & Bar, Jack Bowman, Dudley Boyle, Jack Paterson, Peter Putt, Michael Fugard and Peter Pitts.

Tony McIlvenna, David Hughes-Morgan, Jack Bowman and Michael Fugard were to become Directors of Army Legal Services. Geoffrey Weston had seen very gallant service as an officer in the Royal Navy. His first Distinguished Service Cross was for war-time service with arctic convoys to Russia. The Bar to the award was for his efforts as navigating officer of the frigate HMS *Amythyst*, in 1949 when that warship was under fire from Chinese artillery batteries during passage down the Yangtse river from Nanking to Hong Kong.

Pay for ALS officers was the pay of the rank, as for other officers in the Army, with an additional allowance of 5 shillings a day for those legally qualified (but not, initially, for those officers who served in legal aid). Officers serving in London received London allowance and married officers were entitled to marriage allowance. Single officers in London, not accommodated in the officers' mess at Woolwich, received a living-out allowance. Married quarters and hirings, in practice, if not theory, were unknown quantities.

Initially, the regular establishment for ALS was fixed at 20 officers, the remainder holding short service commissions. This establishment was subsequently

increased and entry to ALS followed the decision of a selection committee.

As a directorate within the War Office, ALS was divided into the following four branches:

- ALS1, under Frank Thompson in the rank of major, was the administrative branch;
- ALS2 dealt with general legal questions other than disciplinary matters and, from 1950 until 1955, was under the direction of Gerald Draper;
- ALS3 dealt with instruction in military law and its duties were increased in 1951 by the enactment of the Courts-Martial (Appeals) Act;
- ALS4 dealt with advice on disciplinary matters to commanding officers and convening officers, the recording of summaries of evidence, the provision of prosecuting officers at general courts-martial, when required at district courts-martial, and advice on boards of inquiry and regimental inquiries; it also provided officers to assist ALS3 with instruction in military law;

At the conclusion of the von Manstein trial, the writer was posted to ALS4 which, together with all ALS branches except ALS1, was located at Hotel Victoria in Northumberland Avenue. The Director and ALS1 remained at Spring Gardens.

The statute under which ALS functioned in 1948 was the 1881 Army Act. There had been some amendments over the years, but the Act had survived the Gordon relief expedition, the South African War, the First and Second World Wars, and was to outlive the Korean War. The Manual of Military Law, again with amendments (inserted with scissors and paste), was the 7th Edition, published in 1929. It was a solitary volume: parts II and III had yet to see the light of day.

Locations of overseas ALS branches were at:

- BAOR at Bad Oeynhausen under Martin Rogers as DDALS with ALS branch offices in Hamburg and Iserlohn. DDALS had responsibility for advice on all disciplinary matters within the British Zone of Germany, the British Sector of Berlin, Belgium and the Netherlands.
- British Troops Austria at Klagenfurt - Hugh Lander was there as ADALS, assisted from 1950 by David Appleby MC, late Royal Fusiliers, who was to become Director of Army Legal Services. The Klagenfurt office had closed by 1952.
- Trieste, where Henry Cleaver was stationed. Again, this office was closed by 1953.
- MELF at Fayid, Egypt, near the Bitter Lakes on the Suez Canal. This was a DDALS appointment and was held by Geoffrey Barratt.

- East Africa Command at Nairobi where a DADALS was stationed.
- FARELF at Singapore under an ADALS, with a DADALS at Kuala Lumpur.
- Hong Kong with a DADALS.

1950

By the early months of 1950, the Director and all branches of ALS at the War Office had been re-located in the relatively luxurious atmosphere of a large block of pre-1939 flats at Lansdowne House, Berkeley Square, London. From there, the pattern emerged which was to shape ALS for the next fifteen years. In effect, Lansdowne House was the spider's web from which all ALS military law activity stretched throughout the United Kingdom and some overseas territories. It was also, of course, through the Director, the control tower for the overseas branches of ALS. All applications from commanding officers and convening officers for advice, the recording of summaries of evidence in serious cases and the provision of ALS officers to prosecute at courts-martial came to Lansdowne House. Everything was centred in that office and, from there, ALS officers travelled on a daily or weekly basis on these peripatetic commitments. The gateway to all prosecutions and summaries of evidence, save for those held at Woolwich or the Duke of York's Headquarters in London, was to be found at Euston, King's Cross, Paddington, Liverpool or Waterloo railway stations and, occasionally (usually in February and November, as far as the winter was concerned), the night boat from Stranraer to Larne for a prosecution in Lisburn. Officers below field rank who travelled in plain clothes were only entitled to 3rd class rail accommodation; accordingly, the accepted practice arose that such officers travelled in uniform, and their railway warrants were endorsed "necessarily travelling in uniform".

The United Kingdom was divided into five military commands; Eastern Command at Hounslow, Southern Command at Salisbury, Western Command at Chester, Northern Command at York and Scottish Command in Edinburgh and, during the Second World War years, officers of the military department of JAG were posted to the commands. However, for the new regime, Herbert Halse decreed that central control from London should be the order of the day. Not for my generation were the present day delights of independent offices in Shrewsbury, York, Aldershot and Salisbury available to ALS officers. Nor, for the serving ALS officer in London in 1950 was to be found the privilege of a 5-day week. Duty at Lansdowne House lasted until lunch-time on Saturdays.

When away from London on duty, it was considered inappropriate for ALS officers to stay overnight in an officers' mess. They had to be isolated from any contact with personnel who might be associated with the case, including the defence lawyers, judge advocate, president and members of the court. This policy necessitated accommodation at an hotel. Consequently, ALS officers acquired an outstanding understanding of the geography of the United Kingdom, the star-ratings of hotels and their cost and the monthly "ABC" railway timetable.

An additional responsibility was assumed by ALS in 1950 with the introduction of a 5 day course every month at Lansdowne House of lectures in military law to regimental and other officers. ALS3 organised the lectures, which were given by officers of ALS2, 3 and 4. Initially, about twelve students attended the course, but their numbers were increased in 1951 with the re-introduction of examinations for the Staff College and promotion examinations. The 5 day course continued until the eventual move of ALS3 and 4 to Old Sarum in 1973.

The provision of legal aid for accused at courts-martial was the responsibility of the Director, and the administrative arrangements were undertaken by ALS1. The general scheme was that accused were represented by solicitors in the United Kingdom and, in Germany and Austria, by members of the bar.

Civil legal aid and advice was provided by ALS officers holding short service or national service commissions and by national service NCOs but, until 1955, it was very much the second cousin and poor relation of ALS and outside the purview of ALS officers holding regular commissions. It was housed in Stanhope Gardens, London, far removed from the atmosphere of Lansdowne House.

The pleasures of comfortable surroundings require, sometimes, a chastening change to austerity and, in the case of ALS3 and 4, this was accomplished by a change of location in the autumn of 1950 from Lansdowne House to Lacon House in Theobalds Road. Accommodation was adequate, but the area accelerated the impression of austerity then prevailing in the post-war years of London.

From Lacon House, ALS continued its previous duties but, in addition, it was presented with a new and tedious assignment concerning a subject that is probably unknown to present-day officers. The task was to investigate, advise and, when necessary, prosecute the last of what were termed "non-reporter cases". Under the 1939 National Service Act and subordinate legislation, civilians were summoned to the colours during the Second World War years, and deemed to be enlisted into the Territorial Army, by the registered posting of a notice by the Ministry of Labour and National Service containing reporting directions to a named unit and address on a certain date, accompanied by a railway warrant and a postal order, value 4 shillings, for advance of pay. Some civilians declined this invitation to "see the world", and their lack of enthusiasm was subsequently evidenced by the production of a Part H Order or Army form 115. Not surprisingly, a number of these reluctant non-warriors emerged from the woodwork of obscurity in the years following 1945. The success of a prosecution depended upon the survival of records, the effects of war-time bombing, the vagaries of memory and identification! Mundane though the task might appear, it was a fascinating insight into human nature and excuses. ALS considered about fifty of these cases a week over a period of six months.

The ALS presence at Lacon House continued for some nine months after which ALS4 returned to re-join the Director, ALS1, ALS2 and ALS3 at Lansdowne House.

1951

This year witnessed the enactment of a major piece of legislation which was of considerable importance to ALS. Hitherto, the sole judicial challenge which could be made to a confirmed finding of guilt at a court-martial was by way of an application to the Divisional Court. This situation changed with the enactment of the Courts-Martial (Appeals) Act 1951. Previously, representation of the Crown before the Divisional Court had been undertaken by the Treasury Solicitor. With the implementation of the new Act, it was agreed that the responsibility for representing the Army Council (as it then was) should fall on ALS and that ALS3 should have the task of instructing counsel.

About the same time as the enactment of the Courts-Martial (Appeals) Act 1951, promotion examinations were re-introduced into the Army. One was for Staff College and captain to major; the other was for lieutenant to captain. ALS undertook responsibility for military law instruction for the examinations and, under the auspices of ALS3, 2 - day military law courses were held throughout the United Kingdom. Similar courses were organised by ALS offices overseas.

In March, 1951 the writer was posted as DADALS to BAOR at Bad Oeynhausen where I joined the DDALS, Martin Rogers, the two ADALS, Andrew Campbell and Robin Cowell-Parker, Kenneth Symons and Charles Caufield who had transferred to ALS from the Royal Pioneer Corps. Andrew Campbell, who had earlier seen service in Palestine, was accompanied by, his boxer dog "Punch" who, in my judgment, must earn a permanent place in history by a mention in this publication. Palestine, prior to the creation of the state of Israel, was a turbulent and violent part of the Middle East and Andrew was then stationed in Jerusalem. There, one lunch-time, accompanied by "Punch", Andrew came down the steps of the King David Hotel to be confronted by a terrorist who aimed a loaded revolver at Andrew. "Punch" jumped, seized the attacker by the throat and brought him to the ground. Andrew Campbell survived to serve ALS for many years with the greatest distinction. "Punch" was rewarded with the Dickens Medal - the animals' Victoria Cross.

A posting to BAOR in 1952 was an exhilarating experience. Living conditions were comfortable consisting, for single officers, of a room in one of the many requisitioned German houses, and married quarters were available for married officers. Relaxation was available at the '21 Club', the officers' club, and there were two service cinemas. Communication with German civilians was not encouraged in the early days, but the previous non-fraternisation policy had been rescinded by the time of my arrival. Deutschmarks were available at an exchange rate of 12 to £1.00 sterling for British armed forces special vouchers (BAFSVS) which was the currency obtained from pay offices of the Royal Army Pay Corps and used for payment in military messes and NAAFI.

For an ALS officer, the particular enjoyment of service in BAOR was the wide catalogue of offences available for prosecution. There were no limitations for prosecutions by courts-martial, as in the United Kingdom, of the more grave

offences of the criminal calendar; in effect, everything in Archbold was available for prosecution, including murder, manslaughter, rape, robbery and the more serious indecencies. There were numerous cases of fraudulent misapplication, more, I believe, than at any other time, in my experience with ALS. The cash contents of so many regimental imprest and President of the Regimental Institute (PRI) accounts vanished on the gaming tables of casinos at Travamünde, near Hamburg. The ALS offices at Hamburg and Iserlohn had been closed by 1951, and every week saw prosecutions or the recording of summaries of evidence in locations such as Düsseldorf, Essen, Osnabrück, Dortmund, Iserlohn, Münster, Bielefeld, Minden, Hanover and Berlin. Save for Verden, Hamburg and Berlin, all journeys were made by staff car and, with one exception, became routine.

The exception was the British sector of Berlin, and this problem arose because the city was within the Soviet zone of Germany. By 1952, an attempt by the USSR to isolate the city from physical contact with the remainder of the country had been thwarted by the British and United States air lift which brought supplies and personnel from West Germany into Berlin. A subsequent return to frigid normality followed and the railway link between the British Zone and Berlin was resumed. Any ALS presence in Berlin necessitated a rail journey from Bad Oeynhausen to Hanover and, from there, the British military night train, with a German train crew, via Marienborn, to Charlottenburg station in Berlin. Marienborn, the first station in the Russian zone, was reached at 2 am and the officer commanding (OC) train, accompanied by a Russian-speaking interpreter, would leave the train and walk along a dark, miserable, unlit, deserted platform, to the office of a Russian officer, the equivalent of a British Army Regimental Transport Officer (RTO), and request formal permission for the train to proceed to Berlin. On most of my journeys to Berlin, I was OC train and the procedure at Marienborn was formal and stereotyped on every occasion before authority was given for the train to continue through the Russian zone. Some questions were always put by the Soviet officer regarding personnel on the train, which I was not permitted by standing orders to answer, and the final remarks of the officer were that I must ensure that the window shutters on the train were drawn. It was all a complete charade, but could produce an uncomfortable feeling.

1952 - 1954

On 25th June, 1950 troops from North Korea crossed the 38th parallel into South Korea and the Korean War commenced. A British brigade was detailed to proceed to Korea as part of the United Nations force, and John Cumberlege, late Royal Artillery, drew the short straw and embarked by troopship with the brigade for Pusan with the appointment of DADALS. He experienced all the hardships of the first part of the campaign and was the sole ALS officer in a geographical area which comprised not only Korea but also Japan.

By the date for John Cumberlege's reversion to the home establishment, the war was continuing and an ALS replacement was required. The writer drew the next shortest straw in April, 1952 and I was posted to Korea from BAOR. Speed was of

the essence, and some consolation for the posting was provided by the then almost unknown privilege of a DADALS being issued with a 1st Class British Overseas Airways Corporation ticket from Heathrow to Tokyo. We flew via Beirut, Karachi and Calcutta with night-stops at the Strand Hotel in Rangoon (which I had last seen at the end of the Burma Campaign in August, 1945) and the Peninsula Hotel in Hong Kong. Notwithstanding the requirement for speed, London to Tokyo was then a journey of three days and nights. There was a considerable British military presence in Japan in 1952 and I spent my first night in Tokyo in the headquarters officer's mess. The following evening the American military night train took me from Tokyo to the headquarters in Japan of British Commonwealth Forces Korea (BCFK). This was at Kure, a few miles from Hiroshima on the inland sea of Japan, and a former base of the Japanese imperial navy. The journey was scenically pleasant and, in places, the countryside not unattractive, especially near the old Japanese capital of Kyoto. Again, available transport demonstrated that speed was not of the essence: the "bullet train" had not been invented, and my journey took twenty-two hours.

At Kure, I was met by John Cumberlege and William Stubbs, the judge advocate. On arrival, I assessed my responsibilities. These entailed all the normal duties of an ALS prosecuting officer, including civil legal aid and advice to United Kingdom personnel, and, when required, the defence of naval personnel at Royal Naval courts-martial, RAF personnel at Royal Air Force courts-martial and Australian personnel at Australian courts-martial. Even on the premise that all concerned, together with the DADALS, were in the same locations, I assessed that my duties were to be, at times, somewhat onerous: all concerned, however were not in the same location. In Korea, was the 1st British Commonwealth Division with divisional headquarters and two brigades, the Australians were mainly in Korea, the Royal Air Force presence in Japan was at Iwakuni, a three hour motor launch journey across the inland sea, and the British military presence in Japan was at Kure, Hiroshima and Tokyo.

It was a fascinating prospect and, in the fullness of time, I achieved all these targets including defending on board a Royal Naval aircraft carrier and at a Royal Air Force court-martial. Clearly, this was not a career for those dedicated to a 35-hour week, free week-ends and the prospect of some privilege leave. Save for the clerical assistance of a staff sergeant, I was completely on my own and, apart from voluntary attendance at Sunday matins, I had neither a free week-end nor leave until my next posting sixteen months later. The writer has to put on record his amazement that an establishment limited to one ALS officer only could have been regarded as adequate by those responsible for such decisions. The filling of "the unforgiving minute with sixty seconds worth of distance run" was very much the order of every day in a seven-day week. Fortunately, sprinting was not a requirement. A motor launch to RAF Iwakum, a Dakota aircraft to Pusan followed by Army Air Corps Auster flights to Seoul, Taegu or the Imjin River, or the American military train to Tokyo became as familiar to me as the No 9 or 11 buses in the Strand.

Of course, DADALS, HQ BCFK was not alone in experiencing the pressures of

hostile external forces. The communist uprising in the Federation of Malaya and the activities of the Mau Mau secret society, with its avowed intention of driving all Europeans from Kenya, brought increasing and difficult challenges to those ALS officers who were stationed in Singapore and Nairobi in 1952 and the following years.

Korea is known as the "Land of the Morning Calm." There were moments, however, which the writer recalls, when this tranquillity could rise to boiling point. A particular period occurred when, at the same time, I was required to prosecute a British murder trial in Pusan, defend an Australian murder case in Seoul, prosecute a British robbery case in Tokyo and defend at a Royal Naval court-martial on a warship near Kure. I sent a signal outlining the situation to London, which evoked the response that I should use my best endeavours to cope with the problem. I did. Another signal from me to James Hamilton, who was then ADALS, Far East Land Forces (FARELF) in Singapore, resulted in the arrival of Pat Knight in Tokyo with instructions to defend the Australian murder case. He accomplished his mission, and I carried out the remaining prosecutions and defence.

In those, now faraway days, of 1952-1953, the ALS officer *in situ* was personally responsible for finding the solution to each and every problem that came his way; there was no reserve to assist in an emergency. ALS had a fixed, inflexible establishment of officers which exactly equalled the number of ALS appointments. This meant that when an officer was posted from one appointment to assume another, the vacated appointment remained unfilled until the next officer could be found and physically placed into the vacated appointment. The problem was exacerbated by unexpected retirements and resignations, and this period of ALS history witnessed the gradual emergence of recruiting problems which came to a climax in 1962 and were not finally solved until the reforms initiated by Gerald Whiteley during his directorship between 1964-1969.

In the meantime, I maintained the ALS presence in Korea and Japan until in August, 1953, following the signing of the armistice at Panmunjom on 27th July, my Korean posting ended. The Korean ALS appointment, however, continued and John Wheeler came from London as the ALS replacement.

I embarked at Kure in the troopship 'Asturias'³ which carried the first British prisoners of war to England but, whereas they and the remaining passengers arrived at Southampton, I had a shorter journey. My next posting necessitated disembarkation at Port Said from where I travelled by road along the Suez Canal to assume my next appointment of DADALS, HQ Middle East Land Forces (MELF) at Fayid. This was the geographical successor to the long British presence in Cairo and, after lengthy and arduous negotiations with the Egyptian government, had become a British Sovereign Base, extending northwards to Moascar, El Ballah and Port Said and into the desert as far as Tel-El-Kebir. Within this base was a formidable British military presence with strong ALS representation.

³ I had sailed by this troopship from Bombay to Southampton in 1947 at the age of 5. My enduring memory is of the Suez Canal and of battleships at Port Said - ed.

Herbert Halse had succeeded Geoffrey Barratt as DDALS at Fayid, with Geoffrey McCulloch (shortly to be relieved by Gerald Whiteley) as ADALS, the writer and Paddy Moore as DADALS and James Haswell as Staff Captain (Legal). George Davison, a major, and another officer provided the civil legal aid representation.

There was little relief in Fayid from the austerity of Korea. Accommodation was tented, and the geographical area of ALS responsibility was extensive. It covered the whole of the Canal Zone, westwards to Libya and Tripolitania, including the garrisons at El Adem, Tobruk, Benina, Bengazi, Castel Benito and Tripoli, Cyprus and Malta in the Mediterranean, the Sudan, Aden, British Somaliland, Jordan, Mauritius and the Seychelles. Relaxation and boredom were unknown quantities. I was away from Fayid on assize to one or more of these locations an average of three weeks in each month. During the week in Fayid, or on journeys along the canal road to Moascar and Port Said, there was always the stimulus of terrorist attack directed against British personnel by Egyptians. Such attacks were spurred on by the policies of General Neguib whose *coup d'état* in July, 1952 deposed King Farouk and brought about a republic in Egypt one year later. Colonel Nasser, his successor, continued the same policy and, by the time of my arrival, openly and violently expressed the Egyptian attitude to the British presence in Egypt as "Brit's Out." Following the coup, the Anglo-Egyptian Treaty, which permitted our presence in the Canal Zone, had been abrogated.

Conditions became very unpleasant. There was a virtual blockage by the Egyptians of fresh food, especially vegetables, entering the British zone together with intermittent violence. Officers carried revolvers when away from the camp area at Fayid. Service vehicles had to travel in convoys of at least two vehicles. Notwithstanding these precautions, problems were ever-present. Hostile shots from Egyptians were not unknown when officers walked from their tents at night to the mess, and I recall a journey from Port Said to Fayid when, at El Ballah, shortly before my arrival there, an officer of the Royal Army Medical Corps was shot and killed. The Egyptians, furthermore, had a venomous habit of stretching a length of piano wire across the canal road in an effort to kill motor cycle despatch riders. There was much to be said for prosecuting away from the Canal Zone. There was much more to be said for being stationed at Lansdowne House!

Murder, violence and buggery and, as always, fraud, figured high on our list of ALS prosecutions. A particular source of work emanated from two companies of the Royal Pioneer Corps whose soldiers were mainly recruited from Mauritius and the Seychelles. Another company of pioneers in the Canal Zone, from East Africa, caused less trouble, but their presence necessitated an understanding by ALS officers of the provisions of the Kings African Rifles Ordinance.

The writer returned to the United Kingdom in December, 1954 and, on posting to ALS4 in January, 1955, discovered that this branch of the directorate had been ejected from Lansdowne House and re-located at Stanmore in Middlesex. It appeared to be the end of the line, and in more ways than one, this view was correct. It was the very last station on the underground, a location which did nothing to assist the peripatetic duties of prosecuting officers in their excursions.

However, it was a not unpleasing district and had the advantage of extensive married quarters in nearby Bushey.

1955 - 1957

1955 was a landmark year for ALS for the following reasons:

- HO BAOR became part of Northern Army Group (NORTHAG), and the ALS branch moved from Bad Oeynhausen to Rheindahlen with James Hamilton as DDALS;
- Herbert Halse returned from Fayid to London in June and, on 1st July, succeeded Shapcott as Director of Army Legal Services. On his retirement, Henry Shapcott, who had been awarded the Military Cross during the First World War, served with the military department of JAG since 1921, prosecuted many pre-1939 courts-martial of notoriety, including the trial of Lieutenant Baillie-Stewart (the "Officer in the Tower"), served as Military Deputy since the beginning of the 1939 War, Director since 1948, guiding ALS with great wisdom and ability, was appointed KBE;
- HQ MELF and the ALS branch, with Andrew Campbell as DDALS, moved from Fayid to Cyprus;
- the demise occurred of the 1881 Army Act; and
- a major change of policy regarding Army civil legal aid which, finally, lost its "poor relations" image and became an accepted part of the establishment. The London office of ALA moved to Kings Buildings, Dean Stanley Street, Westminster. The BAOR office was established at Bielefeld, the commanding officer's appointment in both units was upgraded to lieutenant-colonel, with Kenneth Symons in command at Bielefeld, and there began the practice of interchanging ALS officers with ALA establishments. All officers who served in ALA, whether ALS or ALA officers, became entitled to legal pay. The writer was posted to ALA London as temporary lieutenant-colonel in October, 1955. At the same time the senior appointment in ALS1 was upgraded to lieutenant-colonel and Frank Bonnella moved there in that post.

1956 witnessed the production of the new edition of the Manual of Military Law (MML) and, in the latter part of the year, the closing by Egypt of the Suez Canal. Following this event, the decision was taken that ALS should be responsible for advising military government staff, and Theodore Doll, who had retired from ALS, was recalled from the reserve. In the event, no further ALS involvement was required, although Theodore Doll entered Port Said.

In August, 1956 the writer was posted to NORTHAG at Rheindahlen and saw for the first time the new purpose-built GHQ. It had been constructed under British direction by the German government on a site of woodland and comprised the

highest degree of comfort I had experienced regarding office buildings, messes and married quarters and recreational facilities. It was, undoubtedly, the showpiece of the British Army as far as these advantages were concerned. There, under Geoffrey Barratt as DDALS was a large establishment which included Roger Marshall, Frank Bonnella and John Cheeseman. Our duties were almost a replica of those ALS had experienced during my previous posting to Bad Oeynhausen.

1958

Herbert Halse decided that the time had arrived when ALS should be given a new, and more visible, representation in the form of its own cap badge and buttons, as a replacement to the existing ERE badge and buttons. This proposal was not achieved with ease. Initially, the dress committee of the War Office, refused the application on the grounds that ALS was not a corps of the British Army. Herbert Halse countered this objection by demonstrating that such argument could cause difficulties regarding the existing badge of the Royal Horse Artillery and the Royal Army Chaplains, the latter not being a corps. The dress committee succumbed to this argument, and authority was granted for a new cap badge and buttons.

Problems still remained concerning the design of the badge. James Haswell was given the task of designing the badge, but his efforts required the approval of the College of Arms and, initially, the college rejected his proposal. They produced an alternative design, with the sword of justice pointing to the ground. This was totally unacceptable to Herbert Halse who immediately rejected the design. The original design by James Haswell was then accepted by the College of Arms and approved by the Sovereign and is the one worn today by ALS officers.

At the same time, an ALS tie was approved.

In February, 1958 the writer was posted from NORTHAG to East Africa at Nairobi, as DADALS. Again, as in Japan and Korea, it was a solitary appointment and with an extensive geographical responsibility extending, beyond Kenya, to Tanganyika, Uganda, Aden and the Trucial Oman States. ALA was the responsibility of Major Fraser Smyth.

The extensive ALS assignment was, unlike earlier years, recognised by an increase and improvement in the establishment. Leslie Lipson, as ADALS, joined me in August, 1958. This marked, as far as concerned the history of ALS, the end of the formative years. We had both experienced our introduction to military law with the military department of Indian JAG, a branch of the Indian Army. If the Indian Army, with seniority above the 1881 Army Act, was the successor in title to the army of the Honourable East India Company, it was, perhaps, not entirely inappropriate that the combined presence of these two ALS officers in Kenya in 1958, at the close of the formative years, should have brought to ALS a linkage, however tenuous but nonetheless arguable, between the Army of John Company,

the military department of the Judge Advocate General and the Directorate of Army Legal Services commanded by Major-General G Risius CB at Upavon, Wiltshire in 2001.

Memoirs

Leslie Lipson

During the Second World War, I was the officer commanding hundreds of Indian troops bound for Burma. I eventually arrived at Meiktila where I reported to the HQ of the 14th Army. Having handed over what was left of my men and trucks, I received orders to report to a commander Royal Indian Army Service Corps (RIASC) in North Burma. I was to be his staff captain.

From Meiktila to my new job in north Burma was quite a long way up the river Chindwin for hundreds of miles. And so I eventually reported to the commander RIASC. I have not forgotten that warm greeting from a very kind man. I recall him outlining the area he had to cover and for which he was responsible. There was one small difficulty, he said, so far as I was concerned. He already had received from goodness knows where an officer to fill his vacancy for a staff captain. He didn't want or need two.

Now occurred another incident which affected the rest of my life. I read one of the sheets of army orders. Officers with legal qualifications were required. I suppose I read the order two or three times. I was an officer with legal qualifications. I was at the time unemployed, very much so. I answered the notice, supplying my appropriate details. I was posted down to Rangoon where the HQ of the 14th Army then was. I was appointed as a judge advocate, a judge advocate with no experience. I was promoted to temporary major and there I was in a daze wondering what was to happen next. I was a judge advocate with the Judge Advocate General (JAG) India who was based in Delhi.

What was a judge advocate supposed to do? Well, I had to try and find out. I suppose I had my legal training, which was a little, and my practical legal experience, which was almost nil. However, I knew more than my brother officers who were to form the courts-martial, which I would assist at as the judge advocate. I was to advise the president and members of the court as to the procedure and evidence involved in a court-martial with me summing up for the benefit of the court at the end. I did not accompany the officers when they considered their findings but helped them decide a legal sentence in the event of them convicting the accused on one or more of the charges.

I found myself travelling around the south of Burma attending trials. It was always very interesting and I was learning as the months went by. I just had to do so. The war in Burma came to an end. I had a wife. I had professional qualifications. I had no work to return to back in England. I had no idea of how to make a living. The situation rather recalled those early hours on board ship when, on my way to India, following an "all hands on deck" alarm, when I did not have a life jacket to make use of. It didn't really bother me. I wasn't mature enough to appreciate the danger I was in.

I applied and was accepted by the JAG India to defer my return to England for a while. The Royal Navy took me from Rangoon to India, I can recall walking on deck accompanied by one or more of the Royal Navy officers and spending a happy evening on board in the officers' mess where I had a beer or two. (Not whisky in those days). We played some bingo. I won some money and was called

upon for a song. The beer must have been strong. I sang something about Ireland. Where this brilliant piece of nonsense came from, I do not know.

I had some leave on arrival back in India and was then posted to Northern Command, there continuing my work as a judge advocate attending trials. I can remember living in a very large tent just outside the headquarters of Northern Command. There was no proper accommodation available for married couples.

Our wanderings around India continued and I was posted to Poona. My wife, of course, made sure that she accompanied me. Linda was born in Poona, a blonde with blue eyes. My office moved to Bangalore. I had been promoted to the rank of lieutenant-colonel and now carried the title of Assistant Judge Advocate General. There was a spell of some months when I recall an appointment as Deputy Judge Advocate General in the rank of colonel. I think this was in Poona - HQ Southern Command - where I was called upon to introduce myself to all and announce my appointment. I wore a red band on my hat and red insignia on my shirt - VIP treatment.

Back to the UK accompanied by a wife and infant baby. I can well recall to mind carrying Linda up to the top deck to join other dads carrying their babies around, probably also trying to get them back to sleep. The ship's clock as we progressed from Bombay to England had to be altered many times of course. However, the babies couldn't tell the time and continued to howl, whenever they wanted to do so. At last Southampton, hundreds and hundreds of servicemen on deck for hours beforehand, all so very anxious to disembark. We were met at Southampton docks by my parents and my sister, Zena. It was then 1947. I had been away in the Far East since the spring of 1941. You can well appreciate the emotional excitement of it all. My parents lived in Liverpool when I went overseas. They moved to Southport sometime after I had gone off and we went to live with them in their, to me, new house. We didn't stay there a great length of time. We needed a little home for ourselves. I can recall attending an auction sale held at a very small house in the outskirts of Southport. It was tiny but the prices of houses had shot up considerably whilst I was overseas and there were lots of ex-servicemen returning home who also had to be housed.

This little house was probably worth pre-war about £400. I had to pay - £2800 at the auction to get it. Goodness knows how I managed to put up the money for the house and some furnishings but I got a substantial mortgage to help. We were busy trying to cope with a new type of life with no servants and an infant baby. I was unemployed. We didn't find it easy. There was some talk of me opening a little office for myself. It all (I would say thank goodness) came to nothing. I began to have thoughts of trying to return to the army. I applied to the JAG's Office in London to join the regular Army. My application was approved and somehow or other we found ourselves boarding a troop ship bound for Singapore. It was 1948. I say somehow or the other because I was the only serviceman on board who was accompanied by his wife and child. The others also destined for Singapore wanted to know how I had managed to have my wife and child with me. I still don't know.

The three of us were accommodated on arrival in an Army camp at Nee Soon in Singapore about 10 miles north of Singapore town. Life was good. I used to travel each working day into Singapore. I opened a new ALS office in the HQ there. My title was "Assistant Director of Army Legal Services." I was being paid as a lieutenant-colonel, awaiting the arrival of the real lieutenant-colonel. Everything on the island of Singapore was so very interesting. Malays, Chinese, Indians and British personnel were packed into this island, which is, say, 20 miles in length and 10 miles in width. We found lots to do and explore. We started making some friends and learning how to try to cope with the climate, very sticky. Wonderfully cool at 5am, it would start stoking up at about 7am. For the rest of the day until 3am or so the heat and humidity were quite a problem. We had some fans and air conditioning here and there, including the very large cinema in the town called, I think, the "Cathay". Our little house and contents back in Liverpool was sold at about this time. We quickly decided not to discuss our financial loss.

My work in Singapore consisted of me advising formations in connection with their legal problems, the preparation and advising on trials of British and Indian servicemen by court-martial. As soon as the "real" lieutenant-colonel turned up from the UK, I had less responsibility but spent quite an amount of my time attending and prosecuting at courts-martial in Singapore and Malaya. So we settled into a routine, still living in Nee Soon. Our accommodation on the island of Singapore I find difficult to recall. I can remember living in a lovely luxurious guest house (not a hotel) after Nee Soon which was run by a Dutchman, quite a money grabbing villain, who I can remember charging us "rent" for the baby's cot in our bedroom. It was such a lovely home for us, this was in 1949 or 1950, and I did not want a row with the Dutchman who could, I suppose, have told us to clear out.

I can remember finding private accommodation for us and moving to a large house very close to the sea. A Jewish couple were occupying half of this pre-war mansion and were looking for tenants for the other half of the premises. We made a lovely home there. It was unfurnished so we went "shopping". We quickly found the street where there were furniture makers, Chinese mainly. We knew that we had little capital, not enough by any means to pay for what furniture we needed.

So, full of hope, in we went to one of these furniture-making shops. I was in uniform. First problem: not a soul spoke or understood any English. We decided to try sign language. This brought the owner of the premises to us. It was easy to appreciate why he was the owner. It was not very long before he indicated that he understood what we were trying to explain to him. He wrote something on a piece of paper. Problem number two: the owner wrote on this piece of paper the total cost to us of this furniture when made. Well, we did not have that kind of money but we needed the furniture. I knew I could give him a deposit and pay him monthly for the balance owing. Somehow or other I managed make the owner understand what I was trying to tell him. He was no means dim. We came to an agreement accompanied by smiles and much mental back slapping all round.

That Chinese gentleman trusted me. I gave him a cheque for the deposit and wrote out for him the details of our agreement. He was content. We received our

furniture suite soon afterwards and I paid for it by way of the agreed monthly payments. I won't take up anymore time trying to recall those days in Singapore. We made some good friends including a cousin whose husband was a doctor in the British Army. We had as much social life as we wanted, bearing in mind that baby Linda took up most of our time. She was quite a well behaved baby although I can recall incidents later when she had stand up battles with the old "Amah" who wanted baby Linda to be good and quiet when she was taken out in her pram. These "Amahs" were wonderful. They all wore the same kind of outfits - black tops and white trousers, or perhaps the other way round. They would help in and around the house.

Enough of Singapore: let us go home back to England. Another long sea trip with the ladies on board quickly forming their own groups and seats around the electric fires trying to keep warm as the climate changed whilst we sailed to the west. I have recollections whilst on this trip of being nominated to act as the education officer in regard to all the children and there were about 60 on board. I wasn't impressed with the selection particularly as we had at least three Education Corps officers with us. Perhaps somebody decided that I could shout louder than those other officers.

At last we docked at Southampton and my parents met us with my sister, Zena, and off we went to Southport to live with them until we could find a home for ourselves. So home again, back to the UK but without the problem of unemployment. I was on a regular commission with the Judge Advocate General and had no serious money problems. After a spell of leave I reported for duty in Spring Gardens, London. My family joined me after a short while and the army provided us with accommodation, firstly in Ealing in the top half of a house and then also in Ealing in a house owned by a lady whom we seldom if ever saw. We settled down, next door to us were Mr & Mrs Len Cleary. We got on with them, very well indeed and they helped us in many ways. Rene Cleary was just like a loved family Aunty. They were happy days. We were settled. I had my job to go to daily during the week and my wife had lots to do learning, with Rene's help, how to cope with living in Ealing and not India or Singapore. We bought a semi-detached house in Hatch End, near to Stanmore in Middlesex, where I was then stationed.

It wasn't long before I was sent out to West Africa. A number of West African servicemen of the West African Electrical Engineers had mutinied there. I was away for about six weeks leaving the family behind in London. There were about six separate trials. I can recall just two points. At the end of the first trial when the accused were convicted of mutiny those representing them addressed the court earnestly beseeching the court not to pass a sentence of death, which would have been a legal sentence. The court duly obliged the defence. This procedure was repeated at the end of the second and third trials. The president of the court at the conclusion of this trial took me on one side and asked me to tell counsel for the accused that the only persons in danger of being sentenced to death were the legally qualified gentlemen defending, if they persisted in continuing to address the court in this way.

Life continued happily and quietly until the time came for another posting. The officers of ALS were all liable to be moved around, bearing in mind that we had branch offices in those days in Germany, Singapore, Hong Kong, Kenya and Aden and, I think, Gibraltar. We found ourselves once more in Singapore. This time, however, having reported to the Singapore Office, I went up country to Kuala Lumpur, Malaya, to open a new ALS office there.

I had what I needed: my own new office in Malaya in the capital city Kuala Lumpur. My ALS lieutenant-colonel was stationed in Singapore. I had responsibility which, on reflection over the years, was of substantial help to bring me to maturity. I had a brand new motor car, a Vauxhall, which we had seen at the Motor Show in Earls Court, London, shortly before we flew out to Singapore. We had a lovely, furnished bungalow in Kuala Lumpur. We were content. I was busily building up my office at the HQ. We hadn't been in Kuala Lumpur for more than 15 months when I was informed that I was to be returned to the U.K. Why? Overseas tours were supposed to be for three years or so. I couldn't solve the problem for a week or more. Then learned I was to be promoted to lieutenant-colonel, the very best of reasons. We flew to London.

On reporting back to the London office, which by then had been transferred to Stanmore, I was hailed as "Our Far East representative" and promptly set to work. My work at Stanmore was old routine to me by then except that I was asked to look after a new young officer who was to spend his national service time with ALS. So I held his hand. He was a barrister. This young barrister is now our second senior judge, The Master of the Rolls⁴. No. I wouldn't say that I helped to bring this about.

My new stay in the London office was not to last long. I was posted to Nairobi, Kenya. We flew out to Nairobi, leaving our Hatch End house to be let to a United States service family. The posting obviously was just what I required so that I could continue with my own fight for confidence and maturity. We were met at Nairobi by Major Stanley Smith. He and I, with our respective wives and children, got on very well indeed. One of our first "duties" on arrival was to be driven out to the game park just outside Nairobi by Stanley Smith and his wife. We all squeezed into his motor car and off we went at dawn. Why at dawn? Well, this early start would give us a chance of watching lions waking up hungrily looking around for their breakfast. Lions? Yes, and many. Stop the car. Close the windows and keep them shut. Do not chat with the animals. So where was our protection? We didn't have any. By this time some lions, called a "pride" I am told, started showing a little interest in us. They were casually looking us up and down. All quiet in our motor car. Quiet? I was petrified, we were all telling each other to shush. At just about the time I was beginning to realise that this overseas tour was to come to an early end the lions decided to move off in search of something more interesting. We breathed again and moved off.

Kenya is wonderful country: blue skies all day long, except for one month, no heat in the Singapore style, no humidity. Later on I was to join the golf club and take lessons. I used to be at the course for about 4.30 every day trying not very

⁴ This is, presumably, a reference to Lord Woolf; now Lord Chief Justice - ed.

successfully to learn to play the game. We had a total of about four years in Kenya, which included a trip to Aden and holidays in Mombassa and a trip to Japan. I recall meeting up with one of the Army wives at Mombassa. We had not seen each other since before the war when I was an articled clerk in a solicitor's office in Liverpool. She at the time was the senior typist. Yes we had lots to talk about. The trip to Japan included a train journey to Hiroshima, which at the time was flat indeed and had not had time to begin its recovery. A never to be forgotten memory was just to watch the men and women of Japan gazing in wonder at Linda who at the time was a blond youngster. Her hair became brown later on.

Nairobi was wonderful. We were well settled. My wife, like most of the service wives there, did a spell helping on occasions in the canteens where the troops sometimes spent their evenings. We made good friends and I still correspond with one of them. I can recall the Director, Brigadier Halse, coming out for a few days when we made certain that he had little time on his own. A sweet memory is one of our officers heavily laden up with his own camera equipment being busily occupied at Nairobi airport with the rest of us to greet DALs when his aeroplane touched down. How busy our photographer was. Sad to relate, not one of his efforts later materialised into a photograph. Those who are familiar with photography will know no doubt why.

Back to UK. Quite saddened really, we gave a farewell dinner and there was a tear or two. Home. London. What next? Off to BAOR. They did shuffle me around. At about this time, perhaps even a little earlier, I had thoughts about the future. I was, I believe, getting a little old for a young man's life. I had come across an ex-member of ALS whilst in Nairobi who was working there in the legal world. He was a solicitor. Perhaps this sparked off my thoughts. HQ BAOR, which housed ALS and hundreds of all kinds of staff officers of various countries, was in Rheindahlen near to Mönchengladbach, say 20 miles from Düsseldorf. We had a lovely army quarter and a German youngster to help look after the house and surrounding area. I was in charge of the two teams of ALS Officers with ADALS controlling all of us. Very busy I would say. I bought a Mercedes motor car. We did a fair amount of travelling around including a trip to Switzerland.

After a while I decided that I wanted to retire. I knew what I wanted to do: open my own practice in the UK, "putting up my plate" there. I was 49 years old. I can recall being asked if I intended to use my rank in civilian life. I could be known as Lieutenant-Colonel (Retired) LD Lipson. I thought for the answer anxiously. This mental wrestling went on and on and then I gave my answer. It must have taken me all of 20 seconds to decide that I would not be anything other than plain Mister. My wife, to her credit, did not try to change my mind about becoming a civilian so off we went. I had some leave at home with my parents. Then the serious part putting up my plate and starting my own solicitors office in Plymouth. The first thing that had to happen was that I would have to find some premises. I went to see one of Plymouth's practising solicitors just to have a chat. There were two of them in the office, one of whom I knew had applied to join Army Legal Services. Today that young man is a Major-General (Retired), former Director of Army Legal Services and a judge who sits in our courts in the UK.

When I first met him he thought that I had come from ALS to size him up for the job he had applied for: David Selwood. We got on really well together.

Random recollections

John Cheeseman

I left India in June 1946, nearly seven years after the Territorial Army (TA) was mobilised in September 1939. A year earlier I had decided to stay on in the Army, but now I was overdue for a return home.

It must have been early September when I was posted to HQ AA Command at Stanmore as Staff Captain (Legal). Despite the title, no legal qualification was required and the "Legal" indicated administrative work in connection with courts-martial, boards of inquiry and anything else that could be swept on to my desk that nobody else wanted to deal with. Inevitably it brought me into contact with JAG military department and subsequently the newly formed Army Legal Services. The appointment and contacts stirred a latent interest in law, the criminal law in particular, and I started reading for the bar.

On secondment from the Gunners to DALs, I duly reported to the Hotel Metropole in Northumberland Avenue and started life as one of the team in ALS1.

FWG (Frank) Thompson was DADALS (and with few exceptions I write without reference to rank - not out of disrespect to those who later achieved elevated rank, but because that was how I knew them at the time). Thompson had been in local government before the war and adapted easily to the bureaucratic element in staff work, which was more noticeable in the War Office than in lower formation HQs. This was particularly so in the annual battle of the estimates - the Legal Aid (Defence) budget was something no crystal ball could ever help with. The other staff captain was a dour Scot who left to serve with the Royal Army Pay Corps. He was succeeded by RM (Roy) Judge whose pre-war knowledge of, and contacts in, the Temple were invaluable for the efficient running of the legal aid defence scheme.

The Hotel Metropole also housed an appendage to ALS in the form of a war crimes unit headed by Lieutenant-Colonel GID Draper.

We bade farewell to Hotel Metropole, its sooty fireplaces and general dinginess when moved to somewhat better accommodation in Theobalds Road and later to even better quarters in Lansdowne House, Berkeley Square. It was here that ALS1 staff captains were enrolled on the Adjutant-General's roster of night duty officers. This entailed manning a telephone and taking calls which, in my experience, usually related to the police having picked up a deserter, or to family matters relating to a soldier which could not be passed on in any other way.

Prior to the move from Theobalds Road, I had managed to get Captain John Mumford RA seconded to ALS1. He had been one of my opposite numbers in the AA Group HQ, which was then based in London. He also was reading for the bar. With Frank Thompson, that made three of us would-be barristers and I pay tribute to DALs and DDALS for making it easy for us to attend daytime lectures. John Mumford was eventually offered a lucrative position in Covent Garden (veg. - not Cav. and Pag.) and resigned his commission. He was also required to resign from his Inn as he was engaged in trade (very *infra dig*).

Particularly during the earlier days at Hotel Metropole and Theobald's Road, the

directorates were still in a transitional state following on the conversion from the JAG military department to a grade B directorate in the War Office. There was, of course, an establishment and a nucleus of officers who held regular commissions. However, a number of officers were "birds of passage" for one reason or another. Amongst these was Paddy Malone who stomped around with his wooden leg. His principal function was to vet a certificate that had been devised to provide written evidence in absence without leave/desertion cases, of which there was a considerable number. Frank Butterworth whiled away the time dreaming of a boat in the Mediterranean - which he finally achieved. And there was Captain the Count de Charmoy (inevitably known as Prince Charming).

ALS1 was excellently served by Sergeants Ives, Simper and Laverack and Corporal Riley. Some of them had had the misfortune to be POW's with the Japanese - a fact they never complained about or mentioned although they must have known I had served in the same theatre. I did not learn of this until reading Brigadier Halse's *Forty Years On*. Jimmy Ives later became RSM at the Royal Hospital, Chelsea.

In the early days, court reporting was done by civilians engaged on a case by case basis. Notable amongst these was AJ Kinghorn, the official reporter to the then Probate, Divorce and Admiralty Division of the High Court. Even at the highest speeds all of his work was of copperplate quality - a fact for which he was renowned. The increase in the volume of work at home and overseas led to the formation of an in-house staff of reporters. Initially this consisted of civilians attached to the central typing pool. This staff was later increased by two warrant officers - Peckham and Bound.

It was at Lansdowne House that the directorate began to settle down into a permanent pattern, and a selection board was set up for commissioning both regular and short service officers. DDALS (then Colonel RC Halse) was particularly keen to have officers who had been decorated after service in combat arms. Those so appointed included Geoffrey Weston, who had been decorated for his exploits on HMS *Amethyst* whilst serving in the Royal Navy, RG (Dick) Lomer, who had won the MC as a Guards officer, and John Wheeler who had been awarded the MBE during action in Europe. David Appleby was already serving at HQ British Troops, Austria at Klagenfurt and had won the MC. Dick Lomer and John Wheeler later left and set up in partnership in London as solicitors and military law tutors.

Despite the selection boards the establishment was not filled, and vacancies were allotted to national service officers seconded from their regiments. There was a young cavalry officer, Harry Woolf, now the Lord Chief Justice. Robert Turner came from the Gloucestershire Regiment and was later a colleague of mine in chambers. He is now Senior Master, Queen's Bench Division in the High Court and Queen's Remembrancer. And there was Geoffery Thomas, later the honourable member (Labour) for Abertillery, and a Silk.

An unusual event in the 1950's to touch on ALS1 was the trial of two servicemen

for murder of a taxi driver in the canal zone. They were sentenced to death, that then being the penalty under English law. Arrangements were made by an adjutant-general branch for Arthur Pierrepont, the English executioner, to go to Egypt to carry out the sentences, and Frank Thompson went as an official witness. He had volunteered.

Three thumb nail sketches of the Directors under whom I served:-

- Working in ALSI automatically meant close contact with Brigadier Shapcott. He had won the MC in the First World War and had served in JAG military department. He had a good rapport with the heads of other branches and was held in high esteem, as witness his knighthood. He was completely laid back and let people get on with their job. In this he was well supported by DDALS who was primarily concerned with the prosecuting teams, and ADALS ALS2, initially GK McCulloch, who left to enter the Church, and then Gerald Draper whose war crimes work had finished. At this time Draper, who had served with the Irish Guards, was severely disabled but his mind was razor sharp. He eventually went into private practice, held a post at King's College, London and thereafter was professor of international law at Sussex University.
- By contrast, Brigadier Halse was a hands-on director, especially in continuing closely to monitor the work of the prosecuting teams as he had done whilst DDALS. He saw all minutes of advice, commenting on them if he thought it necessary to do so. He also believed in visiting the overseas branches to the extent that it was considered there should be a special acronym to describe these activities - LIDAD (leave inadequately disguised as duty). The travel bug remained with him after retirement as he visited Tonga to assist in the drafting of a military ordinance for the island state⁵.
- Brigadier Geoffrey Barratt took over as DALS whilst I was in East Africa, but I had served with him when he was DDALS both at Stanmore and in BAOR. He had practised in common law and probate pre-war and serving with him was like having an approachable, friendly head of chambers.

The 1950's brought the Korean War and two ALS officers served in that theatre - John Cumberlege on the military law side and John Wheeler on the legal aid side.

After call to the bar I was transferred to ALS3 and ceased to be a gunner. Never having been in a court, let alone as an advocate, was the next problem. I attended two trials in order to learn the ropes. The first was with Hugh Lander and the second with Jack Smith-Hughes who told me I was about to learn how a fraud case really should be presented. I remember nothing about it but soon learnt how to "do fraud" when thrown in at the deep end at Stirling Castle. It was there that I first met the judge advocate, W (Bill) Stubbs. His hallmark was a clay pipe with a shortened stem, and of all the judge advocates I met he undoubtedly had the best temperament for judicial office⁶. He gently taught me a few lessons in those early days. The last time I met him was in Germany when I had been briefed to defend at a trial prosecuted by Peter Pitts.

⁵ The travel bug still infected him as colonel commandant. I well remember hosting his visit to HQ 3 Armoured Division in the early 1980s. He stayed at our hiring at Taubeneiche - ed.

⁶ I think all of us who had the privilege of appearing before him would share those sentiments - ed.

With ALS3 I did two stints at Stanmore, one with Geoffrey Barratt, whom I have already mentioned, and the second with Andrew Campbell. Andrew was a great character. He had served in Palestine where, as Stanley Smith has mentioned, his life had been saved by his dog. Andrew had a love of trains having volunteered as a driver during the general strike in the 1920's. After leaving ALS he took up a legal appointment in local government in north Wales. During that time he restored a local mountain line with Campbell's Halt as the stopping off point for his retreat, that work being featured sometime later in a television documentary.

In 1956 I was posted to HQ BAOR. At that time, the Bonn Convention was in force whereby all service personnel and camp followers of every description were subject to military/air force law in respect of all civil offences whether against English or German law. Minor traffic offences were tried summarily and more serious matters by court-martial. The work literally covered everything from exceeding the speed limit to murder. There was one civilian murder case, which was prosecuted by Gerald Whitely (then ADALS) who took along Brian Canham as his "junior". I only prosecuted one civilian - a NAAFI manager accused of assaulting a German hotel proprietor. On conviction the sentence was nine months imprisonment.

Interpreters were sometimes required. They were invariably German nationals and a favourite was a charming and efficient lady. On one occasion when she was engaged and the judge advocate, the Hon. John Acland-Hood, foolishly asked "What are cami-knicks?" she whipped up her skirt, saying "Like these, sir".

Berlin at this time was divided into sectors controlled respectively by the Allies and the Russians. The Allies' sectors were in an enclave and entry necessitated travel through or over the Russian sector. Checkpoint Charlie was well known to those making the road journey, as was the sound of Russian troops boarding the night sleeper. The flight approach was between two blocks of flats and one was grateful for the arm chair stability of the old Dakotas. On the underground systems - the "S" Bahn and the "U" Bahn - it was essential to make sure of boarding the right train as on one system one surfaced in the Russian sector. John Ash, of counsel, and I, in uniform, managed to do this. Thanks to being tipped off by a friendly German lady that we were being followed we were able to make an exit - fortunately without incident.

After BAOR and only six months at Stanmore, I was posted to East Africa in April 1960. When told about the proposed posting I was disappointed as I had hoped for Singapore. However, it could not have been better. Apart from the delights of Kenya - scenery, big game, the marvellous climate - I was fortunate to have in succession as ADALS Leslie Lipson, Roger Marshall and John Robertson. I took over from Stanley Smith as DADALS. During this time subordinate legislation relating to the King's African Rifles (KAR) was drafted by DALs (Brigadier Halse) and passed back and forth through ADALS to Crown counsel. This, of course, was in preparation for independence. I cannot imagine that, subsequently in Uganda, Idi Amin had much time for rules of procedure and boards of inquiry. However, in Kenya, Jomo Kenyatta, after being vilified and imprisoned during the Mau Mau

troubles, was having a stabilising influence - as he continued to do when president. Incidentally, David Appleby was in Kenya during the Mau Mau troubles.

The KAR had a battalion in Uganda and one in Tanganyika as well as Kenya but they caused little work for us. I made only one journey each to Jinja and Dar es Salaam. One of the last cases John Robertson prosecuted was that of an African officer which, as it was so near independence, was somewhat politically sensitive.

It was during Leslie Lipson's tenure that we became responsible for Middle East Command whose HQ was in Aden, but with troops also stationed in the Persian Gulf. ALA had an office in Aden, which was looked after by Sergeant WH Ireland, a solicitor doing national service. For various reasons I did most of the trips to Aden and Bahrain. It was fortunate that long distance co-operation went smoothly thanks to excellent work by Sergeant Allen of the Special Investigation Branch. The Highland Light Infantry were stationed in Aden and although the "Jocks" are excellent fellows in a scrap, they are decidedly restless in calmer situations. There was a steady flow of work.

But my major case was provided by a gunner NCO charged with capital murder, having shot an officer. This was soon after the defence of diminished responsibility had been introduced, and the court took advantage of it in their verdict.

My first visit to Bahrain was one August and the steamy climate reminded me of Assam - one stood and dripped. The second visit was in January and the climate was heavenly. I had been despatched there in place of Peter Pitts, the ALA officer, who was unavailable, to defend a soldier jointly charged with another of robbing a Bahraini citizen. There was a conflict of interest and only one local barrister. The trial was in Her Britannic Majesty's Court for Bahrain and the judge, a solicitor, was legal adviser to the British Resident. He sat with two lay assessors who were local British businessmen and because of their commitments the court sat mornings only. The trial lasted a month and I was admitted to the Bahraini Bar for that period, with special dispensation to appear in uniform as I had no wig or gown. Not many months later I had both and was back in "civvy street." "In for the duration" had lasted over twenty four years.

Postings

Anna Smyth

"But they can't do this to us!" I cried. I was scanning the letter from War Office that was awaiting us on our return from honeymoon.

On the strength of his three year posting to Kenya and an acting majority I had married my handsome captain. Now we were told that the African posting had been "deferred" for three months. Meanwhile my husband was to go to Germany unaccompanied! "They *can't* do this to us," I pleaded - but they could!

I was determined, however, that the man who had so recently become mine should not be let loose alone amongst a lot of attractive *Fräuleins*. With the help of some kind friends in Germany, we were booked into a tiny *Gaststätte* in the village of Heepen, a few miles from the barracks. We could not afford it - no one can ever afford anything on a captain's salary - but I was determined not to become a grass widow within such a short time of marriage.

To save money my husband went out on the army boat and train from Harwich to Hook on which, of course, I could not travel as I was "unofficial". I felt like a camp follower!

Much was my indignation on being awoken at 5am on the civilian boat at Hook, to find that the army passengers, on their boat, were still sleeping the sleep of the just. You could practically see the snores rising into the still morning air. Even a cup of tea like well boiled ink did not reconcile me. I stomped off to catch my train.

This was my very first trip abroad, I hadn't a word of German and had not had time to acquire any. "Oh you'll be all right my spouse assured me - everyone speaks English." I received great kindness on the train from a German family who did, and was helped to change trains for Bielefeld. I was met at the station by a colleague of my husband's and left at the *Gaststätte*.

"I'm sorry," he said, "I can't come in with you, I've got to rush back to the office." I waved him goodbye and opened the door.

Mine host, a burly gentleman, looked at me enquiringly. "Mrs Smyth," I said. "A double room for my husband and me?"

"*Ich verstehe nicht! Ich spreche kein Englisch.*" Oh dear.

He went off and fetched his wife but she had no English either. They looked at me suspiciously. They spoke to me at length - in German. I felt exceedingly foolish. I pointed to my suitcase, laid my cheek on my folded hands to feign sleep and said. "Mrs Smyth, *Frau Schmitt*, here, booked. My husband, my man, coming soon." I really hoped he was, but he was an Irishman and their sense of time tends to be rather elastic. "I don't suppose I shall be more than an hour or two after you," might mean anything. Meanwhile it was obvious that mine host and his formidable lady were not going to let into their good bedrooms, a questionable female on her own. I had a little German money but no idea how to use a German telephone even if I knew whom to ring. Impasse.

I was tired so I went and sat down in a corner trying to look at ease. My hostess lifted my suitcase and put it down at my feet. She then, obviously, proceeded to ask me a series of questions but not, of course, in English.

Now my husband spoke no German but he had often told me that he had no trouble making himself understood. "*Ein Bier, bitte*", and "*noch ein Bier bitte*", he said, was an ample vocabulary. These phrases had stuck in my mind. I looked at my interlocutress, smiled as beguilingly as I could and said, "*ein Bier bitte, Madame.*"

Her eyes opened wide and a smile lit her face like a rainbow after a storm. She turned to her husband, "*Bier!*" she cried, "*ein Bier!*"

My husband arrived, tired and cold, three hours later, to find an exceedingly tipsy wife. I had had nothing to eat since 5am and, however slowly you drink your beer, you get to the end of it eventually. Whenever I did so mine host smilingly brought me "*noch ein*".

I very soon added *Bockwurst* and *Hühnerbrühe* to my vocabulary, determined never to be unable to ask for food again. I demanded a phrase book and was given one that was issued to servicemen during the war. It contained such useful phrases as "please sew a button on my trousers" and "an old woman told me to hide here." Frankly, if found hiding somewhere by a person in authority, I could hardly believe that I should have the presence of mind to bring out my phrase book!

My husband's journey had been enriched by finding that Major K Brown RAC, who was to share his cabin, turned out to be Major K Brown WRAC. I was all ready to throw a fit of jealous rage when he informed me that she was a very large lady with a flourishing moustache who had immediately demanded another cabin. I believed him.

That was a hazy posting, if short. It even had its own delightful signature tune the lyrics of which went: "I'm a one eyed, one horned, flying purple people-eater ... eating purple people, that's my line!"

I was charmed by the magic of the German forests and the fact that everywhere looked so much as Germany is supposed to look. Somehow, before you go abroad for the first time, you never quite believe that there really is anywhere exactly like the picture post-cards.

On our return another shock awaited us. We were informed that my husband was to be sent out to Africa alone for "a few months". I was to follow later. This, I gathered was so that he could get settled in his job and find suitable accommodation for me before I came out. We visited the War Office in Landsdowne House and the colonel was quite adamant about it - even rather cross. It was with tears in my eyes that I looked at the plump, staff captain "A" when we came out of the colonel's office and pleaded: "but my brother is an airline pilot there - he is giving us his guest-house to live in, its all arranged -

please couldn't I go too?"

He twinkled at me with his beautiful brown eyes and said "Hold on - I'll see what I can do."

Bless that darling man, he worked it somehow and we were allowed travel together.

Next we had embarkation leave. We went back to Ireland and took a long farewell of my parents-in-law and all their friends and relations who appeared, as always in that friendly country, to be numbered as the *sands of the sea*. I also said a heartbreaking goodbye to my little boy, who was to remain with his grandparents, for a while at least. When we returned to London it was to find our flight was delayed for three weeks. As we had nowhere to live except either at my parents or my husband's it all had to be done all over again. I felt rather like a *prima donna* who keeps making positively the last appearance.

At last we excitedly set out for Stanstead, which was then a small, hutted, airfield. We were to fly with an airline called Britavia. I can mention the name because it has been for many years, thankfully defunct. In fact it was, apparently, going into liquidation at that time and ours was to be their penultimate Army charter flight. It was certainly a memorable one.

First, my husband was made OC plane. He enquired what that entailed and a kind marine major in the next seat tactfully said: "it just means that if anything goes wrong it is your fault." As we had a large number of both troops and families travelling with us we hoped, devoutly, that nothing would.

We had to fly out via the west coast of Africa because there was trouble in the Sudan. I awoke, from the uncomfortable first doze of my very first flight, at sunrise. Way below me were the vast dunes of the Sahara and to the right the snow covered tips of the high Atlas mountains. All were bathed in the brilliant rose light of the African dawn, an enchantment that will stay with me as long as I live.

I shook my husband, "Look," I said, "oh just look!" He peered sleepily out of the window. "Hell of a lot of sand down there" he mumbled, and immediately lapsed back into sleep.

We landed at Kano, where we were to make an overnight stop and re-fuel. We were delighted to find that the plane was welcomed onto the airfield by a turbaned gentleman on a white camel blowing a long silver horn. We were not so pleased to notice that the surrounding wall was being used as a perch by a large number of bald-necked vultures. Oh well, you take the rough with the smooth!

It was very hot and I was thrilled that the beds were swathed in mosquito nets and that there were slowly revolving ceiling fans. This was real travelling. This was Somerset Maugham and Ernest Hemingway, Sanders of the River and Biggles all come true. We lunched on spiced chicken and *couscous* and drank iced lime & soda all served by bare footed waiters in white *gallabayas* and red *tarbooshes*.

In the afternoon five of us bargained with a taxi which, for a fiver, took us round the dye vats for which the town is famous and into the market. That market was Sinbad and all the Arabian nights rolled up together. There was even a magnificent black *sheikh* in *burnouse* and *turban* riding through on a white stallion. His horse was caparisoned like a crusader's with harness and saddle of red leather dressed with silver. Wow, Rudolph Valentino eat your heart out!

We discovered after, that the troops had been far better at bargaining with the taxis than we, and had paid five bob each instead of a pound.

Next day we took off again, ceremonially accompanied by the white camel and horn and carefully watched by the vultures. We were climbing comfortably when looking out of the window I said "What's all that white stuff coming out of the engines - it looks like steam?"

The marine major lent over me to look out, "We seem to be jettisoning our petrol, but say nothing," he murmured. Minutes later the captain's voice came over the tannoy telling us there had been an emergency, we were not to worry, but we should be returning to Kano. There was no camel to receive us this time but the vultures were there in full force. It seemed to me that they watched us rather too closely for comfort, taking, one might say, almost a proprietary interest.

It turned out that there had been a fire in one engine, which had immediately been put out by the automatic fire extinguisher. We could not, however, fly on until we got another extinguisher.

We moved back into our rooms for the night after something rather stronger than a lime and soda.

The next day was very hot indeed and, though the plane with our extinguisher aboard made no appearance, another plane did. Its passengers also wanted bedrooms. The unfortunate troops were therefore turned out of their rooms and given truckle beds in all the corridors. We families luckily stayed put.

As OC plane my husband received a deputation of the men, who were most unhappy. They did not so much mind sleeping in the corridors but it was extremely hot and they were very thirsty. They had, without exception, spent their embarkation pay on a monster farewell binge before they left home. Their last five bob had gone on the taxi to the town and they were totally without funds. Apart from their discomfort it was highly dangerous to be without fluid in such a climate, so something had to be done.

My husband begged the support of the marine major and, together, they went off to find the captain of the plane. They said afterwards they wished they hadn't. They found him with the co-pilot out on the airfield confabulating with the local blacksmith. We had fractured a small part of the undercarriage on landing and they were trying to get it repaired rather than wait even longer for another spare part. The co-pilot smiling at my husband's evident alarm confirmed that, as the

charter was virtually over, there were no spare parts anyway! The blacksmith was very old and very, very dirty. They hoped he knew what he was doing.

The money was OK, the pilot eventually allowed them to get an advance on his salary so the men could sign bills up to a reasonable amount each. It seemed to me delightfully trusting on his part, a trust that was not, we found, misplaced.

It was a long day enlivened for me only by being taught liar dice, and being worried that I seemed to show a natural talent for it.

That night one of the children, a little boy, was very sick and started running a high fever. Being ex-QARANC I was consulted, as there was no MO on board. As he did not seem to have any pain I recommended a cool sponge down and a very small amount of aspirin and asked the pilot about doctors. He said he hoped to take off in the morning and he thought perhaps it would be better to wait until Nairobi. The parents concurred.

When I came back from their room I was stopped by one of the wives with two small children. She was having severe female problems, probably exacerbated by the heat and the uncertainty. She was in floods of tears as well and becoming hysterical. I tried to soothe her down but was having little success when a couple of corporals came up. One of them explained that his wife, left at home, frequently had similar problems. He obviously knew all about it - and said that they would look after her. I was dubious but the two children took their hands unquestioningly, the patient stopped crying immediately, and all five went off together.

That family was cared for with tremendous care and compassion by those two men all the rest of the flight. In fact all the troops were terrific with the unaccompanied families, keeping the children amused for hours and making sure the wives didn't get too worried.

It was a year later that I fainted myself in a Nairobi cinema and was rescued by two Cameronian private soldiers. One of them quietly suggested that I should "go to the doc" as he guessed I was "in the family way." It had not occurred to me but, of course, he was right.

It was not until the following afternoon that we were able, once more, to make our way to the plane watched balefully by the vultures. We were again ceremonially accompanied by the white camel and horn which had, I thought, a plaintive note. We were also very worried about the little boy who was, by now, much worse. This time we took off, hoping against hope that the blacksmith had known his job.

He had.

We made a short stop at Stanleyville in the Congo where there was a car for sale outside the club where they took us to eat. Some wag immediately suggested we buy it with a chitty against the captain's salary.

After this baptism of fire, Nairobi and civilisation seemed rather pedestrian but we were glad to get the little boy and the other mother off to hospital where both had to have operations.

That was a memorable posting. I remember answering the door on our first Christmas morning together to "please Sir, there's been a murder - will you come?" Followed by a long, lonely day regarding my ruined dinner. At 5pm I was descended upon by my husband and five Kenya police, all in excellent form and starving!

I remember immediately recognising banana trees because they were so like the ones we made at my kindergarten out of green crepe paper snipped down the edges. I must have been about five and I had thought privately, at the time, that the teacher was very foolish to think that there were ever trees like that! We had been making a plasticine model of Stanley and Livingstone. On that African posting, though, we actually journeyed into Uganda and the Congo, visited the Mountains of the Moon, travelled down the Nile in a paddle steamer and actually stood upon the spot in the Sudan where Stanley and Livingstone did meet. I was expecting a baby in two months by that time, but the army doctor was sharing the holiday with us so who cared? I had been told by those who were knowledgeable in these things that I should come back from Africa with either a camphor wood chest or a baby. I came back with both!

I remember bathing in the warm Indian Ocean amongst shoals of bright-hued, tiny fish. Dancing in a mess courtyard bathed in moonlight, under a great pepper tree, to **La vie en rose**.

I remember other postings in other places and returning from other dances in the early hours of summer mornings, to listen to the magic of nightingales. In winter, walking through the town square at midnight with the snow flakes floating down like feathers and the organ of the *Kirche* softly playing behind jewelled windows.

I remember going to midnight service in the garrison chapel on the hill - shared by all denominations. The cold and the bright stars, everybody's children blissfully home from school. Feeling the tears come as we kissed our friends and wished them a happy Christmas.

Perhaps that was the best thing of all about postings, the friends we made. Good friends, old friends - friends still.

1958-67

David Hughes-Morgan

The "Swinging Sixties". There's an evocative phrase for you. Rock and Roll, the Beatles, the sweet smell of cannabis, revolution, beads and free love. The Age of Aquarius had arrived and I was in the middle of it. From 1960 to 1963 I was posted to the War Office, working in Lansdowne House on the south side of Berkeley Square. Not the present building but an earlier one built in the 1930s as service flats and requisitioned for use as part of the War Office during the Second World War. Alas, during my time there I never noticed any new Age. Despite what retired hippies now write, there was not much in the way of swinging taking place in W1, at all events during daylight hours. There was a sign in the window of a house in Shepherds Market that one noticed when going to the pub for supper during a spell as adjutant-general duty officer. It was muted neon and said "Private Lessons in French". Occasionally one saw a lady in the room behind but usually the curtains were drawn. It was all rather unexciting.

I suppose it could be said that ALS was not really a swinging organisation. Indeed it might have been difficult to swing when working under the close supervision of the Director, Brigadier Herbert Halse. He was an unlikely swinger: a big bluff figure of a man with many of the old-fashioned virtues. He always wore a bowler hat to the office and carried a rolled umbrella. The nearest that I ever got to a hippie-style revolution was resisting his blandishments, and the gentler persuasion of Roger Marshall, then lieutenant-colonel in ALS1, to wear and carry similar articles. In fact, by 1960 bowler hats and rolled umbrellas were beginning to disappear from the War Office and a rather more informal style of dress was becoming fashionable.

Herbert Halse was a great enthusiast. He gave splendid parties in the garden of his house in Earls Court Road where one met for the first time exotic drinks like Southern Comfort. He insisted on close personal supervision of the work done in ALS2 and ALS3, personally leading a team of proof-readers to check the accuracy of all publications. Advisory minutes did not leave the office without having first been seen and approved by him, usually necessitating some re-typing, no small task in the days before word processors.

But I fear that I am getting ahead of myself in this introduction, which is meant to cover the decade from 1958. I ought first to make it clear that I had intended to write an objective and scientific treatise with tables and appendices which would have provided future generations with all material needed to study this fascinating time in the history of army lawyers. Unfortunately, things have not worked out as planned and this endeavour has already become personal rather than scientific. So I had better begin again by saying that in 1958 I was in Singapore at ALS GHQ FARELF. This office looked after legal matters concerning soldiers scattered over many locations in Southeast Asia. The boss was a lieutenant-colonel, who had two majors with him and a third in Hong Kong. Another major ran the legal aid office with the assistance of a number of non-commissioned officers, all of whom were qualified lawyers called up for national service. These "funnies" caused a certain curiosity in the sergeants' messes, perhaps particularly in Hong Kong where the incumbent was one of the very few national service staff sergeants.

An unmarried army lawyer in FARELF had a wonderful life. The outstanding feature was travel, not only court-martial work but troubleshooting other legal problems in outlandish places as required by the C-in-C and his staff. I went south to Borneo, east to Hawaii and Christmas Island and west to India and Nepal. I regularly went north to Hong Kong so that the major there could get some leave, usually in the autumn when the weather was most clement. By this time, air travel had begun to take off, although not yet by jet. The airlines had become reasonably comfortable and punctual. Malayan Airways in particular ran a very efficient aerial bus service using wartime DC3s. The only difficulty was in travelling to Hong Kong when one was required to go with the Royal Air Force. The pilots did not have the same familiarity as their civilian counterparts with the then rather difficult Kai Tak airport and only too often were not permitted to land there because of adverse weather. It was disconcerting to wake in the morning expecting to see Hong Kong spread out below and actually seeing the Malayan jungle. It took some persuasion to get a ticket on Cathay Pacific but fortunately I had become friendly with a lady movements officer who sometimes would defy her superiors to get me on a reliable flight.

There were similar offices in Cyprus and East Africa. The Cyprus office had moved from Egypt and was still under command of a colonel, notwithstanding the reduction in size of MELF. The office in Kenya was commanded by a lieutenant colonel and looked after the troops engaged in operations against the *Mau Mau* as well as the soldiers in Aden. The other ALS prosecution offices were in Stanmore and HQ BAOR, each commanded by a colonel and having two lieutenant-colonels as well as more junior officers. Headquarters Army Legal Aid in London and Command Legal Aid Section BAOR were each headed by a lieutenant-colonel, as were ALS1, 2 and 3 at the War Office. So the senior ranks in ALS comprised one brigadier, three colonels and eleven lieutenant-colonels.

In April 1958 one of Herbert Halse's more popular projects came to fruition. ALS officers received their new cap and collar badges. The result was most acceptable, it was a great improvement on the previous badge (originally for use by extra-regimentally employed officers), which consisted of a lion on top of a crown. The new badge was later adopted in New Zealand and formed the basis for a new Australian design.

Early in 1959, I married my movements officer and we went off to HQ BAOR. She was to run the military trains; I was to be a prosecutor. It was a good posting. The only snag was the shortage of houses. Someone decided that I would be accommodated in a male officers' mess, while my wife would live with other WRAC officers in the female mess. The impending problem was solved when I wrote a polite letter pointing out my entitlement to exercise marital rights, even among the chintz sofas in the ladies' accommodation. Arrangements were promptly made for us to have a room in one of the hostels, followed shortly afterwards by the allocation of a colonel's quarter in Düsseldorf.

ALS HQ BAOR was a busy office. It dealt with nearly all the crimes, military and civilian, committed by our soldiers in Germany. The prosecuting officers spent

only about one-third of their time in the office. Mostly they were away at courts-martial. We became very familiar with German railways and *Autobahns*, as well as the vagaries of the small German hotels in which we stayed. On the whole, life was fun: our standard of living was very much higher than in England. As well as our tax-free "perks" the Army provided domestic help five mornings a week and even a boilerman to keep the massive central heating installation functioning. Much of this gradually disappeared. When as a colonel I commanded Command Legal Aid Section (CLAS) at Bielefeld I really missed the boilerman!



Montage of Officers of the
Army Legal Services' Staff
List, 1959-60

Top to Bottom, Left to Right: Capt JBC Blood, Capt WJ Thomas, Capt RS Lewis, Capt GL Cox, Capt DA Jonas, Capt MT Fugard, Capt JG Middleton, Capt D Lindop, Capt AC Davies, Capt AP Pitts, Maj AJH Paterson, Maj PE Putt, Maj JM Long, Maj HCB Overbury, Maj RW Parry, Maj DWH Brayden, Maj JCF Smyth, Maj JF Bowman, Maj DA Boyle, Maj BJ Canham, Capt RM Judge, Capt AC Riley, Maj GL Weston DSC, Maj AA Lennon, Maj DJ Hughes-Morgan MBE, Maj DS Appleby MC, TD, Maj BA Odell, Maj RJB Anderson, Maj SJ Smith, Lt Col JC Robertson, Maj FC Butterworth, Maj CAB Causfield, Maj JA Melvenna, Maj AJD Haswell, Maj JW Cheeseman, Maj FTM Jones, Lt Col LD Lipson, Lt Col FG Bonnella, Lt Col CPB Knight MBE, Lt Col H Owen, Lt Col RFL Gulliver, Col AHK Campbell, Col G Barratt OBE, Brig RC Halse CBE, Col JC Hamilton TD, Lt Col GA Whiteley OBE, Lt Col GK McCulloch OBE, Lt Col JG Cumberlege OBE, TD, Lt Col RS Marshall TD, Lt Col KT Symons, Lt Col HWE Cleaver TD

Most of the trials that were prosecuted by ALS officers were concerned with civil offences, the sort of thing that formed the daily diet of assize courts and quarter sessions in England. Duty-free booze was the cause of many of the crimes; one of the regular chores was prosecuting soldiers (and indeed the occasional officer) for driving when "under the influence". In 1959-60 there was no question of providing a blood sample, the evidence was that of military policemen and the duty medical officer who described what they had observed. The doctor might well be unenthusiastic about his task and inexperienced in the examination of drunk drivers. Unit solidarity was well to the fore in these trials. It was surprising how many acquaintances of the accused had seen him immediately before he got into his car and could say that he was as sober as the proverbial judge. Some had even spent the whole evening with the alleged miscreant and were sure that nothing stronger than lemonade or a cup of tea had passed his lips. One also suspected that from time to time members of a court felt "there but for the Grace of God go I" - the rate of convictions in these cases was small.

In 1960 my BAOR tour was cut short when I was posted to ALS2 where I remained for three years. In December 1960 the head of the office was upgraded to colonel

and in May 1961 there was a similar promotion in the Singapore office. In February 1962, Herbert Halse retired and was succeeded by Geoffrey Barratt. The latter was a quiet, laid-back director, under whom it was a pleasure to work. Later that year he was able to announce that for the first time Army Legal Services had been given an overall establishment consisting of a brigadier, five colonels, eight lieutenant-colonels and thirty majors and captains, plus five officers on short service commissions. Previously, establishments had been on a theatre basis, if an office closed its establishment was lost. Under the new regime, the number and ranks of officers would stay constant. At about the same time (and almost as important) officers were able to obtain stable belts in ALS colours!

Things were happening to ALS in the Mediterranean, Middle East and Africa. The office in Cyprus changed its name to ALS HQ Near East Land Forces in 1961 (the title Middle East was later transferred to the HQ at Aden). In January 1963, HQ NELF itself disappeared and the ALS office moved to Malta to form part of HQ Malta and Libya, leaving a major detached to the new HQ Cyprus District. In February 1964 the Malta office closed and the HQ there was advised from Stanmore. The ALS major in Cyprus became independent. In November 1964 the office in Kenya closed and its staff moved to Aden.

In mid-1963 I had been promoted and sent to Stanmore as one of the team leaders. I found the office and work unchanged since I had last been there in 1955. The amount of work had decreased with the abolition of national service and the reduction in the size of the Army. There were fewer officers and life was rather more leisurely. I was delighted to be able to go back on the road and do some advocacy in places I had not visited for years. But it turned out that this was a comparatively short interregnum. In October 1964 I was posted to Cyprus.

In late 1963 there had been trouble between Greeks and Turks in Cyprus. The British army had intervened in Nicosia and had established what became known as "the Green Line" to separate the parties. Early in 1964 the United Nations set up a peacekeeping force known as UNFICYP with a headquarters at Nicosia airport. The chief of staff, many other staff officers and most of the support services for the force were British, as were an infantry battalion and an armoured car squadron. Other troops came from Canada, Scandinavia, Ireland and elsewhere. Many of the supplies for the force were obtained from British sources, although there had to be a clear political and military dividing line between HQ Cyprus District and its troops on the one hand and UNFICYP on the other. It seemed to the GOC, correctly as it turned out, that the situation was likely to produce many and complex legal problems and he asked to be sent a more senior lawyer in addition to the existing major on his staff. It was agreed that he could have a lieutenant colonel but because of the shortage of army lawyers he would have to surrender his major. It was thus that I found myself in Cyprus, the only known example then of a lieutenant colonel as the only officer in an ALS office.

I lived in Dhekalia in the eastern Sovereign Base Area (SBA). There was not a lot of normal ALS work. The number of final advice minutes in 1964/65 was around 25 a month and they gradually decreased to about ten a month in 1967. On

average I only appeared before a court-martial once a month but I was kept busy defending soldiers in the civil courts of the SBAs and the Republic. It was in Larnaca and Famagusta that I learned the delicate art of plea-bargaining, Cyprus style. Over a cup of thick black coffee the judge would explain how busy he was and how pleased he would be if a trial could be avoided. The prosecuting police inspector would say how much he regretted the need to prosecute yet another British soldier but unfortunately the supreme court had directed that anyone who assaulted a police officer must go to prison. I would look downcast and indicate how much I regretted the incident. The soldier in question was a good, well-behaved lad who had been tempted to over-indulge in the excellent Cyprus brandy. I wondered whether it might be possible to reduce the charge to one of drunkenness, to which the soldier would plead guilty. The judge would shake his hair and observe that the maximum penalty for such an offence was only ten pounds and that the soldier had caused considerable damage to the policeman's uniform. We would then work out how much the soldier should pay for the repair of the uniform and (on occasion) the cost of a new wristwatch to replace the one that had been lost during the struggle. The final bargain was usually most acceptable to the soldier involved, who had very much in mind the possibility of a stay in the dreaded Nicosia prison. Actually it was quite a comfortable gaol but I did not see my role as being a public relations officer for the Cyprus prison authorities.

I was frequently at HQ UNFICYP and the British high commission in Nicosia sorting out sundry problems affecting the British UN contingent and quite often found myself at the main headquarters at Episcopi. I would have become a little bored with travelling on the hot, dusty and bumpy Cyprus roads were it not for the kindness of the air platoon of the infantry battalion at Dhekalia who were often able to provide an Auster fixed-wing aircraft or, later, a Sioux helicopter⁷. A trip in a Sioux would usually involve low flying over a training area to the north of the Dhekalia cantonment. Cypriot shepherds were permitted access to the area but they and their flocks were rather taken aback when helicopters first arrived. The sheep and goats ran in all directions, the dog barked in fury and the shepherd threw himself on the ground. But all of them very soon got used to the intruders and paid no attention to helicopters flying a few feet above their heads.

Although we worked the traditional Middle East hours at the HQ, with afternoons free for swimming and the like, my clerks had spare time on their hands. So I departed from the traditional ALS practice of advising units on how to prepare court-martial papers and arranged for the production in my own office of charge sheets, abstracts of evidence and copy exhibits. This service was hugely successful but I thought that it would be possible only in a small office with surplus clerical time. In fact, the advent of large, speedy photocopiers later enabled me to suggest the introduction of a similar system in BAOR, which gradually spread throughout the Army. But that is a story for the next decade.

In 1965 ALS faced a manning crisis. Poor promotion prospects and low pay made a career in the Army unattractive when compared to legal careers in other government departments and private practice. Out of a total establishment of 55

⁷ My first experience of helicopters was in a Sioux in Cyprus in 1968, the pilot demonstrating his ability to take off in reverse between the rugby posts - ed.

officers there was a deficiency of 17 and efforts to recruit replacements had failed. Isolated attempts at providing a better career structure such as, during 1964, increasing lawyers' "qualification pay" (for a major from £91 to £201 per annum) and, in 1965, upgrading the head of the BAOR office to brigadier and the head of CLAS to colonel, did nothing to improve the position. The only solution was an overall improvement in both pay and promotion and it was agreed that these aspects should be studied by a committee under the chairmanship of the Chief Taxing Master of the Supreme Court, Paul Adams. Brigadier Gerald Whiteley, who had taken over as director in April 1964, was a member of the committee, which reported in December 1965. The committee recommended substantial improvements in pay and conditions of service for both Army and RAF lawyers. It was suggested that there should be a new pay scale comparable to that of lawyers outside the services, that the time before promotion to major should be shortened and that time promotion to the rank of lieutenant-colonel should be introduced. An improved senior rank structure should be established which, so far as the Army was concerned, should consist of a major-general, two brigadiers and six colonels. The recommendations of the committee were accepted and introduced during 1967.

National service days

Christopher Daniels

As one of only two National Service Officers in DALs in 1960-61 (I believe the other was Jeffrey Thomas) I well remember my first court-martial at Howe Barracks, Canterbury.

A soldier had been accused of theft and I was to prosecute on behalf of the Army.

Suitably attired in blues and Sam Browne belt, and armed with the file on what seemed a fairly straightforward case, I duly attended the district court-martial, to be confronted by junior counsel representing the defendant who was pleading not guilty. I presented the evidence on behalf of the prosecution, becoming aware at some stage of the presence of Deputy DALs, Colonel Colin Campbell, who had, no doubt, come to vet my performance.

The soldier being convicted, I returned in high spirits to Stanmore, being satisfied that justice had undoubtedly been done.

The next day, Colonel Campbell called me into his office and gave the biggest dressing down of my life! He described the conviction as a miscarriage of justice, as I had apparently failed to lead certain continuity evidence considered vital to the prosecution case. No doubt the rebuke was fully justified and I was suitably chastened.

Many years later, I was recounting the circumstances of this case to the senior circuit judge at Canterbury Crown Court, where I sit from time to time as a deputy district judge. Suddenly, he turned to me smiling and said, "Yes, I remember the case well, I was the defending counsel".

As a postscript to the above, sometime in the 1980's, I was half-dozing in front of the TV and became aware of a programme about a mountain railway in Wales. Suddenly, a familiar face appeared on the screen and as I became fully aware I saw that it was Colonel Campbell. Sadly, I understand that Colonel Campbell had died before the programme was transmitted.

I have the fondest memories of all the officers who I knew in the directorate during my service with it and of those who I have been privileged to meet since.

Random memories

Michael Clarke

The War Office, Stanmore 1960

I remember telling my team leader, Lieutenant-Colonel Henry Cleaver, that I had felt slightly uncomfortable at a recent court-martial in which I had acted as prosecutor as a Second Lieutenant RASC where my assistant prosecutor was a RA major. "We'll soon fix that", said Henry and left the room. Ten minutes later he returned to inform me that I was now a temporary captain and would be paid in that rank at the end of the month.

Command Legal Aid Section BAOR 1962

Having decided to get married, I was strongly advised against it by the German registry clerk who warned me that while I was a single man one mark was worth one hundred *Pfennigs* whereas as a married man, it would only be worth fifty *Pfennigs*. I should add that Helmut was then aged about sixty and his main preoccupation was leading a dance band in Bielefeld. He had been a widower for many years when, to the disgust of his grown-up children, he had married an eighteen-year-old girl he had met during the *Rosenmontag* festivities. I am sure that Helmut told his friends that he was in charge of Army legal aid. He was quite an impressive figure in his large Opel *Kapitän* wearing his black homburg. I once asked him how he came to be working for the British Army. He replied "towards the end of the war, I decided that Helmut could be a loyal German and a dead German or Helmut could desert." So Helmut deserted and was taken prisoner by the British and continued to work for Army Legal Aid for many years.

Those were the days of marriage allowance and one was expected to form up in front of one's commanding officer to ask for permission to marry. I duly appeared before Lieutenant-Colonel David Appleby who agreed to my request on the condition that he should perform the marriage ceremony in his office. Under the military regulations that were then in force, he had been appointed an officiating officer to perform marriages of British servicemen in BAOR. He was not unduly upset when I declined his offer and he was happy to attend my wedding at the British Consulate at Düsseldorf.

Army Legal Aid FARELF, Singapore 1962 - 1963

Although I was an ALA officer, I was nominated to prosecute at courts-martial from time to time. One such case was a fairly disgusting buggery case in Malacca. Gerritje, my wife of about two months, asked if she could come with me. I agreed but said that she was not to attend the trial. We stayed at a Rest House near Malacca. While I was in the shower, she removed the file from my brief case and read it. When I came out, she was almost speechless but managed to say that she had no idea that men did that sort of thing and that she had changed her mind about wanting to attend the court-martial.

While defending a soldier in the magistrates' court in Mersing on the east coast of

Malaya many months later, I was disconcerted when the magistrate interrupted me and whispered to the usher who then walked to the rear of the court-room and spoke to Gerritje who was quite conspicuous as she was sitting alone and was heavily pregnant. She was wearing a short skirt and had her legs crossed. She was loudly rebuked for exposing too much flesh and was almost held in contempt of court.

Aden 1963

While in transit between postings in Singapore and Nairobi, we had occasion to stay for a week or so in the officers' transit hostel in Aden whose commandant was a flight-lieutenant in the RAF. On our second day there, I received a message that I was required to present myself at the commandant's office. I, as a newly promoted major, did not take very kindly to this but, nevertheless, I complied. The commandant, who was nearly twice my age, said he had a problem regarding my wife. I groaned inwardly and immediately recalled Mersing (with some justification as it turned out). He said that a number of his staff had complained that the shorts which Gerritje was wearing within the hostel compound were too short and were upsetting the staff who were Arabs. I replied by saying that I understood his difficulty and that I would tell my wife to wear trousers instead. In response, he said that I did not understand his problem at all and that what I proposed was no solution as the majority of his male staff had threatened to go on strike if she was not allowed to continue to wear her shorts. For the remainder of our short stay, Gerritje continued to receive scornful looks from the female members of the staff and leers from the men.

Army Legal Aid East Africa Command 1964

I recall a memorable flight from Nairobi to Mombassa in a RN Gannet, an anti-submarine spotter aircraft. I was strapped into the observer's cockpit, all on my own, at the rear of the aircraft with only a perspex canopy between me and heaven. Having checked my parachute and Mae West, I reminded myself of the instructions I had been given as to what to do in an emergency. The Mae West was apparently necessary because of the narrow strip of water between mainland Kenya and Mombassa. I switched on the intercom to hear the pilot and navigator discussing, no doubt for my benefit, the route we were to take. They had no map but the navigator said that he had an AA book and would follow the main road, such as it was, between Nairobi and Mombassa. This resulted in our flying at a minimal height all the way, causing great consternation to the wild life a couple of hundred feet below.

We arrived in Mombassa without incident and I concluded my business quite quickly. This involved obtaining the release from prison of two sailors from HMS *Ark Royal* one of whom had, during a period of shore leave, hired a car for a couple of days and had allowed another sailor, whose name was not on the hire agreement, to drive the vehicle. Inevitably, the car was involved in a collision

when the other sailor was driving and considerable damage was caused to the car and other property. As there was no valid insurance, the owners of the vehicle had successfully applied to the local court for the sailors to be held in prison until the damages had been paid as the sailors were likely to abscond from the jurisdiction with the departure of HMS Ark Royal from Mombassa in a few days time. The owners were also under the impression that the vessel would not be able to put to sea in the absence of the two sailors and that the Royal Navy would be happy to settle the bill on the sailors' behalf. I quickly put them right on that score and they eventually agreed to accept payment by instalments from the sailors who readily agreed to sign the document I drafted for them. The sailors were released from prison immediately and returned to their ship.

I returned to Nairobi in the same aircraft but by a slightly more circuitous route. The pilot said that he had some flying time to make up so we flew over the summit of Mount Kilimanjaro at which moment the film in my camera ran out. Some months later, I wondered if the sailors had paid any of the agreed instalments. I doubted it but I had not heard anything from the owners of the car.

scales of justice

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Three unusual prosecutions

James Haswell

What does it feel like to have one's entire case, the culmination of months of painstaking work, blown away by an honest answer to the very first question put in cross-examination to the very first prosecution witness? What was it like to prosecute in what was at the time - and may still be, for all I know - the only field general court-martial since the coming into force of the Army Act, 1955? What is the proper attitude to adopt when prosecuting an accused of unusual charm and quite outstanding gifts? Three cases from my own experience between thirty and forty years ago have remained vivid in my memory - I made the mistake of destroying all my old notebooks when I thought I might have no more use for them - and may provide some answers and inspire others to rake over the coals of their recollection and blow them into life.



Lt Col James Haswell at the 25th Annual Dinner on 1 November 1973.

The Perfect Question

'Tell me, Corporal Hetherington - the court have heard from the learned prosecutor of the experiment of allowing official credit behind the bar in the sergeants' mess - when that was stopped and things went back to normal, was there any *unofficial* credit allowed behind the bar; any "tick" or "slate"?'

This is a fairly accurate paraphrase of the opening question the late Alex Ferguson of Singapore put to my first prosecution witness, a corporal of the Royal Military Police under training with the special investigation branch, who had conducted the investigation into a sergeants' mess fraud. The witness was honest, I could see what was coming and I saw the ground opening beneath my feet. I knew that the whole case was founded on the premise that cash was taken behind the bar for all the liquor sold over it and that the daily account was supposed to summarise all the transactions that had taken place. The charges related to the truth or otherwise of the accounts, not on what had happened to the missing money, about which there was insufficient evidence to support any charge. Here was a suggestion that almost from the very moment the abortive experiment of allowing an officers' mess-type credit system in the sergeants' mess of an infantry battalion was officially cancelled, the accused was obliged to fiddle the daily cash accounts with the full knowledge and implied approval of the regimental sergeant-major and all the members. It was all unofficial, so naturally no one had breathed a word of it to me during the preparation of the evidence. In the second or so between the asking of the question and Corporal Hetherington's cheerful and transparently innocent: 'Yes, sir' I saw my carefully constructed case go straight down the plug-hole.

On the strength of that answer, the accused *had* to be acquitted because the charges could not be sustained and it may appear that I had wasted my time. However, a little background to the case will explain why I did not immediately telephone my colonel and get his agreement to my offering no further evidence.

The truth was that the sergeants' mess fiasco was only a symptom of a far deeper malaise in the battalion during its tour of duty in Malaya, as then it was, in the early sixties. The commanding officer and the regimental sergeant-major were both under investigation as to their administration of the battalion, and the prosecution of the holder of the sergeants' mess accounts was a wonderful opportunity to record evidence on oath which could subsequently be presented to a board of inquiry. The necessity to go on with the prosecution's evidence so that it could be taken down by a team of three short-hand writers - it was that important - meant manfully soldiering on in a totally lost cause, so far as my case was concerned, for a further three weeks. I suspect Alex knew all along what the convening officer's motive for bringing the matter to trial was, for he made no attempt to plead 'no case to answer' and even put his client in the box.

Although it may have been a singularly unhelpful summing-up by the judge advocate, whom I suspected of not entirely understanding the case, I have always taken it to my own credit that the court deliberated for two and a half hours before reaching the verdict I knew to be inevitable from the moment Alex's question was truthfully answered. For the record, it is only right to say that the convening officer's purpose was fulfilled. The heads of the commanding officer and the regimental sergeant-major duly rolled and I believe the battalion was the happier.

Mutiny in the Jungle

In 1963, I came across that same infantry lieutenant-colonel after he had lost his command. He had not been disciplined but administratively removed from his post, so another job, preferably one which no one else wanted, had to be found for him. He was sent to Brunei during 'confronteshun' - I think that is the way it is spelt - when the jungles of Borneo were swarming with Indonesian troops and the Sultan's kingdom was under threat. Our troops there were on active service.

Among them was a battalion of Gurkhas. The general officer commanding was a former Gurkha officer, as were a number of the members of his staff. One of the companies was commanded by a Queen's Gurkha officer. He had three platoons under command - numbers 10, 11 and 12, I remember - and he conceived a singularly potty idea which he should have known would lead to trouble, considering the legendary loyalty of the traditional Gurkha soldier. One of his platoons was guarding the border, another on patrol in the jungle and the third resting at the base camp. Instead of sending 10 Pln to relieve 11 Pln on the border, 11 Pln to relieve 12 Pln in the jungle and recalling 12 Pln for a rest as any sensible person would, he decided to keep the *numbers* of the deployed platoons the same and send the *personnel* of each platoon to relieve the *personnel* of another and to adopt its number while at that location. Thus an individual Gurkha NCO or soldier would find himself a member of three different platoons in as many weeks. Funnily enough, I don't remember asking him why he did something so incredibly stupid, so I can only guess at his reason, which I suspect was nothing more sinister than thoughtless intellectual idleness. He wouldn't have to remember, if asked, which platoon was where.

Under the leadership of a corporal who had already been marked out as a potential Gurkha major for his outstanding qualities and who was, as it happened, a member of the same clan as the victim - was there perhaps some other more personal motive behind his action? - six members of the company commander's resting platoon rose up in rebellion, dragged him out of his tent and beat him up. They then took him out into the sea and held him under the water until he very nearly drowned before pulling him out again and leaving him, probably unconscious, on the beach.

It was not the near drowning that brought the company commander very near death, but a blow to a kidney with a rifle butt during the beating up that preceded it. To the great distress of the GOC, the fact that the attackers quite deliberately did not drown their victim meant that mutiny with violence, carrying the death penalty, was the only possible charge serious enough to reflect what had happened. He would have preferred one of attempted murder to the dreadful stigma of mutiny.

Since the force was on active service, great excitement was caused by a suggestion that the trial could be by field general court-martial. I was to prosecute, an English barrister based in the Far East was engaged to appear for the accused, the late Harold Dean of happy memory sat as judge-advocate and, emphasising that this was neither a district court-martial nor a general court-martial, a court of *four* officers was convened with a colonel as president. The spare lieutenant-colonel I mentioned before was on the court. Who better? He had nothing much else to do.

Would I be suitably dressed to prosecute the most serious case of my entire career in No. 2 dress or even No. 3 dress with Sam Browne and sword? Certainly not. This was a FGCM under warlike conditions, so I was dressed in jungle-green trousers and open-necked shirt, boots, green webbing belt and dark-blue beret with an ALS badge. It was the only occasion I can remember when I was really comfortably dressed in court for the climate.

Two incidents stick in my mind. Unusually, the interpreter appointed to the court was a Major Walsh, a brilliant linguist who had the reputation of being the only person capable of doing a running commentary on a football match in Gurkhali. At one moment, while cross-examining one of the accused, I asked one of those involved questions every good advocate should avoid. There was a muttered conversation between the accused and Major Walsh. I noticed that the president and three of his members found it difficult to keep a straight face. I learnt afterwards that the accused had, not unnaturally, been puzzled by the question and asked the interpreter what it meant. His reply had been entirely to the point.

'I haven't the faintest idea, but we've got to do our best.'

Curiously, that was typical of the atmosphere of the whole proceeding. No unit likes to contemplate the idea of being tainted with mutiny and it was theoretically possible that the accused could be sentenced to death, yet the treatment I received could not have been warmer and somehow the whole trial was conducted with

such a lightness of touch that no one could have felt oppressed by it. Harold Dean had a lot to do with that, but I think contributing factors were the cheerful characters of the six accused and the charisma of their leader. He would have made a wonderful Gurkha major.

The other incident was unique in my experience. I had taken the summary of evidence which, considering the seriousness of the charge, was as comprehensive as I could make it. I knew, as did the judge advocate, that none of the accused had made any admission or confession to the British officer who took charge of events on the night of the mutiny and I had recorded his evidence to that effect. Late on the second morning of the trial I called that officer as a witness. In an attempt to cut a long story short, I deliberately asked a leading question, knowing full well that I was risking being pulled up by the judge advocate.

'Did the accused,' I asked, 'during the course of the rest of that night say anything that could be construed as an admission or confession?' Knowing what was in the summary, I confidently expected him to follow it and so help me to curtail a tedious and not very important passage of the evidence. To my utter astonishment, he said: 'Yes, sir.'

'Major Haswell, I'm surprised at you!' said Harold Dean with a show of sternness.

'I should have thought, sir,' I replied with more aplomb than I felt, 'the form of the question would have told you I was expecting a different answer.'

By the time I had finished a difficult examination-in-chief and established that indeed nothing incriminating had been said by the accused on that occasion, the incident passed over. It was while we were having a drink that evening that I asked Harold whether he thought anyone would want to make anything of that little episode and he truly astonished me. After saying that he didn't think it would go any further, he added: 'Didn't you see he was drunk?'

'No,' I said, 'I had no idea.'

He then told me that it had been obvious to the court that the officer must have had five or six gins in the mess before coming to give evidence, possibly because he was nervous. So far as I am aware, that was the only time in my career I ever suffered the trauma of a drink-impaired prosecution witness. Perhaps if I had not tried to be clever, we would both have got away with it.

When the trial was over and the highest sentence awarded by the court was, mercifully, no more than ten years' imprisonment for the two ringleaders, I was invited to an all-ranks party in the gymnasium. I think it was the sort of occasion which is unique to Gurkha tradition. I remember at one stage being handed a drum and taking part in a processional dance and at another being handed the Gurkha pipe-major's bagpipes and succeeding in rendering **The Skye Boat Song** on it - without the grace-notes.

The Incomparable Sergeant Johnson

On my return to the United Kingdom I was posted to Stanmore and after some time a most remarkable case came my way. The investigating officer was Stan Carrier, SIB and I was consulted from a fairly early stage in the affair. The non-commissioned officer of my title was a RAPC sergeant who was responsible for running the imprest account of a large transit camp in the south of England. Whether officially he should have been doing that or not, I have no idea; if it should have been an officer running the account, all I can say is that the supremely competent and charmingly helpful pay sergeant was only too happy to relieve a busy officer of a thoroughly tedious and exacting task.

The nub of the matter was that in the course of eighteen months that remarkable man got away with £17,000 of imprest monies and not a soul but he was aware of it. Even an experienced warrant officer of the RAPC who came round on routine inspections never smelt anything amiss. How did he do it? Every month, without fail, he produced a complete set of accounts and vouchers that was false from start to finish and since everything appeared to be in order down to the last signature, it was always accepted. One hot July, Sergeant Johnson caught a terrible head cold at the very time he should have been buckling down to the production of his masterpiece for the current accounting period and just could not concentrate. He therefore took a coin out of his pocket and tossed it to see whether he should now make a clean breast of his misdeeds or run away. The coin advised him to go absent and so he did; he faded quietly away into the night. That started the investigation and the subsequent search for him.

Stan Carrier told me that when he caught up with the miscreant and announced who he was, he was surprised to hear him say: 'Oh I am glad to see you, sir. Come in.' He was then taken into a room without further ado and made to sit at a table to take down at Sergeant Johnson's dictation no less than ninety-three pages of confession. Those pages were interleaved with many scraps of paper covered in figures in Sergeant Johnson's writing and by their means he unscrambled from memory, helped no doubt by the sight of the falsified accounts that were put to him but still from memory, all the accounts he had so successfully scrambled over the last eighteen months. It was an astonishing feat. It has to be said that - as the warrant officer who had failed to spot what was going on under his nose sourly suggested - Sergeant Johnson's new figures could have been just as false as the ones with which he deceived the authorities. I can only say that Stan and I agreed that the warrant officer had his own failure to explain away and that for Sergeant Johnson to have deceived us at this stage would have been utterly out of character. True, charm and persuasiveness are the stock in trade of the con-man, but apart from our inability to believe he was cheating again, what would have been the point? The maximum case for mitigation could only be made if he succeeded in undoing the evil that he had done.

I took the summary of evidence and can confirm that the accused was an extremely nice man whom I would have trusted with anything so long as it did not in any way involve the one fatal flaw in his otherwise exemplary character.

He was a compulsive gambler. He believed he could make up the gap in the accounts when his luck turned. On one occasion he had won £6,000 on an accumulator. He had said to Stan Carrier: 'I only had to do that three times, sir, and I was in the clear.' He also told him that his worst moment had been when he lacked a signature on a voucher and told one of the paying officers that he had forgotten to sign it. He then watched while the unsuspecting warrant officer put his genuine signature in a blank space beside his own purported signature forged by Sergeant Johnson. That was another of his remarkable gifts. He was a brilliant forger whose efforts could not be distinguished by anyone from the genuine article.

I later prosecuted at the trial by general court-martial at which the accused pleaded guilty to all charges and it therefore fell to me to state the facts to the court. I presented them as I saw them and was later bitterly attacked by the defending solicitor for leaving him with nothing to say. The man was genuinely angry, but I felt no remorse. Perhaps a more experienced advocate would have turned what I told the court into a positive asset: 'Even the prosecution agrees.' However, that was his lookout, not mine. Impartial prosecution is the rule as I have always understood it and impartiality demands that one give true genius its due.

Afterword

The incomparable Sergeant Johnson, despite the amount of public money he spirited away, only got three and a half years in prison. I ran into Stan Carrier a couple of years later and asked if he had heard anything of our friend. He told me that according to the latest rumour there was some question of removing Sergeant Johnson to an open prison and the governor of Winchester gaol was making a frightful fuss over it. We agreed that we probably knew why.

Sixties comparisons

Neil Barclay

General

In thinking back over my 34 years service in what is now AGC(ALS), which I shall refer to for convenience as ALS, one of the first things that springs to mind is the very different position of ALS both internally and externally. When I was commissioned in 1964, although there were approximately 55 officers, the scope of our work, the areas in which we had offices, and the way in which we were viewed by the Army as a whole, and possibly in which we viewed ourselves, was very different.

Starting first with the stations in which we had offices. In 1964 there were ALS offices in UK (London only), Rheindahlen and Bielefeld in Germany, Malta, Cyprus, Kenya, Aden, Singapore and Hong Kong. In that year Kenya closed, and with the withdrawal from Aden that office was moved to Bahrain. Malta was also closed and the work transferred to UK.

The breakdown of the organisation within UK was ALS1, dealing with corps administration, and ALS2, dealing with what is now dealt with by ALS (Advisory), based at Lansdowne House in Berkeley Square. In addition ALS3, which dealt with lecturing, and ALS4, which was the disciplinary/prosecution office, were based at MOD Stanmore in Middlesex. HQ Army Legal Aid was also located in central London. Although overseas, with the exception of legal aid in Bielefeld, our offices were part of the force HQ, we did, I believe, tend to be regarded as a "fringe" organisation.

Our roles were very much advisory and often we were consulted with reluctance, and if possible our advice was, if not disregarded, then frequently circumvented by commanding officers and convening authorities where it was considered by the chain of command to be inconvenient! There was no such thing as an operational role for ALS officers, although on paper, at least in BAOR, we were assigned some sort of role in the event of war breaking out.

Within ALS there was a divergence of views as to the position of legal officers. Some people took the view that we were lawyers who acted out the part of Army officers from necessity and believed we could just as well be civilians. There were others who took the view that we were Army officers first but had a special qualification, which we used on behalf of the Army. I believe the former view tended to be held by people serving in UK, where we were very much divorced from the army, only travelling to courts-martial.

Compare this with the position today. We are accepted by the Army, although sometimes still with reluctance, and indeed the clamour is for more and more legal officers. We must be the only branch whose numbers have drastically increased since drawdown! We now have a firm and growing role in operational matters and the field of LOAC, and other areas of international law see an increasing involvement of legal officers. This may merely reflect the growing applicability of areas of law, such as industrial law, to the forces, but the result is, I believe, an acceptance by the Army as a whole of the lawyers as an integral part

of the organisation. This is also emphasised by the much greater role played by the advisory branch of ALS, and whilst not in any way seeming to belittle the role of Army Prosecuting Authority, I believe that prosecution is no longer the predominant role of ALS, which it very much was in 1964.

To those of us who were commissioned in the 1960s it is almost inconceivable to see the change in the status of ALS, but it is one to the advantage not just of legal officers but of the army as a whole.

First court-martial

My attendance at my first court-martial took place some four weeks after I was commissioned, when I was stationed at ALS4 in MOD Stanmore. I was to accompany a more senior officer to Plymouth. The day on which we were to travel down to Plymouth by train was also the occasion of the farewell visit to Stanmore of the then DALs, Brigadier Geoffrey Barrett, and as was the custom, at lunch-time we all adjourned to a local hostelry for lunch. Unfortunately, as in many visits by senior officers, things did not run to time, so by the time the prosecuting officer and his "bag-carrier" were able to extract themselves, time to catch the train to Plymouth was running short. Having boarded the tube with all our luggage - bear in mind in those days No 1 Dress was still worn for courts-martial - we felt we were able to relax.

However, what neither of us had remembered was that, at least in those days, trains to Plymouth ran from both Paddington and Waterloo and, perhaps having had a lemonade too, many we carried on to Waterloo, only to discover that our train was due to depart from Paddington. After a headlong dash we arrived at Paddington to see our train had just left. We were informed that if we hurried we could catch a train from Waterloo, so we made a mad dash back there to find that we had just missed that one. Finally we caught a train which meant we arrived in Plymouth 5 hours late. Luckily the Royal Marine driver had met every train after the one we should have caught! I think that is what has made me paranoiac about being on time for trains and planes!

Cyprus

In 1969 I was posted to Cyprus on a 3 year tour, although I should say that before I left to go there I was told that the post to which I was going had been disestablished - my first brush with establishments - but I was permitted to go. In those days we had an SOI in Bahrain but he had no legal aid officer, which was the post that I was filling, in Cyprus. As the Bahrain office was responsible for the whole of the Gulf area, including Sharjah, Masirah and Salallah, it was decided that a legal aid officer was required, at least on a part-time basis, so it was decided that I would take on that responsibility and I would visit Bahrain one week per month and, in the absence of the SOI on leave, I would stand in for him.

In those days in the Gulf there were what were known as the Resident's courts, which were located in Bahrain and Dubai. These courts were, in fact, British colonial courts set up to avoid Europeans being subjected to the rigours of the local courts, which were governed by Islamic law. They had jurisdiction over any person in the area who was not a local, so they covered not just Europeans but also Indians and Pakistanis who lived in the Gulf.

Under the various treaties and status of forces agreements, legal officers were entitled to represent service personnel and dependants in these courts. Many a happy day I spent there tussling mainly with expatriate colonial police prosecutors who believed the law was as stated by the commissioner of police, and could not understand why these upstart young service lawyers disagreed and, what was worse, the judges were often inclined to agree with them!

One case that I defended in Dubai does stick in my mind because of the facts, not their complexity. A gunner officer on loan to the Trucial Oman Scouts was driving his Landrover late at night over the barren wastes of Ras al Khaimah where one does not expect to meet any other people, especially pedestrians. But surprisingly, going on the same route as him were 3 Arab pedestrians and, even more surprisingly, my applicant managed to run into them. After a "painstaking" investigation by the local police the officer was charged with dangerous driving.

What I had not realised was that a conviction on any form of driving charge which caused injury under the local law could result in an award of compensation to the victim. I was somewhat surprised, bearing in mind the medical reports I had seen, when the complainant staggered into court, swathed in bandages, relying on crutches and help from his friends. Luckily the doctor who had examined him, a very worldly-wise Palestinian, was alert to the ploy and informed the court that on initial treatment all he had were very minor injuries. In addition, it became clear that, in spite of the teachings of the Koran, strong spirits had been consumed by all the parties. The judge was prepared to accept that there might have been a certain amount of unsteadiness on the feet on the part of the complainant and acquitted my applicant.

It was during another trip to Sharjah that I was asked if I would be prepared to visit the head of the Dubai Police CID, no other details being given. I duly turned up to find that he wished for some legal advice on a potential murder case involving the German captain of a freighter where one of the crew had disappeared overboard in suspicious circumstances. Unfortunately the local expatriate DPP was on leave and the ship was due to sail so I gave such advice as I could. I don't think I mentioned this to my SOI, but in fact some months later the skipper was convicted of murder or manslaughter.

In those days in Cyprus, we were also entitled to represent service personnel and their dependants in the local Cypriot courts, something which regrettably we are no longer able to do. Indeed even in my second tour from 1988 to 1990 we could still do so, and I think I defended the last case where we were permitted to appear and achieved an acquittal! What I remember most are not the cases but the

attitude of the courts during that first tour. One must remember that it was less than 10 years since Cyprus had been granted independence when I arrived, the law still bore a passing resemblance to English law and virtually all their lawyers and all their judges were members of the English bar.

My practice was mainly in the Famagusta and Larnaca district courts, which were not very large. Indeed, in Larnaca there were only two judges who alternated, doing six months on criminal and six months on civil cases. Because it was a small legal community, we tended to know them socially which could sometimes be embarrassing. The one thing the Cypriot courts, at least then, did not like was a contested trial and they would go to any lengths to avoid one.

On arrival at the Larnaca court you would be invited to go and see the judge in chambers prior to the court starting. There you would be offered coffee and asked in which cases you were involved. The police prosecutor would then be asked in - no coffee - and the papers would be placed in front of the judge. You would then be asked the plea and, if this was guilty, then a discussion as to the agreed facts would take place. Any threat of a not guilty plea if facts could not be agreed would normally speedily result in a compromise. If you indicated a not guilty plea, there would be a great sucking of teeth by the judge and a request for you to outline the defence case. Having done so the judge would indicate whether or not he believed it had any merit, but frequently he would indicate that on the facts he would have great difficulty accepting the defence. He would then indicate that if the case went against your client he might be looking at a severe sentence, but if he were to plead guilty on an agreed set of facts then the offence would appear to be extremely trivial - what advice would you give your client?

I remember one case that did go to trial, which was a drink driving offence. The Cypriot police had been given breathalysers quite recently and this case was based on the blood alcohol reading.

Bearing in mind that this was only about three or four years after this equipment had been introduced in UK, and we know the problems it caused there, I had evidence from a medical officer in the hospital talking about post-incident alcohol, back-tracking and so on, which I had disclosed to the defence. In due course a certificate showing the blood alcohol level was put in front of the court and I was waiting for evidence of its effect on his ability to drive - there was no absolute above level offence - but none was produced. At the end of the prosecution case I made a submission of no case to answer on the grounds that no evidence had been produced to show what the blood alcohol reading meant.

I was summoned to the judge's chambers. He indicated that he was unwilling to rule on my submission at that stage. I expressed some surprise as I couldn't think when else he might rule. He then said that he understood that I had medical evidence in rebuttal of the blood alcohol reading and he would prefer to proceed with the case and for me to lead that evidence and then he would rule on my submission. Somewhat reluctantly and mystified, I agreed. We returned, when the judge announced his decision to delay a ruling. I then led my medical evidence

with which the police prosecutor had no idea how to deal, never having come across such evidence before. The judge, at the end of the medical evidence, said that, in light of that evidence, he could see no way in which he could convict and unless the prosecutor had any grounds for objection, which he did not, he would dismiss the case, which he did.

I was then asked back to chambers and the judge explained that if he had accepted my motion this would have implied criticism of the police officer and affected his position, whereas by adopting his course of action justice had been done and no one had been upset!

1968-1977

David Selwood

In 1968 I returned to the UK from Singapore after almost four years in the Middle and Far East. Under a Labour government officers of the ALS had been trapped in a discriminatory pay freeze. The last pay rise for the armed forces had been withheld from us because negotiations were pending on the question of qualification pay. Before the results of that enquiry were finalised a general pay freeze was imposed and while other members of the armed forces except the doctors had received their rise, we were, for six to eight months the poorest paid of the lot! Of course, there was eventually a staged recovery of what we had lost and in the meantime, as a result of the Adams Report, we had, at last, a fixed career structure, with time promotion to lieutenant-colonel and a two star Director - a state of affairs which prompted the Establishments Committee to spend the next thirty or more years trying to restore the status quo and subsequent Directors to spend more time defending the position than doing almost anything else. Time promotion to lieutenant-colonel was after 13 years!

Major-General Gerald Whiteley was the Director and very proud of the new structure, rightly so. On my courtesy call upon him on my return to London, he informed me with obvious pleasure that he could now tell each officer the date upon which, all being well, that officer would become a major-general. He pulled a chart from his desk drawer and studied it for a few moments, then put it back and said with a sigh, "Ah well, we can't all be the Director." Fortunately, I had, like most of us, done my own calculations, so was not really disappointed. Profound thanks are due from me to those above me on the seniority list who retired before 1990!

The decade I have to look at was a disturbed one in the world at large. In the Far East, communism had been defeated in Malaya and during the small war in Borneo, known as "Confrontation", the new Commonwealth state of Malaysia had beaten off the Indonesian invasion, but only with the aid of thousands of British and Commonwealth troops. This had promoted a lively partnership between the British, Australian and New Zealand military lawyers, each providing help to the others. The British DDALS and his DADALS gave all pre-trial advice in respect of Australian formations under the Army Act, 1881, which they still used, and provided prosecutors for their courts-martial. New Zealand trials were handled *ad hoc*. At one, I sat as judge advocate while the New Zealand legal officer prosecuted and John Taylor defended. He has never really forgiven me for one of the rulings I made against him at that trial.

Not far away, the Americans were being drawn more and more into the Vietnam War, supported by a substantial contingent of Australians. We were never allowed to give any assistance to the Australians in Vietnam, although we tried hard enough at the time. Colonel Maurice Ewing was the Director of Australian Army Legal Services at the time and paid regular visits to Singapore where John Robertson was DDALS. During the course of one happy evening at DDALS's quarter, we were regaled by the story of a court-martial in Saigon at which Maurice Ewing presided. During the course of the trial a tiger wandered into the marquee, which was being used as a court-martial centre. Although only an adolescent tiger, reared by members of the unit since it had been a cub, it caused

considerable consternation - not an easy story to top!

That year, in Europe, the Prague Spring was crushed by Russian troops, the French were tottering from multiple changes of government, student riots in Paris turned into a national strike, the Labour government in Britain went ahead with its plans to introduce decimal currency and DALS held his annual dinner in the Tower of London with the then DPP, Sir Norman Skelhorn, as principal guest. Another notable event that year was that ALS had the good sense to recruit a young solicitor called Tony Rogers⁸. Meanwhile, I had to pack up bag and baggage again and head for HQ BAOR.

BAOR was still a massive force in 1968-69 and well enough settled into its garrison life style to have developed its own way of doing things. At that time it was almost unheard of for an ALS officer to become involved in anything operational. Occasionally one was asked a question about orders for guards and sentries. The expression "rules of engagement" was something ALS officers had scarcely heard of - indeed the whole concept was largely American and one doubts whether too many of the British "tooth arm" officers had heard of them either. No ALS officer went out on exercise, except "Quick Train" - an emergency deployment exercise in which the roles of the legal officers were largely unsettled but thought to have something to do with liaison.

1969 was the year that sectarian violence became so widespread in Northern Ireland that the Labour government decided to send troops to the Province to assist the Royal Ulster Constabulary in maintaining order. It was to be a very long time before the military hierarchy accepted the need to establish an ALS office in Lisburn to address not only the criminal and disciplinary problems of the force, but also the legal problems presented by the operations of a force acting within the state in an anti-terrorist role. It was from an army whose operations had been warlike in the withdrawal from east of Suez and in the exercises carried out in BAOR that the formations in Northern Ireland had to be found. In Aden in the mid-sixties, I had had my knuckles rapped by a senior officer in "A" Branch. I had recommended a change to orders for guards and sentries opening fire in consequence of a case involving the death of an Arab watchman going about his lawful business who was taken mistakenly and inexcusably for a terrorist and shot by a soldier. A complaint was made by a member of the "G" staff that an officer from one of the "A" services was interfering with matters which did not concern him. That same senior officer became ensconced in an even more senior position in HQ Northern Ireland in the very early days. We were some way away from the rather closer relations between the operational and legal staffs, which is acknowledged to be essential today.

HQ BAOR was a very busy office. Apart from the two team-leaders, the prosecutors were out on the road week after week. Opposition was almost invariably from the bar and a significant number of those who came out regularly to defend went on to take silk or went onto the Bench. BAOR was a great training ground for the would-be criminal advocate. One of those still answering the call of legal aid then was Jeffrey Thomas (formerly Major Thomas ALS and later

⁸ I think I owed my good fortune to the powers of persuasion of the late T. Edgar Darby, a partner in the firm where I was employed, who commuted from Haslemere with Gerald Whiteley - ed.

Jeffrey Thomas QC MP, member for Abertillery, with the largest Labour majority in the country, shadow Solicitor-General and later still member of David Owen's Social Democratic Party).

By July 1969, Major-General Harry Owen had taken over as Director on the retirement of Major-General Gerald Whiteley. In BAOR, Brigadier John Cumberlege was DDALS and the prosecution team leaders were Lieutenant-Colonel Henry Cleaver and Lieutenant-Colonel Sir David Hughes-Morgan. At Command Legal Aid Section, Colonel Frank Bonella commanded, supported by a very experienced team: Major Roger Anderson, Major Fraser Smyth and Major Jack Paterson. Frank Bonella had acquired property in Malta in anticipation of his imminent retirement and his family had already moved there. Coming back from a visit to them and arriving late in Bielefeld, he tragically died that night. His daughter, Caroline, later married Deputy Judge Advocate General Paul Camp.

In July 1970, Captain Richard Green won the men's singles tennis championship in BAOR and went on to win the Army singles, the men's doubles and the mixed doubles, playing at Wimbledon for the Army. The following year, he repeated his BAOR singles win and won the BAOR men's doubles in partnership with Lieutenant-Colonel Ben Odell. This was a remarkable feat for an ALS officer, possibly equalled in 1972 when Captain Ian Clarke won the BAOR Individual Golf Championship. Richard Green was subsequently invalided out of the army, not because he was in any way unfit, but because he had been brought up as a strict vegetarian and could eat no meat at all. The army simply felt they could not cope with someone who could not survive on field rations!

It was in 1971 that Major-General Roger Marshall became DALSS. The same year saw the advent of the Armed Forces Act 1971 which made many changes and brought the offence-creating sections of the Service Discipline Acts into line for the first time. I seem to recall, however, that the Navy insisted on being left with one offence which the other services never had. It was referred to as "dumb insolence" and was intended to cover spitting on the deck, which was regarded as far too serious to be dealt with under the equivalent provisions of section 69, conduct to the prejudice.

The Manual of Military Law (MML) Part I had to be substantially revised, new rules and regulations had to be drafted and put into effect. ALS2 were really busy! The MML was my baby. By the time David Hughes-Morgan arrived as Colonel ALS2 on promotion in June 1971, the work was well under way. We had a year to do everything that needed to be done. Then, to our horror, the Minister of State shortened the implementation lead-time and told MOD we had only six months. There followed a frenzy of work. Captain David Hawley came to reinforce our team and he and I ended up doing the last lot of proof reading of the manual at the Stationery Office Press outside Manchester as the sheets were rolled off. MML (1972) is still the authorised text in the year 2000: "more darnin' than sock", as Brigadier Philip Norris used to say.

About this time the establishment for ALS overall was around 46 and so it stayed

⁹ Another character in ALS at the time was Captain Peter Laverick who always frightened everybody, especially passengers, by driving his Morgan +8 extremely fast, unlike Lieutenant-Colonel Geoffrey Weston DSC, owner of a 3-litre BMW coupe, who professed to enjoy driving fast cars slowly - ed.

for the rest of the decade. Whatever new commitments arose always had to be met from existing resources. In July 1970, the use of rubber bullets was authorised in Northern Ireland for the first time and Colonel ALS2 (Colonel David Hughes-Morgan), by the force of his personality, was beginning to persuade staffs that legal input at an early stage was much preferable to a "cock-up" later. However, it was not rubber bullets that were fired by troops on 30th January 1970 on what the press were soon to be calling "Bloody Sunday." This was an event which, in due course, was to have a significant effect on thinking in relation to rules of engagement - the yellow card in the Province - and the genesis of those rules. Who would have guessed then that by the early 1980's ALS would have a full day of presentations and training at the Staff College on the use of force? Who would have foreseen the introduction before the passage of very much more time of what may have been the world's first genuine flying lawyer service in Northern Ireland?

Maj Gen John Robertson, DALS, showing Maj Gen George S Prugh, Judge Advocate General, US Army, the oriel window in Gray's Inn Hall in November 1973. The hall, which suffered serious bomb damage in WW2, was restored in 1951, largely through the generosity of the American Bar Association



The Lord Chancellor, Lord Hailsham, with Maj Gen (ret'd) Owen at the 25th Annual Dinner in November 1973

Interest in the teaching of the laws of war with ALS participation was also on the increase¹⁰. In 1972, Ben Odell was the first British military lawyer to participate in a Red Cross sponsored course at San Remo on the laws of war. By 1976, a re-write of MML Part III was foreshadowed. This later became the Joint Service Manual on the Law of Armed Conflict - a project that has kept a relay team of ALS officers happily employed to this day¹¹.

In June 1972, the Northern Ireland office opened. I believe Lieutenant-Colonel Charles Wakerley was the first ADALS. In due course he received a proper recognition for his service by being honoured with appointment as an Officer of the Order of the British Empire (OBE). Charles was also the first British officer to be sent to do the Basic Course at the US JAG School in Charlottesville Virginia - that in 1971.

The world in 1972 was no easier to understand. International terrorism was beginning to pose a new threat. This was the year of the massacre at the Munich Olympics. The ALS role with special forces was not yet, however, even a twinkle in anyone's eye.

1973 was a great year for the army lawyers. It was jubilee year. The split from the Office of JAG was 25 years old. Time for celebration. Our new Director was Major-General John Robertson, a man with a well-developed sense of occasion. The jubilee dinner was not one to be missed. Brigadier Richard ("Herbert") Halse, former Director of Army Legal Services, was in the chair. John Robertson had arranged for the attendance of Royalty in the person of Lieutenant-Colonel His Royal Highness the Duke of Kent who graciously acknowledged he had made the acquaintance of a number of ALS officers in the course of his military career. He had been both assistant adjutant and adjutant of the Scots Greys in his time and was a real working adjutant with no insulation from the outside world, not even from legal advice from ALS. He also attended a military law course in BAOR on which there were two instructors. I remember it well! Among a star-studded cast of guests were the Lord Chancellor, Lord Hailsham, the Attorney-General, the Right Honourable Sir Elwyn Jones MP and the US JAG, Major-General George Prugh. It was a truly sparkling occasion, not matched until the occasion of our golden jubilee dinner in 1998.

1973 was also the year when we said goodbye at last to the spider buildings at Stanmore and set up shop at HQ UKLF, Old Sarum, under Brigadier Ben Odell. Meanwhile, Brigadier David Appleby had become Deputy Director in BAOR, with Colonel Henry Cleaver running HQ Army Legal Aid and Colonel Stanley Smith in charge of the Command Legal Aid Section in Bielefeld. We now had three officers at HQ Northern Ireland. Colonel Geoffrey Weston was in charge in Hong Kong and Lieutenant-Colonel Jack Bowman, with a young captain, Philip Norris, were operating in Cyprus at Dhekalia where a shock was soon to put the troubles which had plagued that unfortunate island in the shade.

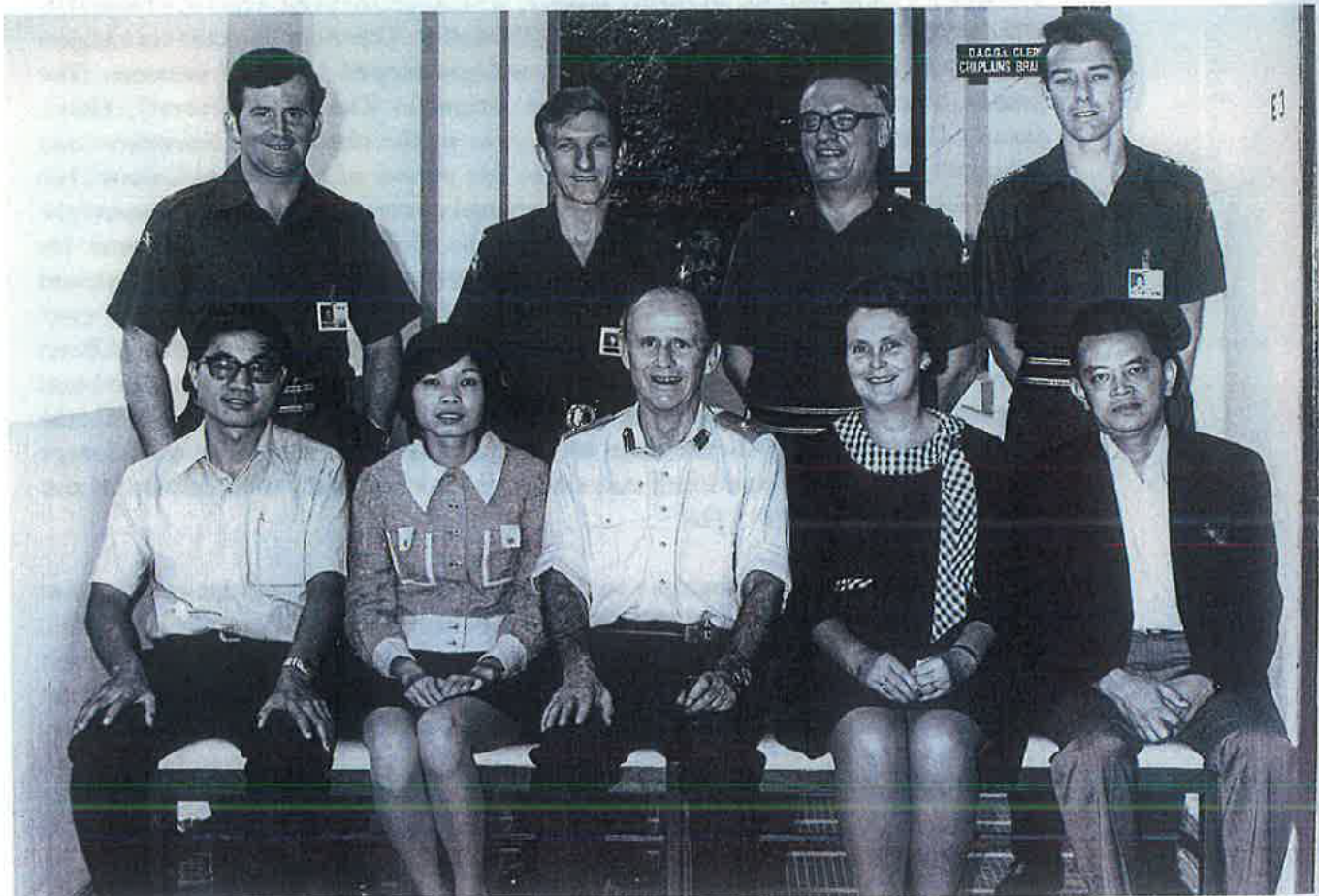
In 1974¹² the Turkish army invaded Cyprus and stopped at the border with the Sovereign Base Area. It was a very tense time for everyone there. Jack Bowman

¹⁰ At the time of writing, I am editing the latest draft with a view to its publication by Oxford University Press in 2002 - ed.

¹² By this time Philip Norris had been replaced by Captain Tom Glynn - ed.

was appointed commandant of a refugee camp at Athena Forest whither many thousands of Greek Cypriot refugees had fled. He was said in the Daily Telegraph to have got up from the desk for the first time in 20 years. Anyone who knew Jack as one of the most energetic of fitness enthusiasts would deny that. In northern editions they had it as "deck" which was a bit unfortunate. Apart from a little problem with the radio net, it seems that he was to be and, indeed, was much congratulated on the job he did so unexpectedly. The division of Cyprus continues, as do the duties of the legal officer there advising the chief of staff of the UN Force in Cyprus, which took over from the former, differently tasked UN presence.

About this time, DALS published an important paper pointing to reforms to the British military justice and legal aid systems, which he felt were needed. Sadly, not many of the proposals came through the vigorous staffing which followed, but the Standing Civilian Court was a direct result of those proposals. Indeed it could be said that they foreshadowed some of the proposals in the Bretherton report in the late 1980's and the changes which have been and are still being introduced following cases in the European Court of Human Rights. The novelty of an appeal from the decision of a commanding officer to a kind of military magistrate's court would not have struck a jarring blow with John Robertson¹³.



Maj Gen John Robertson, Col Geoffrey Weston, Maj John Murraray and Capt Gordon Risius during the Director's visit to Hong Kong in 1974

¹³ I well remember John Robertson pacing up and down the DADALS's office in ALS2 thinking through aloud in our presence some weighty legal problems of the law relating to military aid to the civil power. He was a forward thinker who was not sufficiently appreciated at the time and was the only DALS, before and for many years afterwards, to

John Robertson was succeeded by Major-General David Appleby in 1976. By now we still had a complement of only 45 officers and in this year we were authorised to recruit women for the first time! Among the first to be recruited, if not the first (as I believe her to have been) was Suzanna Woollam¹⁴. This was also the year in which Philip Norris published, courtesy of the MOD, the Civilian Supplement to the MML Part I, which has lasted for getting on for a quarter of a century¹⁵.

The decade I have been asked to write about ended in 1977 while I was coming to the end of a most enjoyable tour in Cyprus. From that island in the sun, however, one hears little of what is happening elsewhere in the organisation. That blessed retreat is, happily, still available today and it is astonishing how many officers who have occupied the post of SO1 in ALS1 have moved on to that happy posting. Long may it be so.

¹⁴ On leaving ALS Suzanna Woollam joined the CPS but subsequently became a judge advocate. She is now a circuit judge - ed.

¹⁵ 1976 was also the year in which an ALS officer was posted for the first time to the Office of the Legal Adviser at

Compliments, vodka and base motives

David Hughes-Morgan

Army lawyers get called all sorts of interesting names. Some are complimentary, others are not. I understand, although I did not hear him, that the only soldier whom I had to prosecute twice, a Royal Engineer named Logan, made some of the more penetrating observations on my character. His first offence was assault occasioning actual bodily harm committed at a bus stop in Hong Kong at 0230 hours on 1st January 1957. The fact that there were no buses at that time was neither here nor there; the alcohol was still running well. It was a very ordinary case, its only interest being that at the time of the offence it was still 31st December 1956 in the United Kingdom. The Army Act 1955 came into force at midnight. Was the soldier to be tried under the new Act or the old? There was no authority on the point. London advised that the charge should be laid under the new Act; a cynic might wonder whether the decision was reached by tossing a coin. The soldier was defended by a Hong Kong lawyer. In fairness I had to tell him of the problem. After a not unexpected finding of guilty, an appeal was lodged with Courts-Martial (Appeals) Court and in due course dismissed¹⁶.



Brig Sir David Hughes-Morgan, DALs BAOR, visiting Maj Phillip Norris in Berlin in 1979 against the backdrop of the "flag" of the 86th Basic Class, The Judge Advocate General's School, Charlottesville, Virginia, which Maj Norris attended. The flag, which flew outside the School on the 86th Basic Class Graduation Day in 1978 (with the Commandant's permission) was subsequently presented to Maj Norris.

¹⁶ A report can be found at (1957) 1 All ER 688

I went to Singapore. I did not expect to see Sapper Logan again. But after he had finished his sentence of detention, he went back to his unit in Hong Kong and during the summer of 1958 committed his second, and much more serious, offence. He was a Lancashire lad and continued the Wars of the Roses in the Kowloon NAAFI by punching a Green Howard. The Yorkshireman hit the deck and Logan kicked him in the face. A few hours later the victim died. The civil authorities were not interested and it was decided that Logan should be tried by court-martial. I was sent to Hong Kong to prosecute. It was when I arrived to take the summary of evidence that my character, morals and parentage were the subject of comment. According to the Royal Military Police (RMP) sergeant who was guarding him, the language used by Logan when he saw me through the window was indeed impressive. The essence of his remarks was that he was disappointed that this particular major was yet again to take part in criminal proceedings in which he was the accused and that he would in all probability swing from the gallows. He was duly convicted of murder. He was sentenced to life imprisonment, later reduced to 14 years.

Looking at the other side of the coin, I can immodestly say that rather more favourable remarks were made at the Red Army Day party in the Soviet officers' club at Potsdam in the spring of 1971. The chief of staff of the Soviet group of armies referred to me in his speech as being "objective"; apparently one of the more complimentary adjectives then in use by the Soviet top brass. There was, of course, quite a lot of politics and vodka involved. It was a most excellent party, I was introduced to all the Russian heads of services; my memory seems to recall meeting fifteen major-generals but time may have increased their number. I drank a glass of vodka with each but fortunately the glasses were small and on a table in the centre of the room was a considerable quantity of food, including mounds of black and red caviar. This spread on bread with a substantial amount of butter acts as excellent blotting paper, even if a bit expensive. Later on in the evening, we were served with *starka*, a drink that I had never before met. A Russian officer described it to me as "hunting vodka". He said that it was made by maturing the best quality vodka in a brandy cask for at least ten years. It had to be sipped slowly rather than put down in one throw. It was a most excellent drink and I complimented Colonel Pyotr Grechishkin, the Soviet chief liaison officer, on it. When we left, he quietly slipped a bottle to my wife, whispering that it was being given to her because I might finish it too quickly. She had to make sure that the bottle was treated with tender care and loving respect - or similar words!

My wife and I had been invited to the party because in the autumn of the previous year a young man called Eckehart Weil had shot a sentry on one of the Soviet war memorials in Berlin. This war memorial had been built in 1945, before the Western occupation forces arrived, in a park called the Tiergarten. It was in the British Sector about half a mile to the west of the Brandenburg Gate and the Berlin wall. A company of Soviet soldiers was stationed at the memorial, mounting a formal guard by day and roving patrols by night. At around midnight on a dark night in November 1970, Weil crept up to a barrier that closed the entrance to a path opposite the memorial. He had with him a Hechler & Koch 5.56mm rifle, which was chambered for a magnum round, giving it ballistic properties similar to an

Armalite M15. He rested his rifle on the red and white striped pole and, taking aim through a telescopic sight, he fired twice. The target was a Soviet private soldier named Ivan Sherbak; the first shot hit him in the back, passed close to his kidneys and exited on his left side. The second round hit him in the wrist.

A number of West Berlin policemen were assembled at a nearby police post, whether for duty purposes or coffee remained uncertain. On hearing the shots, they jumped into their cars and drove off in all directions to discover what had happened. The Russian soldiers took up defensive positions and, seeing the lights of the police cars, thought that there had been an attack by a gang who were making good their escape. Weil was no longer there. He had turned and gone hurriedly down the path to the nearby Landwehr canal, into which he threw the rifle. He then fled to the house where he lived with his stepfather and went to bed. For reasons which I never discovered, Weil's stepfather became suspicious and a day or so later informed the West Berlin police. Weil was arrested and made a full confession before a judge of the *Amtsgericht*. Private Sherbak was treated in the Soviet military hospital and made a complete recovery. It only remained to punish Weil for his crime.

Under normal circumstances a German court would have tried Weil but circumstances were not normal. The Federal Chancellor, Willi Brandt, was seeking a rapprochement with the Soviet Union; officials at the West German Foreign Ministry were worried in case Weil was acquitted or received a sentence which the Russians considered inadequate. So they decided to ask the British occupation authorities to try Weil in the military government court. In due course of time our Foreign and Commonwealth Office (FCO) decided that this would be an appropriate course of action and agreed to accept jurisdiction. There was however a difficulty. The occupation court had not sat for twenty years; there were neither judges nor prosecutors. There was a rather dog-eared copy of the occupation statute establishing the court and in the corner of a cupboard in a remote office was found a rubber stamp that could be used to seal documents.

The FCO had a lawyer in Berlin. He was an erudite and competent jurist named Rodney Batstone who later left the FCO to become Legal Adviser to Joint Services Liaison Officer, Bonn. He was expert in public international law and the laws of both parts of Germany but had little experience of criminal law and was not accustomed to presenting cases in criminal courts. ALS HQ BAOR was asked to help. I was there as one of the two lieutenant-colonels leading prosecution teams and I was told to go at once to Berlin. To my great delight, I was given a longer and more pompous title than any that I have managed to acquire before or since; I was gazetted as the "Director-General of Prosecutions British Military Government Courts Berlin". I was also given what amounted to a season ticket on British European Airways (BEA) flights between Duesseldorf and Berlin.

BEA was using Viscounts on the route. They were slower than the 727s and Caravelles of Pan Am and Air France but were more popular than either because the longer flight gave time for an excellent meal. Thus I landed in Berlin at Tempelhof airport after a very fine breakfast and started to look at the evidence.

The public safety branch of British military government had done a good job in putting together the statements taken by the West Berlin police and the RMP Special Investigation Branch and Provost. There was, however, still a lot to be done, including the collection of evidence from investigating agencies in the US and French sectors. And, rather to my surprise, there was nothing, absolutely nothing, in the way of statements from any member of the Soviet forces. I was told that the Russians were not being co-operative. They refused to supply any evidence until they themselves had received copies of the statements that we had taken. I was also told that it was firm policy not to supply the Russians with the statements as it was thought that anything they were given would be shared with the East Germans and used for propaganda purposes. It was feared that if there were to be any publication in the East German press, the trial itself might be prejudiced.

After reading the statute setting up the military government courts, I did not share these worries. Although the court procedure was based on the practice of courts of assize in England as it was in 1945, the trial would be by judge alone and so the chance of prejudice was minute. I discussed this at length with the FCO officials but our views did not coincide. I thought before going further that I had better go and talk to the Russians in order to see for myself. So arrangements were made by Brixmis for me to visit the Soviet liaison headquarters at Potsdam.

"Brixmis" was the accepted abbreviation for the British Mission to the Soviet commander-in-chief (C-in-C). When Germany was occupied in 1945, each C-in-C sent a liaison mission to the others. The British mission to the Soviets was based at Potsdam, although its members later moved into West Berlin for a better quality of life and to avoid the ever present "bugging". As relations between the former allies worsened and the cold war developed, so the liaison function of Brixmis and, indeed, of all the other missions, became secondary to their utility as licensed spies. Brixmis personnel drove around the northern part of East Germany in tuned-up Opel saloons, observing troop movements, training and exercises. They were in theory restricted from entering sensitive areas, as were the Soviet missions in West Germany, but these restrictions were often "overlooked". Each mission had its own technique to avoid capture. I gathered that Brixmis drivers had become very well acquainted with the forest tracks in their area and skilled at negotiating them. Their cars had specially strengthened suspension and off-road tyres and they were often able to lose their pursuers. If they were caught, nothing occurred save for a brief period of detention and an official complaint.

I was taken in a Brixmis Opel over the Glienecker Bridge, famed as the site for spy exchanges. The Russians always arranged for meetings to be held in the evening and this particular evening it was extremely cold. But the atmosphere in the conference room at the Russian headquarters was colder still. Colonel Pyotr Grechishkin was in the chair and after brief introductions he asked whether we were prepared to hand over the statements which we had taken. I inquired about the evidence in his possession and was told that this could only be released as a matter of mutual exchange. He clearly implied that the Russians did not think that we were serious about prosecuting Weil. To them it appeared obvious that there

was a gang of neo-Nazis in West Berlin who might well have protection in high places. When I said that it seemed that Weil was acting alone, I was told that the Russian soldiers at the memorial had seen the gangsters escaping in their cars. I said that what they had observed were police cars searching for the offender. The response was icy scepticism. Colonel Pyotr asked if we had taken statements from the policemen concerned, presumably we had, and in this event why would we not release them? There was no real answer to this and the meeting closed on a low note.

On the next day I made it clear to the FCO officials that we were unable to mount a prosecution unless we obtained the co-operation of the Soviet military. It appeared that we would not get this unless we released our statements to them. I suggested that if this could not be agreed in Berlin, the matter should be referred back to London. I was told that our ambassador in Bonn ought to be consulted and I agreed that this seemed to be sensible. Within a day or two the ambassador decided that the statements could be released, on the Russians undertaking to keep them confidential until after the trial.

Another meeting was arranged with the Soviets and I felt that I might get some advantage in dramatising the situation. I had the statements with their Russian translations put into two large sealed envelopes, which I hid in my briefcase. After a brief exchange of compliments, I turned the conversation to inconsequential matters like the weather and the football tournament in which British units in Berlin were then engaged. Colonel Pyotr became a little impatient and interrupted me by inquiring whether we were yet prepared to let them have the statements. I replied as nonchalantly as I could that of course we would provide the statements and indeed here they were, removing them from my briefcase. Colonel Pyotr was a bit taken aback but recovered quickly and remarked that it was about time, he could not understand the delay. This gave me an opening. I said to him "You only asked me for the statements last week, I think I have been quite swift." He saw the funny side of this and all the Russians, taking their cue from him, started laughing. The frozen atmosphere began to thaw. I said that I trusted them to keep the statements confidential until after the trial and was assured that this would be done. I asked if we could now have their statements, Colonel Pyotr said that we could have them but they had not yet been translated and would I mind waiting two or three days. The statements were duly delivered.

I had several more meetings with the Russians over the next couple of weeks. At the last of them I interviewed the victim, Private Sherbak, his surgeon, Major Schlapo, and the other soldiers who had been on the memorial. I was surprised at the formality of these interviews. Each soldier marched in, saluted and declared that he was present at the service of the comrade colonel. There was no way in which I could get them to relax but I was able sufficiently to confirm what was written in their statements. At the end of this meeting Colonel Pyotr said that as it was a cold night, we might as well have something to drink. My Brixmis minder whispered to me that this was the first time that a drink had ever been offered and we went into a small room at the end of the corridor. There on a table were a number of bottles of brandy. Colonel Pyotr told me that some were Georgian and

others Armenian, all from different distilleries; he would be interested to know which I found most palatable. So we sat down and drank brandy, which in Russian style was accompanied by sweet chocolates. Glasses of brandy from different bottles were pressed on me. I accepted what was on offer but my unfortunate minder felt that he had to restrict himself to one glass. I remember little of the conversation but I know that the Russians asked me a number of questions about the circumstances in which their soldier had been shot. Apparently I gave reasonably sensible answers which corresponded with the statements which they had been given. I had the feeling that someone had remembered the Latin tag "*in vino veritas*".

Back in West Berlin, it was time to consider the charges that should be preferred against Weil. The occupation statutes when first enacted had made it an offence to kill or injure a member of the occupation forces, which included members of the US, French and Soviet armies. Reciprocal legislation had been enacted in each of the occupied zones of Germany. By 1970, the reciprocity had come to an end. East Berlin was the *de facto* capital of the German Democratic Republic and the Soviet Union no longer admitted to being an occupying power. This had been reflected in amendments to our statutes; it was no longer a specific offence to kill or injure a Russian soldier. I was left with the fallback position: the statutes gave jurisdiction to the military government court in respect of any offence against German law committed in the British sector.

The substantive law that had to be applied in charging Weil was the West German criminal law as adopted in West Berlin. There was a crime of murder and quite naturally it was also an offence to attempt to commit it. However, murder in German law was a rather more complex concept than its equivalent in England. The Nazis had introduced a new definition of murder in 1936. Although it in part reflected National Socialist thinking, it had not been amended by the occupying powers and it remained the law. In order to commit murder, there had not only to be a deliberate and unlawful killing. The prosecution had to prove that the offence had been committed either in specified circumstances or with a specified motive. I consulted the West Berlin public prosecutor's office and I was told that it was sufficient to constitute murder if it could be proved that the killing had been committed "treacherously". It seemed to me, and the Berlin prosecutors agreed, that to shoot without warning on a dark night at a sentry on a floodlit war memorial would be a crime committed treacherously and would therefore constitute murder or, as in this case, attempted murder.

I also considered the question of motive. While this may not have been strictly necessary, there seemed to be an important political point to be made. Looking back, I feel that I was probably influenced by the fresh resurgence in Northern Ireland of terrorism intended to achieve a political end. While the offence with which I was dealing could not be brought within "blood-lust", "greed" or "sexual gratification", which were among the expressions used in defining the motive for murder, the definition ended by specifying "or other base motive". I had a lengthy discussion with the German lawyers on whether it was a base motive to put a political end above human life. I was referred to a number of 19th century cases

involving a political assassination or attempted assassination, in which the perpetrators had been sentenced to confinement in a fortress rather than in a prison. Their motive was considered to be of a higher order than that of a common murderer. While accepting the point, I felt that times had changed and that these 19th century mid-European values ought no longer to be considered authoritative. In this age of nuclear weapons, a political assassination or attempted assassination might lead to the destruction of mankind. The motive for such an act must objectively always be considered base. I feel that I was right in attributing a base motive to all crimes of this sort. Events since 1970 have demonstrated the dangers of ever accepting terrorism as being legitimate. Weil was accordingly charged with attempted murder on the basis of both treachery and base motive.

After Christmas, the committal proceedings took place. The Chief Metropolitan Magistrate, Sir Frank Milton, came from London to sit as magistrate in the military government court. On the first day, the Russian witnesses were heard. They were well looked after, the officers were given lunch in the Headquarters Berlin Infantry Brigade officers' mess, while the sergeants' mess entertained the Russian soldiers. They had been told not to drink alcohol or to become over-friendly with the WRAC! Weil had been given legal aid and was defended by a German lawyer named von Heynitz who, at this stage of the proceedings was listening to the evidence, rather than attempting to oppose committal. On the second day, the court heard evidence from Weil's stepfather. He had had a nervous breakdown and was at the time a patient in a private hospital in the Berlin woods. The court duly assembled there, accompanied by a large number of West Berlin police. While in their custody earlier, Weil had escaped for a short time and the police were determined to see that this did not happen again. So the building was surrounded, and its interior patrolled, by policemen with machine carbines and large dogs. It occurred to me that the recovery of patients who ventured into the corridors or looked out of the windows might well be delayed! Weil was duly committed to stand his trial on the charge of attempted murder.

The trial took place in the No 1 Court at Moabit, the Berlin equivalent of the Old Bailey. This was a large high-ceilinged room, panelled in dark wood. The participants sat around a tiered horseshoe, which opened into an area for spectators. At the centre of the top tier sat the judge with the prosecuting lawyers to his left on the side of the horseshoe. Since the public prosecutors in Germany are a part of the judiciary, they sit at the same level as the judge. Opposite them but at a lower level are the defence lawyers and the accused. By this time, Weil had a second defence lawyer, one Heinz, who had offered his services, as I understood, without payment.

Judge Block of the Mayor's and City of London Court and the Old Bailey had been sent to preside at the trial. He was accommodated at one of the best hotels and I believe was given a special allowance. He seemed thoroughly to enjoy his stay in Berlin although he was surprised at being told on arrival that he would have to be accompanied by a bodyguard wherever he went. In fact he got on very well with his bodyguard, who was a *Kommissar* from *Abteilung 1* of the West Berlin criminal police, which corresponded to our special branch. The judge remarked that it was

like having his own private full-time guide, although this was the first time that he had had a guide who carried an automatic pistol! The reason that he, and Sir Frank Milton before him, had been given a bodyguard was that threatening letters had been received from an organisation calling itself *Aktion Widerstand* (Campaign for Resistance), promising death if Weil was convicted. I also received a couple of these letters but nobody suggested that I should be given a bodyguard. I suppose that it was all a question of value!

The FCO had offered the services of a silk to lead me in prosecuting Weil but I very firmly declined the offer. I was, and still am, a firm believer that the person who prepares a case is likely to be the best person to present it in court, assuming of course that he is experienced in advocacy. Not only did I want to do it myself, the evidence and the political background were so complex that it would have been a monumental chore to write a brief for anyone else. So I led for the Crown, assisted by Captain John Bailey from ALS HQ BAOR. Although we were prosecuting in a military government court, we were appearing in our capacity as civilian lawyers and not as army officers. We wore dark suits with gowns and bands. John still had his barrister's equipment but I had to ask the FCO to buy the necessaries for me, including wing collars and white shirts. I still have the latter. They have survived twelve years on the bench subsequent to my retirement from ALS, which says a lot for Moss Bros quality. We did not wear wigs¹⁷.

My opening had to be fairly extensive. Although the facts on which the prosecution relied had been to a large extent admitted by Weil in his confession, I had to refer to the law at some length. We had heard that Weil's new lawyer was likely to mount an attack not only on the Russians but also on the three Western occupying powers. I therefore had to make clear that, in alleging base motive, the prosecution relied on the proposition that in this day and age no political motive could justify the taking of human life, save when a state was exercising its inherent right of self-defence in accordance with the Charter of the United Nations. At this point Heinz interrupted, saying that this was something that he was not prepared to accept and that the English prosecutor was obviously unfamiliar with German law. He was roundly rebuked by the judge who told him that in due course he would have his turn and that in any case it was not regarded as proper in an English court to attribute ignorance of law to any of the advocates appearing. This was however only the preface to a series of attempts to criticise the Russians for their actions both during and after the war. These criticisms were first made during the cross-examination of witnesses and I immediately objected on the basis that questions of this sort were irrelevant. I reminded the court of what I had said in opening: if the judge came to the conclusion as a matter of law that the proposition upon which the prosecution relied was ill-founded, then the prosecution accepted that the allegation of base motive would fail. It was irrelevant and unnecessary to go further. The judge agreed and said that having regard to the way that the prosecution put its case, it would be irrelevant to consider the actions of any of the occupation forces, including the Soviets.

We did not have simultaneous translation for the trial. Everything that was said had to be interpreted so that all the participants could understand it. When

¹⁷ John Bailey was rather bitter about this. I think he wanted to upstage his leader - ed.

Russian witnesses were giving their evidence, their words had to be interpreted into both English and German. This procedure was a bit tedious but there was no alternative; the trial lasted for three weeks. There was really no dispute about the evidence called for the prosecution and no allegation that any witness was lying. Weil's defence was that he had become friendly with some members of a right-wing organisation in Berlin, who persuaded him to give them some assistance. The help in question did not extend to participating in the shooting of the Russian although Weil admitted buying the gun and bringing it to Berlin for his friends to use. He denied not merely presence at the scene of the shooting but any knowledge that it was going to take place. He had made his confession in order to give his friends time to get rid of any embarrassing evidence and to leave Berlin. He thought that he would be able to withdraw his confession at a later stage.

Weil did not present a very convincing figure in the witness box. He seemed unable to stick to any coherent explanation and he often contradicted himself during cross-examination. It was the unanimous view of the Berlin press, who were present in strength at the trial, that Weil had failed to persuade anyone of his innocence. As well as newspaper reporters, the television cameras were present nearly every evening. It was the custom in German courts for the advocates to give interviews after the close of proceedings and state their opinions on the day's events. John Bailey and I felt that it was inappropriate for English lawyers to take part and we contented ourselves with a smile and a nod as we walked past the cameras. The defence lawyers gave interviews but these seemed to have little effect on what was reported in the newspapers. The British occupation authorities in fact received a very good press. The only note of criticism was that no psychiatric report on Weil had been placed before the court. The British military government press office explained that under our system the mental condition of the accused was for him to raise, rather than for the court to investigate. Weil had refused a suggestion by von Heynitz that he should see a psychiatrist and had given firm instructions, so I gathered, that there was to be no question of raising mental disorder either as a defence or in mitigation. Certainly Weil did not give the impression of being insane. He was obviously a very odd individual with extreme political prejudices but seemed perfectly fit to stand trial and to serve a sentence in the same way as anyone else.

The spectators' area in the court was full, or nearly so, every day. There were many Berliners who were interested in seeing a common-law trial in their city, conducted in, or at least interpreted into, a language that they could understand. Apart from the locals, the Russians sent an observer team which varied in size but whose core consisted of Colonel Pyotr, a captain on his staff and a Soviet army lawyer. The latter was a round little teddy bear of a lieutenant-colonel who spoke no English. We referred to him as "Uncle Vanya." Despite his appearance, he had a sharp, incisive mind and rather cold blue eyes. We took the Russians to lunch each day at our officers' club except on Mondays when it was closed.

On one never-to-be-forgotten Monday, we went to lunch in a street off the Kurfuerstendamm. Opposite the restaurant was a sex-shop. This interested Uncle Vanya. We explained that it was not a brothel but a place where sex-aids could be

bought. He was unfamiliar with articles of this sort, which were apparently not on sale in Moscow, and was so intrigued that he insisted on entering, notwithstanding that he was in full Soviet uniform. So the observer group, the FCO representatives, the prosecution team and a heavily armed escort of Berlin police all went inside. It was a small shop and the proprietor was by no means pleased, particularly when Uncle Vanya went into fits of laughter at everything he was shown. It took some time to extract him and the afternoon sitting was late. My apologetic explanation to Judge Block was made in his room rather than in open court!

Shortly after this, John Bailey was due for promotion to major. At lunch on the due day Colonel Pyotr produced a bottle of the best quality vodka and a British major's crown, saying that there was a custom in the Soviet army which John ought to follow. He explained that a newly promoted officer was given a tumbler of vodka with his new badge of rank at the bottom. He could not assume the rank until his lips had touched the badge. The colonel then called for a tumbler and poured what must have been nearly half a pint of vodka into it. He dropped the badge into the glass, gave it to John Bailey and challenged him to follow the Russian custom. John was no teetotaler. He enjoyed beer and wine but he never touched spirits. Nonetheless he raised the glass, offered thanks to Colonel Pyotr and emptied it in one draught. The Russians were enormously pleased with him. I felt that he had shown devotion well above and beyond the call of duty. I put him straight into a car and sent him back to his wife who was staying in nearby Edinburgh House, a very comfortable hotel run by NAAFI.

Because we were working under 1945 procedures, the defence advocates addressed the judge before I did. Von Heynitz made an excellent speech, concentrating on the facts as explained by Weil and on the concept of "treachery". His main argument was that a soldier on duty would expect to be shot, a point that was not appreciated by the British, US and Russian military personnel present in court! His colleague was due to speak on the following day, I had been told that he would be concentrating on "base motive". The next morning, however, there was a lengthy article in the East German newspaper "Neues Deutschland" about his previous career, concentrating on his Nazi party membership and his alleged devotion to its principles. The tone of the article was by no means complimentary and Heinz was obviously angry when he came to court. He began his speech with an attack primarily on the Russians and East Germans but not excluding the Western allies. I yet again had to object. Judge Block turned to Heinz and told him that he had had enough, that this was a court of law and not a political forum and that he would not hear another word from him during the trial. We did not see Heinz again. Von Heynitz in a sensible and sober manner covered the points which Heinz had intended to make.

Judge Block gave a reasoned judgement of moderate length. He rejected Weil's evidence that there had been a gang and found that he had been acting entirely on his own in shooting the soldier. The judge further found that Weil had acted treacherously and with base motive, accordingly finding him guilty of attempted murder. After a brief plea in mitigation, Weil was sentenced to seven years

imprisonment. He later appealed by way of written submissions to an appeal court appointed for the purpose by the FCO. He could have had an oral hearing at which full argument would have been presented. He did not adopt this course, perhaps because the court would then have had power, if it thought the appeal was frivolous, to disallow the time served in prison between the dates of hearing and appeal. His appeal was dismissed.

The Russian observers expressed satisfaction with the outcome of the trial, although they considered that the sentence was on the light side. Their only complaint was that the seats for spectators had been extremely uncomfortable. Earlier, one of their captains had approached me and asked if I knew that they were getting a special Soviet medal for attending the trial. I expressed some surprise and asked what it was. He replied "The Order of the Red Buttocks". We said our fond farewells and I never saw any of them again. However, one can seldom get away from one's past and when three years later I went to Geneva to attend the diplomatic conference on international humanitarian law, I quickly discovered that I was known by repute to the Soviet delegation there. I suppose that I was on a KGB file. The Russians seemed to be very thorough in briefing their delegations on the background of people they would meet. In fact, being known to the Russians made my task at Geneva rather easier than it might otherwise have been.

I found the Russians very interesting. In 1970 they were certainly suspicious of anything or anyone from the West, but once they accepted that we wanted to work with them rather than against them, they relaxed and were as easy to deal with as anyone else. They appreciated firmness. It was a mistake to give way to the extravagant demands they sometimes made. If one had to refuse a more reasonable request, they would usually accept the refusal if told the reasons for it. Of course, most of the Russians who I met in Berlin (and later in Geneva) had been trained in diplomacy, whether they were full-time diplomats or military personnel. Colonel Pyotr and his staff appeared to spend most of their service in various Soviet embassies and missions, where they served as attaches. They had been given special training, spoke good English and were by no means insular. I was glad to have had the opportunity to work with them - quite apart from the vodka and compliments!¹⁸

¹⁸ I too found the Russians quite straightforward to deal with in Geneva. Colonel Krasnopee, a medical colonel, successfully objected to an absurd proposal that the carrying of the red cross flag by stretcher bearers should be made compulsorily by pointing out that stretcher bearers have only two hands! He preferred Zubrowna, a Polish

Army Legal Services as a fourth career

Tim Wright

Army Legal Aid

In early October 1966, aged 30, I arrived at Southampton on leave pending retirement from the Zambia Police. Two years earlier, knowing that I would have to find a new career, I had registered as a student with the Law Society and commenced a correspondence course with the College of Law. As a member of HM Overseas Civil Service, I would only be required to serve 2½ years articles, if I passed the Part I exam first. Leone and I took a flat at Guildford and I joined a course at the College of Law before taking and passing the Part I exam in the New Year. I then obtained articles with Spencer Gibson & Son at Sutton, Surrey and we bought a house at Banstead. My salary was £8 a week and my pension, paid by the Crown Agents, was £12 a month. However Leone obtained employment with Banstead Urban District Council, I had joined the TA when in Guildford, and the balance of my gratuity was payable each April by three instalments. Accordingly we were able to pay the mortgage, run our 1966 Ford Anglia and live reasonably well.

I had deliberately not sought articles with a firm with a criminal law practice for fear that I would find myself not getting experience of anything else. I therefore spent the next two years on conveyancing, probate, family law, and common law claims with some company law. We did one drink drive defence for an old client for whom we briefed counsel, Paul Focke, who I later found was well known to ALS officers. My principal often briefed one Jackson Lipkin. As a major contested divorce case, in which Lipkin had been involved for some time, was coming to trial, I rang his chambers to check some point only to be told he had gone to Hong Kong and it was not known when, if ever, he would be back. About 10 years later I met Jackson Lipkin in the Mess at HMS Tamar. His initial enthusiasm at meeting a new ALS officer was dampened when I reminded him that we had met before and he had left my principal and me in the lurch.

I spent time at the offices of our associate firm, Pollard, Thomas & Martin, Greycoat Place, Westminster, before going on the Part II course at the College of Law and taking the exam at Alexandra Palace. I spent the last months of my articles running an office we had taken over in Streatham. I had no wish to spend the rest of my career conveyancing in Streatham or any where else and, having been a public servant for most of my working life, did not like having to look at people's personal problems from the point of view of how much they would pay. I resolved to find a job in the public service or emigrate. It was then I saw an advertisement for ALS. Although I had spent three years in the Regular Army, during which I had attended CO's and company orders on numerous occasions as escort, accused and first evidence (in separate cases!), given evidence at summaries of evidence and boards of inquiry, and known both the victim and his assailant in a murder within my company, I had completed my service without ever hearing of ALS. Now they appeared to be the answer to my problem. I was invited to call on ALSI, Lieutenant-Colonel Tony McIlvenna, at Lansdowne House, Berkeley Square. Tony gave me an idea what it was all about but warned me that, as a late joiner, I would not get beyond lieutenant-colonel. It seemed a pretty good deal to me. I was concerned that time spent on a short service commission would be time wasted on return to civilian practice but Tony assured me that despite

being over age I would be considered for a regular commission. I decided that, if it contained officers like Tony McIlvenna, ALS was well worth joining.

In due course I appeared before a selection board in DALs's office, with Major-General Harry Owen, and Brigadier Roger Marshall. I passed, probably because there was a vacancy for a legal aid officer and I had just passed an exam in matrimonial law as amended by the 1969 Act.

The standing medical board, a jolly bunch of retired senior RAMC officers, admired my agility at the step test but were surprised to find my blood pressure up thereafter and, after being referred to the form I had had to complete, found I had a hernia. Arrangements were made for this to be fixed at Queen Alexandra's Military Hospital, Millbank. After a few weeks convalescence I was commissioned and instructed to report to Headquarters Army Legal Aid (Civil) (HQ ALA) at Lansdowne House on 1 April 1970. I am happy to say that when I retired 26½ years later I was not greeted by the Army Pensions Office with the words "April Fool!" HQ ALA was a London District unit separate from Adjutant-General's department of the Ministry of Defence (Army) which occupied the rest of the building. The OC was Major Peter Pitts who had for some weeks had no other officer to assist him. The sudden death of Colonel Frank Bonnella in the 1 (BR) Corps Mess at Bielefeld had caused the promotion and immediate posting of Ben Odell to fill the vacancy of Officer in Charge, Command Legal Aid Section (CLAS) there. I was issued with Colonel Bonnella's books.

My salary was £2,446 a year, the most I had ever been paid. The other members of HQ ALA were a WO1 (Conductor) Jenkinson as chief clerk, three sergeants and staff-sergeants and one corporal clerk, and three full-time and one part-time short-hand typist. Believe it or not we managed to keep them all occupied. Officers, of course, did not need to spend time on mundane tasks and I have never worked in a more efficient office. One of our lady typists was a member of the communist party and spent all her holidays in Russia. She was nearing retirement age and informed me that she would like to retire to Russia but they had to have very strict immigration rules to stop everyone rushing to live there! Sergeant Greenwich, a cheerful Barbadian, was a cousin of the famous West Indian cricketer.¹⁹ I was puzzled by the habit of our dapper chief clerk in appearing at my door each afternoon to say "the major has gone, Sir". Every five or ten minutes he would reappear and repeat his words with increased emphasis. I gradually came to realise that to some people in the Army effort was only considered worthwhile if one's senior was around to see it.

On another occasion Mr Jenkinson informed me that there was "A very hesitant officer on the phone, Sir, a Major Kent." It was good to find that the Royal Duke took a personal interest in the welfare of his soldiers. Colonel David Appleby MC of ALS2 said he always thought of Mr Jenkinson as having the appearance and air of a managing director.

One day a civil servant arrived determined to have the carpet removed from Major Pitts's office. Carpets were for lieutenant-colonels and equally exalted civil

¹⁹ I think the cricketer called himself Greenidge.

servants only. After it had been carefully explained to him that the post was that of a lieutenant-colonel, a lieutenant-colonel had recently vacated the office and another was about to arrive, and that if he wanted the carpet he would have to fight for it, he went away.

After about a month Peter Pitts went on embarkation leave pending departure for Hong Kong and promotion. He was exchanging appointments with Lieutenant-Colonel Colin Overbury who would be taking disembarkation leave. Meanwhile I was to be in charge with the reservation that I was not to submit any applications for legal aid to the Law Society unless they had been vetted by Colonel David Appleby. In those days it was worthwhile for all soldiers and most NCOs to apply for legal aid. "Do it yourself divorce" was some years in the future. Applications had to be beautifully typed and presented, and correct in every detail. The officials of the Law Society must have been really impressed to be presented with such perfection. In private practice we had, of course, only ensured that such applications contained the bare necessities for a grant. Work which would not be paid for had to be kept to the minimum.

Most such applications came from CLAS at Bielefeld and I was somewhat embarrassed at sending them back to my seniors there for mere crossing of 'Ts' and dotting of 'Is', but Colonel David Appleby had an eagle eye. I resorted to presenting the applications to Colonel Appleby with a note saying he would see that, for instance, there was a minor spelling mistake halfway down page 2 but I was sure it would make no difference to the Law Society's decision and doubted whether he would want me to send it all the way back to Bielefeld for correction. Another of my tasks was to redraft the "Legal" chapter of the Army Welfare Handbook.

We had some interesting cases of our own. I remember a letter from a soldier complaining that his wife would say he was "badly usener" but this was not true. He was not a "Regler drinker. Compulsif gambler, yes. Regler drinker, no!" Another old friend turned up for interview a week or two after I had closed his file. I asked him what he wanted as the case was finished and all costs paid. "I want to divorce my new wife" was his reply.

Since we were in London, a disproportionate number of our applicants were from the Brigade of Guards. The Pipes and Drums of the Scots Guards had been to the USA. A Scots lass who had been working in Washington claimed to have been made pregnant by a certain piper after a party there. He pointed out that it was the custom, in the band, to use a comrade's name in any casual relationship. The case dragged on. The girl would not give up. Finally the case came to the Court of Session in Edinburgh. My piper walked in. The girl got up immediately, honest to a fault, and said "That is not Piper X". End of case.

Another Scots Guardsman was pursued by a German lady with whom he had worked in the Sergeants Mess. He denied any but a working relationship, but was remarkably evasive. The Jugendamt kept sending containers for a blood specimen. He would lose it or something else would go wrong. Finally, being about to return

to Germany, he gave a specimen in accordance with the required procedure. To my surprise, and I suspect his, it turned out that he could not have fathered the child in question.

We were still in the days of discretion statements. A Petitioner for divorce, on whatever ground, had to make one if he or she had committed adultery. The court would then decide whether to exercise its discretion and allow the petition to proceed. One soldier, being pressed, said "You don't count one night stands do you?"

To obtain leave to petition within the first three years of marriage one had to show special reasons of hardship or of depravity on the part of the respondent. One Guards lance-corporal had married a divorcee with several children. She was a year or two older than himself and vastly more experienced. She was bored with him within three weeks and sent him to get legal advice. An hour or so after he had left my office she phoned me "Ere what 'ave you bin telling this fool? What's this special depravity? You tell me. I'll do it!" I had to decline.

Colin Overbury arrived and revealed that, as young captain, he had assisted with the prosecution of Private Wren for the murder of Private Page in Minden back in 1956. They were both batmen in my company. I went to Northern Ireland for a week on a legal aid bureau. No soldier had yet been killed. I travelled by air in service dress. The security guard at HQ Northern Ireland was armed with a Sterling but opened the gate without challenging anyone in uniform. Leone and I stayed at the Woodlands Hotel at Lisburn. At Ballykinler, 3 Queen's had four old Royal Sussex men I knew serving in it. John Stephenson, who later became Secretary to the MCC, was second in command. Len Hart, who had joined from the Boys Infantry Battalion as I passed out of basic training, was RQMS. We had progressed to corporal together. Peter Wood, whom I had known when he was a lance corporal, was a CSM. Pete Catchpole, who had been a corporal in 'C' Company when I joined it on first arrival in Minden in September 1954, was now a colour-sergeant. He had considered it *infra dig* when I, as a lance-corporal, had coached him and others for the Army third class certificate of education in the evenings that Autumn, but it had got him his third stripe. I wondered what he had been doing since!

We did not, of course, wear uniform at Lansdowne House. I had been unable to obtain a jersey heavy wool from the QM there and had purchased one from a surplus store rather than wear the old V-necked jersey pullover he offered. Len did not like the look of my surplus "woolly pully" and insisted on exchanging it. We met again in Hong Kong when he was QM at Depot, Brigade of Gurkhas at Sek Kong.

I went on to Omagh where the 17th/21st Lancers occupied Lissanelly Barracks. The major problem concerning the CO and adjutant, Reggie Purbrick, was whether it would be in order for both of them to go to the races at the Curragh that weekend. At Londonderry I went to bed at HMS *Sea Eagle* and woke up at Ebrington Barracks, ownership having passed back to the Army overnight. I think it was on my second stay there that I met a young officer of the Royal Anglians called Harold Halcrow, later the G1 Staff Officer at HQ Scotland. Harold's father had

been chief establishments officer in Northern Rhodesia and signed my leave and last pay certificate in 1966.

In Lansdowne House our offices were on the same floor as DAL5, ALS1 & ALS2 but in the opposite wing, so that Colin Overbury could see DAL5's office across the forecourt. Colin commuted weekly from his home in Suffolk. On Friday afternoons he would watch to see when DAL5's window was closed and would then be off home. Unfortunately one Friday DAL5's window may have been closed but he was still around and rang to speak to Colin, who as somewhat discomfited the following Monday!

The Conservatives won back power in the 1970 general election, the first in which I had a vote. I was somewhat shocked to hear officers expressing delight in the presence of other ranks, assuming that they were also Tories. In the police we had not, of course, revealed our party preferences to our subordinates, superiors or even civilian friends.

British forces were about to be withdrawn from Singapore. ALS had miscalculated the speed of the rundown and first Major Jack Paterson and then I was sent out to do the legal aid work there. In those days travel to and from Singapore was by aircraft of RAF Transport Command. I discovered that wives were not allowed to apply for indulgence flights to visit husbands abroad on temporary duty. My brother, John, commanded the Singapore Engineer Squadron, a Malay unit of the British Army. It was quite in order for Leone to ask for an indulgence flight to visit John and his family and, in fact she was there before me. The ALS office at HQ Far East Land Forces was in a hut in Tanglin Barracks and was manned by Colonel Stanley Smith and Major Charles Wakerley. The ALA office was in the next hut with an Indian clerk. Stanley Smith had first come to ALS by way of prosecuting Japanese war criminals in Singapore.

Although we had no right of audience in any civil court in Singapore, ALS and RAF legal officers could still appear on behalf of British service personnel in the magistrates courts in Malaysia. Such appearances were, of course, few and far between but I managed one in Johore. Charles Wakerley being on leave in the Cameron Highlands, I was to have prosecuted my first court-martial, which would have been the first I had ever seen, but the judge advocate was taken ill. Otherwise the work was similar to that I had been doing in London. I heard later that Charles had successfully prosecuted my accused, a Sergeant RAPC who had stolen a bottle of whisky from the NAAFI. He soon regained his rank, but in the Royal Army Ordnance Corps (RAOC).

The other highlight of my stay was the visit of DAL5, Harry Owen, accompanied by Maureen. Stanley Smith gave a cocktail party at his palatial old colonial style quarter and at the weekend we all went out for a day on the C-in-C's launch. Harry was so keen on swimming it was only with great difficulty that he was persuaded to re-embark so we could have lunch. There were Australian and New Zealand troops in Singapore and Malaysia with their own legal officers. The Australian was, in fact, from Birmingham and later became DAALS. The young

New Zealand captain, Jim Chamberlain, I was to meet nine years later at a meeting, soon after my arrival in Hong Kong where he had joined the Government Legal Department. One of my tasks was to find out the views of our Commonwealth and other Service colleagues as to who should provide the British legal officer for the ANZUK Force, a tri-service formation which would remain in Singapore. Strangely the admiral's secretary, a legally qualified lieutenant-commander and Wing Commander Peter Furniss of RAF Legal Services (RAFLS) seemed quite content that it should be an ALS post and our Aussie and Kiwi friends were, of course, on side. Unfortunately the London view was different and it turned out to be an RAF post as the price for our colonel's post being transferred to Hong Kong with a third post there for a captain. At the end of January 1971, I returned to England on an RAF VC10. I was OC flight, which gained me much attention from the air quartermaster, a WRAF flight sergeant. I was sitting next to two Royal Marine officers who persisted in calling me "Sir" until about halfway home I revealed what I did. "Oh! We thought you were a captain RN!" was their reply.

At the interview before joining ALS I had been asked whether I would be prepared for a posting abroad on commissioning and had explained that I was putting our house in Banstead up for sale, in anticipation of such a move. On joining we obtained a quarter in Wallington some five miles away. It was a pre-war three bedroom detached house with a long garden. A number of houses on the proposed route of the M23 had been bought by the Ministry of Transport and lent to the MOD who naturally would not spend money on their maintenance let alone modernisation. The M23 still not having reached Wallington, I wonder what has become of them!

Lieutenant-Colonel Denis Brayden of ALS2 had had his own house in Wallington for many years. Usually we both caught the 0733 train. On a fine morning it was a pleasant walk from Victoria past Buckingham Palace and across Green Park to get to work. Now Denis had been posted to Bielefeld and Majors Selwood and Pugh were in ALS2. It was the winter of discontent. The postal workers went on strike. Kay Brayden's parents lived in Purley the other side of Croydon. Denis asked me to collect and deliver post sent through the Army system. Denis was a quiet man and I had wondered at times during our journeys together whether he thought captains should not presume to seek to engage lieutenant-colonels in conversation. Leone and I spent some jolly evenings with Kay's parents. Her mother was an Irish lady and a great talker who explained that Denis never said much but loved to listen.

Mons being nearer to London than to Bielefeld, HQ ALA was responsible for legal aid work for British troops at Supreme Headquarters Allied Powers Europe (SHAPE) where legal aid bureaux were the preserve of the OIC. For reasons that were never explained to me, the chief clerk did the bureaux in Gibraltar, bringing the completed forms and statements back with the questions for the legal officers to answer. No one seemed to covet my trips to Northern Ireland where I spent a week every three months. As time went by one ceased to be able to travel there in uniform or to stay at the Woodlands Hotel, not least because it was destroyed by

a bomb. Sometimes one shared a dormitory in the mess annexe at Lisburn. Then the portakabins appeared.

There was some consternation in MOD when it became known that soldiers could claim criminal injuries compensation in Northern Ireland. Aden was a recent memory and at a meeting I attended it was stressed that it would be unfair if soldiers injured in one theatre received compensation denied to comrades injured elsewhere. On my explaining that soldiers, as citizens, could not be barred from making claims under the law in Northern Ireland and that the only question for MOD was whether to afford them assistance in making such claims, so that, for instance, a man's claim did not become time barred while he lay helpless in hospital, it was resolved that assistance should be given. It was to be another eight or nine years before the introduction of MOD's criminal injuries compensation scheme for service personnel the victims of crimes of violence while serving overseas. I was humbled by one soldier in Northern Ireland who did not want compensation for his injuries but for the mandatory substitution of cartons for milk bottles in the Province! I remember receiving one divorce file from Bielefeld concerning a soldier posted to Northern Ireland. According to his wife's solicitors he was quite the worst husband any woman could have. I read in the paper that a soldier of his name and regiment had been shot dead. Having checked with records that it was indeed our applicant, I informed the wife's solicitors, only to receive a reply by return asking how their client could obtain compensation for the loss of her beloved husband.

As the end of my first twelve months approached I was invited to apply for a regular commission, which was granted. Tony McIlvenna left for Hong Kong on promotion to colonel and Colin Overbury moved across to ALS1. Lieutenant-Colonel James Haswell became my new boss. He arrived late and worked late. If I left the office at 1645hrs, I could catch the 1658 train at Victoria and find a seat. If I went to say goodnight to James, he would tell me what he had done that day and read me half the letters he had written. I would miss my train and have no hope of finding a seat on a later one. I gave up looking in on him before I left. On Fridays, Major David Selwood would come across from ALS2 at lunch-time and he and I would go out to a pub for a pint and a snack. On the first such occasion after James' arrival I suggested we should ask James if he wanted to come. James was delighted but first insisted on reading us his letters. Lunch was rather hurried. When we parted David said to me "We're not asking him again!" That summer "hot pants" came into fashion, which added interest to our excursions. On other days lunch was a bowl of packet soup snatched at the "Grease Pit", a canteen in the basement. A trip to the dentists at the Old War Office meant a pleasant walk across St James's Park or up Piccadilly and, as long as one's teeth were not drastically interfered with, a decent lunch in the far superior dining room there. The Ministry of Education, around the corner from Lansdowne House, also had a good canteen one could use when time allowed. On occasions, to mark the arrival, departure or visit of some ALS notable, ALS1, 2 and ALA would congregate at the 'Grapes' in Shepherds' Market. One saw interesting sights in the gardens of Berkeley Square when the office workers came out to play at lunch-time in spring and summer. A different kind of diversion was provided

by the British Leyland motor showroom on the ground floor of Lansdowne House, visible from my office on the fourth floor of the opposite wing. People returning hired minis, or employees merely manoeuvring them, often drove them through the plate glass windows.

A depressing part of the job was visiting maimed soldiers at the Royal Herbert Hospital, Woolwich, and the Cambridge Military Hospital at Aldershot. Some had a reasonable prospect of compensation of some type, some had not, depending on the cause, the geographical location of the incident and why they were there. One foggy morning I drove to Aldershot in the immediate aftermath of the IRA bombing of the Parachute Regiment officers' mess. I went to Watchet in Somerset to hold a legal aid bureau for The Royal Irish Rangers and took the opportunity to visit the parents of a soldier from Somerset run over and killed in Malaysia. They seemed especially bitter that the Army had sent their son to Malaysia only to let him be run over by an Australian sergeant. As I finished advising a string of Irishmen on matrimonial matters, their RSM said to me "You know what I'd tell them, Sur: 'be men, be men!'" I was inclined to agree with his sentiments.

I attended a Military Law Course at Stanmore where I met Colonel John Robertson of ALS3 and Lieutenant-Colonels Geoffrey Weston and Peter Putt, the prosecuting team leaders. Each lecture was given by a different senior ALS officer. Their audience was kept laughing but when our syndicate was discussing problems it was clear that my classmates had remembered more than just the jokes.

At HQ ALA we were joined at some stage by Peter Laverick, returned from HQ BAOR to finish his short service commission, and finally by Bill Potts, on attachment from the Royal Army Educational Corps (RAEC) which he had joined after a mountaineering accident had put paid to his career in The Queen's Lancashire Regiment.

His presence enabled me to take my full six weeks annual leave for a return visit to Zambia. On returning I was informed by Colin Overbury that my posting to HQ BAOR to replace Philip Norris had to be delayed for some weeks because Pam Norris was having a baby at RAF Hospital, Wegberg. Helpful as ever, I volunteered to go to Cyprus instead of Philip but this did not fit with the master plan. Finally in late April 1972 Leone and I set out for Rheindahlen via Harwich and the Hook, in our new Ford Estate.

Headquarters British Army of the Rhine 1972-1975

It was towards the end of April 1972 that Leone and I arrived at HQ BAOR and moved into Cassels' House, which was then the officers' families hostel. Other ranks families used Salmond House. Our arrival coincided with a farewell party for Elaine and John Taylor who were off to Hong Kong. I had therefore met most of the ALS officers before I reported for duty in "E" corridor on the Monday morning.

Brigadier John Robertson was in charge with Lieutenant-Colonels Geoffrey

Weston and Dudley Boyle as the two team leaders. I was in Geoffrey's team and shared an office with Major Mike Clarke. Also in our team was Lieutenant-Colonel Jack Paterson, newly promoted. On the other side were Major Gordon Porter and Captains David Gripton and Terry Davis. Tom Glynn was on the strength but was usually away on attachment back in England. We did all the disciplinary work and prosecutions for BAOR, then with four divisions, and Berlin.

Contrary to expectations, Leone and I had a quarter by the end of the week²⁰ in Marlborough Road, next to the roundabout and looking on to the medical centre. The house was semi-detached and described as a double quarter because it had inter-connecting doors with No 35. It was allocated on the basis that we would be dispossessed if both quarters were required for an extra large family. It had been turned down by one or two officers with normal sized young families on the basis that it was on a dangerous road. No doubt it was calculated that anyone with five or more children would not miss one or two.

About three weeks after my arrival I took the train to Minden for my first prosecution. Three cavalry troopers faced a charge-sheet with about ten charges after a night out in Braunschweig. This was the second court-martial I had seen although the one I had been away from Lansdowne House to observe had not ended in a conviction. The trip to Minden was one down Memory Lane for me as I had spent a happy nineteen months at Elizabeth Barracks from 1954 to 1956. Where courts-martial were held in those days I know not. Our brigade HQ was in the Melitta coffee factory. Now I found myself in a smart courtroom in the new Kingsley Barracks. The judge advocate was the late Jim McEvoy. One of the plain clothes German policemen who had arrested the accused explained to defence counsel that he had produced his pistol in the police car to show his prisoner that he was a policeman. Each accused was convicted of something. As a captain I found myself in court about three weeks out of every four although one rarely knew whether one would be away one day for a guilty plea or all week.

On my first trip to Berlin, an officer drink drive case, I flew up on the same plane as the judge advocate and president. We travelled in uniform and I wondered why the president had no suit-case. By lunch-time I understood as we went straight from the airport to court and a guilty plea. A pleasant lunch at Edinburgh House was followed by a VIP tour of the city and an early evening flight. On a subsequent stay in Berlin, Jim McEvoy, over a few beers, confided in me that he had thought it had been unfair to give a multi-charge three-hander such as that at Minden to a brand new prosecutor. This sentiment had not prevented him from giving me a hard time! By trial and error I became quite an expert on the Road Safety Act 1967. Army Board policy had originally been that any officer convicted of having more than 80 milligrams per 100 millilitres of blood would lose his commission. This policy had had to be revised.

There were four Army officers' messes in Rheindahlen, "A" for colonels and above, "B" and "E" for the remaining officers and "F" for females, although the winds of change soon began to blow and all officers messes became "co-educational". I was allocated to "E" Mess with Mike Clarke and our three lieutenant-colonels.

²⁰ Things must have improved since 1968 when Captains John Bailey, John Murray, David Hawley and Tony Rogers had to be housed in Duesseldorf and commuted each day on the "Rheindahlen Bus" - though Tim Wright on seeing this footnote responded that had they and their contemporaries earned any quartering points before going to Germany

The rest of ALS were members of "B" Mess. I found "E" Mess very convivial. There was a curry lunch once a month and a dinner party each month. Often the party would be organised by officers from one of the other nations in Northern Army Group. I remember a particularly good Dutch party at which Geoffrey Weston consumed a record number of herrings. I missed many of the parties owing to absence prosecuting. The officers' club was still running with its resident band, "Rudi & the Scrapers", which had evidently followed HQ BAOR down from Bad Oyenhausen in 1954. There was no forces' television and few people had telephones in their quarters. The two cinemas were well patronised. There were also two theatre clubs plus a light operatic group so there was a production at the theatre for one week every month. ALS usually attended *en masse* on the Saturday night when black tie was *de rigueur*. We would meet first for supper either across the road at the club or at someone's quarter. Mike Clarke starred in a production of "The Ghost Train."

Homicide cases were less common than in later years. In the only such case in which I was involved, I was sent to Hameln the morning after and spent a happy day or two with WO1 Robinson SIB, almost forgetting that I was no longer a policeman. Later I took the summary of evidence at which the accused was assisted by a young solicitor, Tim Lawrence, who later reached the bench. The case was noteworthy in that the deceased was the most unpopular old man in town. Not only had no German witness a good word to say for him, but each took every opportunity to denigrate him. I was expecting them to hold a collection for the accused. The accused had met the deceased in the *Badewanne* (Bathtub) bar, which backed onto the *Gruene Laterne*, known to the troops as "The Green Lantern". The landlady of the Green Lantern owned both establishments and did her best to cast suspicion on her tenant, whom she clearly wanted rid of. Every witness mentioned a girl called Ursula who really had nothing to do with the case. Even two German policemen who had seen the accused and the deceased staggering down the street together mentioned that Ursula crossed the street a hundred metres or so behind them. The deceased's talent for making himself so unpopular had finally provoked the soldier.

I assisted Jack Paterson at the trial. The pathologist was a young German from Goettingen University, Dr Bode, who appeared more than capable of giving his evidence in English. Jack asked him how many blows would have been required to cause the deceased's injuries. Bode said a couple. To our amazement defence counsel asked what a couple was. Bode calmly replied, "You know, a couple, at least three of four!" Clearly Dr Bode was used to British soldiers referring to have a "couple of beers". Counsel's silly question cost his client five years.

The same counsel appeared in a very sad death by dangerous driving case. A soldier had hit a German car, killing the driver and his own wife. The accused was on crutches as were the German driver's passengers. What was unexpected was the appearance on crutches of the survey sapper who had drawn the plan, the only light note in the case. The accused, under cross-examination, admitted having taken a chance on a bend and went down. I was quite touched when afterwards he sought me out to shake my hand.²¹

²¹ This reminds me of a case prosecuted by Captain Graeme White when, at the conclusion of the trial, which I think resulted in a conviction, the accused thanked Captain White for having prosecuted him - ed.

David Gripton was posted to Northern Ireland. For reasons having no bearing on his posting, he had been considering resigning. One Friday, David was away for a long weekend and I was called into the brigadier's office to be told that we had to send our best man to Northern Ireland. David had resigned and I would have to go. Leone was recovering from Bell's palsy so her morale was not at its highest. When I saw David on the Monday morning, I said "So you've decided to leave." "What do you mean?" he replied. It turned out that ALS1 had merely been trying to be super efficient and solve the problem before it arose. David completed his tour in Northern Ireland and then resigned. He had been commissioned into The Welsh Regiment from Sandhurst and then been sent to university before taking the Bar exams.

After lunch one winter's day I was in my office when the chief clerk, WO1 Ned Kelly, called for my assistance. I went out to find Dudley Boyle lying in the entrance to our corridor. He had been coming back from lunch studying his bank statement and slipped on turning into "E" corridor where a workman had been repairing the floor.²² Soon a mass of brigadiers and colonels from the medical directorate were fussing over him while the matron-in-chief held his hand. Finally, two lance-corporals with a stretcher arrived from the medical centre and calmly took control. I and a colleague acted as numbers 3 and 4 on the stretcher to carry Dudley, a heavy man dressed in a long, heavy officers' greatcoat, to the ambulance. Dudley had suffered a fractured neck of the femur and was off work for several months. I had suffered a similar injury in a road traffic accident in Africa, which left my right leg shorter and weaker than my left. This handicap caused me nearly to drop Dudley as the stretcher party negotiated the steps at Entrance 6.

David Hawley arrived for his second tour at HQ BAOR. He and Wendy had one of the first television sets in Rheindahlen having worked out that 80% of the programmes on the Dutch channels were in English with Dutch sub-titles.²³ Neil Barclay came, also from Stanmore, at first as a temporary replacement for Dudley. John Murray arrived from Bielefeld, commuting weekly until he obtained a quarter. Leone and I entertained Tom Glynn and John Murray one weekday evening. It was getting late and I was thinking of work in the morning when John declined another brandy. My relief was short-lived as he asked for a beer instead! Finally they left. Tom and I were at work on time, if not firing on all cylinders. My feelings were mixed when Tom told me that it was not my hospitality that had incapacitated Murray as, on arrival back at the mess, they had "refreshed" themselves from the night tray! Tom told me he had been offered a posting to Cyprus if he took a regular commission. He wanted a regular commission but was not sure he wanted to go to Cyprus. In vain I urged him to refuse to go! A 24-year old Charles Garraway appeared and was attached to me for some weeks for training.

At some stage Roger Marshall, then DALs, came out on a visit and confided to Mike Clarke and me that soon ALS would have to take female officers but not while he was DALs. John Robertson left to take over from Roger and was replaced by David Appleby who regaled us with the story of how his leg was blown off at Salerno. Then an officer in the Royal Fusiliers, he was Brigade intelligence officer.

²² I was later told that he had performed the rare feat of slipping on some glue - ed.

²³ Some of us in Dusseidorf, who could not receive Dutch television, watched German television to learn the language - ed.

He was travelling with his brigadier when they had to use a stretch of road shielded from the enemy by a hessian screen erected by the sappers. As David explained, with a chuckle, the Germans could not see vehicles on that stretch but could hear their engines and, being no fools, would loose off a round from one of their dreaded 88s. They hit the brigadier's jeep but, as David explained, the damage went according to rank. The driver was killed, David lost his leg and the brigadier sustained a slight flesh wound on his arm! David Appleby was the only one of the host of brigadiers of all arms and services at Rheindahlen who habitually walked between his quarter and the "big house." Geoffrey Weston had left for Hong Kong on promotion. Mike Clarke left for an accompanied tour in Northern Ireland. The team leaders were Peter Putt and David Selwood. Oliver and Ann Pugh had also arrived. They and David had been most helpful and hospitable when I went over to England at short notice to visit Leone in RAF Hospital Halton. Clive Manison²⁴ and Bill Potts were posted in from Bielefeld. I was promoted to major on 1 April 1975 and a few weeks later was posted to Bielefeld.

Command Legal Aid Section BAOR 1975-1976

I was due to take over the Potts's quarter in Bielefeld but they could not move out until allocated a quarter at Rheindahlen. I was allocated a room in the mess of 10 Regiment Royal Corps of Transport and went home to Rheindahlen at weekends. CLAS had recently moved from the stable block in Catterick Barracks to occupy the whole of the ground floor of a barrack block. Above us were the local offices of the Property Services Agency, soon to be beautifully fitted out and decorated to show what they could do. CLAS was left untouched.

Colonel Stanley Smith was the OC. Dudley Boyle had arrived shortly before me to wait in the wings. There were two other lieutenant-colonels, James Haswell and Roger Anderson. Peter Bryant was away at Sandhurst and only returned for his farewell party before posting to HQ BAOR. Captain Greer McRoberts was on the last few months of his short service commission. Greer, known as Jock, I had not met before although he had served briefly in the Northern Rhodesia Police as its end approached and then moved on the Hong Kong before qualifying as a solicitor in Scotland. We had some enjoyable evenings in the Keller bar.

In August all our colonels went on leave and I was in command for a couple of weeks during which WO1 Kelly, the Superintending Clerk at DALs HQ BAOR, rang on a Friday afternoon to inform me that I was to change the title of the unit to Army Legal Aid BAOR with immediate effect. I informed him that, in the absence of the OC, I would do no such thing without instructions in writing from a superior. Evidently it was thought that the title "Command Legal Aid Section" would suggest to most people in the Army that the unit was commanded by a corporal rather than a colonel!²⁵

James Haswell wrote and produced the Christmas pantomime, "Puss in Boots". He persuaded me to play the ogre.²⁶ This was my first stage appearance for ten

²⁴ It was said that Clive had reached the semi-final of the Brain of Britain contest and so he became known as the "semi-brain".

²⁶ ALS officers seemed to be in great demand to play "baddies": I well remember Peter Bryant and Jock McRoberts, a

years or so. I had been a member of the Lusaka Theatre Club. James and his family provided almost the whole of the orchestra. The Royal Army Dental Corps provided me with a custom built pair of fangs.

Towards the end of 1975 Stanley had retired and Dudley was promoted to assume command. We had a visit from David Bickford of the DPP's office who had been chosen to carry out the first of a series of inquiries into the role and organisation of Army and RAFLS.

Roger Anderson had suffered a heart attack on the tennis court while taking part in the BAOR doubles championship in 1970. His quarter was opposite mine. He had another heart attack on a Monday morning just outside my office door. He was rushed to the British Military Hospital (BMH) Rinteln but we were later informed that death would have been instantaneous. Roger was buried at Hannover Military Cemetery. He was 58. I took the opportunity to visit the grave of Private Ted Page of the Royal Sussex Regiment at whose funeral I had been corporal of the firing party in 1955. Captain Colin Overbury had assisted in the prosecution of the fellow batman who had stabbed Ted.

Dudley was posted to ALS2 and Colonel Peter Putt assumed command at Bielefeld. Terry Davis joined us from HQ BAOR and also Mike Nicholls, a former hydrographer officer in the Royal Navy, Charles Murison and Donald Hantom on commissioning. James Haswell and I were the team leaders. As a new broom, Peter Putt was keen on "open government" and "partners meetings" attended by all officers.

Two years in Northern Ireland, 1976 & 1977

After Christmas with my parents in Suffolk we drove north. We slept on the ferry tied up at Stanraer and sailed before breakfast for Larne. At Lisburn we were met by John Mitchell and took over a bungalow at the quaintly named Harmony Hill. One house in each of the quarters areas outside the perimeter of Thiepval Barracks had recently been the recipient of a small bomb. Presumably the IRA's motive was to show they knew where the Army facilities were and could have caused mayhem if they wished. No doubt they would have so wished had they not feared the soldiers' reaction. We read with interest the security advice and wondered where one was expected to hang military washing out to dry other than in the garden. Behind our glass front door we felt really secure! At the weekend I went to hire a television being careful to call myself mister and a government employee. 'What rank are you, Sir?' said the salesman, 'if you live there, you're an officer, sure you are!' After a few weeks we moved to a field officers' quarter at the head of the close, four bedrooms and a study but still a glass front door. As a major security improvement chains were fitted to all French windows. I forgot ours was on, opened the door and the whole fitting came away.

The office was among the RMP on the first floor of a temporary building opposite the main headquarters building but almost immediately we moved outside the

²⁵ My recollection is that CLAS was shown in establishment tables as a "unit" and, being undoubtedly minor in numbers, that would suggest to most people in the Army that it ought to be commanded by a major rather than a colonel - ed.

main HQ compound into our own portakabin in the officers' mess car park. This gave each officer an office with a large enough registry for the chief clerk, a sergeant, and the two civil service lady typists. It was very convenient for lunch-time. Lieutenant-Colonel John Taylor was ADALS, living in the mess and spending about one weekend a month with Elaine in Scotland. I was due to do the disciplinary work, previously done by HQ UKLF, while Captain Peter Bryant, starting a six month tour, was the legal aid officer and flying lawyer. I performed the latter task when he was on his mid-tour week of rest and recuperation or was already committed. As DADALS, I, of course, deputised for ADALS in his absence. We were normally all in the office on Saturday mornings and John and I were permitted two weeks leave every six months. About once a month I was staff duty officer in the Operations Centre, dealing with "A" (G1) matters. A watch-keeper dealt with operational reports but we had to help each other out and cover meal breaks. There were about 100 courts-martial a year held in Northern Ireland and units on 4 month unaccompanied tours from BAOR rarely left the Province with outstanding cases. Most of the crime had been committed outside Northern Ireland as soldiers serving there had little time to misbehave.

For the first time I felt appreciated as an ALS officer, other than merely by individual legal aid applicants. Although the heady days of "Op Motorman" were long gone the atmosphere was stimulating. Only when one stopped to think what nearly ten (or should one say a hundred) years of political ineptitude had achieved one became depressed.

On my first visit to Belfast Magistrates' Court I was introduced to a young solicitor, Cecilia Jefferson,²⁷ who had recently applied to join ALS.

The Armed Forces Act 1976 introduced extended detention, giving commanding officers of field rank greater powers of punishment than ever before and all purely for reasons of economy. Major Philip Norris of ALS2 was sent on a world tour to instruct commanding officers and higher authority and their staffs on the changes. I was prosecuting officer at a court-martial which had just assembled at Portadown when a succession of helicopters descended to disgorge the commanding officers and adjutants of 3 Brigade to hear Philip. Deafened, the judge advocate adjourned the proceedings. I and my assistant retired to the Plastic Pub which was the prosecution's room. When the court had recovered its composure it reassembled and just as it was getting into its stride there was another mighty roar of engines. Philip had finished. The judge advocate had also had enough. At his insistence the court sat next day at Lisburn, which was convenient for me. When the noise of the building work commenced, I wondered where next we would go but the court stuck it out to the end.

In mid-summer Peter Bryant was replaced by Gordon Risius. At the time there was a popular male singer called Demis Roosos. One of my days was brightened by a legal aid applicant who arrived looking for 'Captain Roosos'. I had a case where a soldier had 'borrowed' an orange sash. When my advice came back from typing, the sash had become squash. When Amnesty International were about to make a visit, the same typist, with perhaps more excuse, produced 'Animosity International'.²⁸

²⁷ Later Miskelly - ed.

²⁸ I think typing mistakes are often due to the poor diction of dictators: my "the car was an Austria Cambridge" being rendered as "the car was lost in Cambridge" - ed.

About a year later, John Taylor was replaced by Neil Barclay. On the evening of his arrival Leone and I took him to a super store between Lisburn and Belfast. The next morning I was able to tell Neil that a shoot out that had been on the news that morning took place just outside that store about half an hour after our departure. 'Welcome to Northern Ireland!'

When Gordon had completed his six months, Peter Bryant came back again, perhaps at the request of the Theatre Club. His next replacement turned out to be Rod Gillanders, a young barrister who had spent some months at HQ UKLF but had no experience of legal aid work. It was therefore decided that I should switch to doing legal aid work while Neil supervised Rod in the disciplinary role. My typist enquired how she should phrase my signature block on legal aid letters saying, 'you can't call yourself Daddles anymore, sure you can't!' I settled for legal officer or some such.

Oliver Pugh, ALS1, rang to suggest I should leave Ireland three months early to take over John Murray's team at Wilton as John was posted to Hong Kong. Having been short toured at Bielefeld so that John could go to Wilton, I was no mood to be short toured to facilitate his departure therefrom, especially as I did not want it to appear that I had engineered an early departure. My wish was granted and I finished my two-year tour, handing over to John Venn in January 1979. We overestimated the capacity of our Ford estate and I had to unload and drive into Lisburn in the snow to purchase a roof rack. Having assembled it and finally loaded up, we departed for the evening Liverpool ferry.

Letters from an army wife

Anne Rogers

Bielefeld

Last Sunday the Germans had an election day. I was also allowed to vote. People had been very excited weeks before and parties, the Christian Democrats, the Social Democrats, the Liberals, the Communists and the Nationalists, were working in the streets of Bielefeld, making propaganda, distributing literature and getting people engaged in arguments and talks. Many people were interested in what each party had to offer and when Willy Brandt came to speak from the balcony of the *Rathaus* it looked as if the whole of Bielefeld was there. Even the children were in favour of Willy Brandt! Posters were everywhere, and most of them have not yet been removed, and if these together with interviews on television did not persuade you, consciously or subconsciously, to vote for the *Kanzler* you must have been a tough character who is not easily persuaded. It will be interesting to see how things develop in the future and if Germany will be sold out to the Russians!

Snow in the Harz

Between your letter and now lies our holiday in Wolfenbüttel and lots of skiing in the Harz. For once, we were lucky weather-wise and had lots of snow. In fact, we had quite a variety of days: a few days with lovely sun, though not as warm as in the Alps, some days when it was snowing, which were not so pleasant, one day when it was raining and one day when it was so misty that we could not see a yard ahead of us, which can be very embarrassing on skis. Everybody has improved a lot, especially Denise who can definitely ski now and goes down very steep slopes. We took her all the time and, I must say, she is very ambitious and does not give up easily. There were not many children of her age skiing so well in the Harz though one sees lots of children skiing well in Austria. As I said, also Tony and I have progressed, can stop, make parallel turns and only fall occasionally, though, I am sure, our style is devoid of all elegance! Still, we are not too bothered about that as we really enjoyed the exercise.

Skiing in Austria

Snow and weather conditions were super; the sun was shining most days so that we acquired quite a tan. The Murrays were very good company indeed. Ruth found a baby-sitter for Susan, the youngest of her daughters, and we had ample time for skiing. To travel to Munich we took the "Auto-train" from Hanover. We had a very comfortable night in a sleeper and arrived at Munich at 8 o'clock. From there we drove to Fiss in about four hours. Fiss is very impressive as the mountains tower over the village, which is about half way up. With so much sun one could actually sunbathe in a bikini (as one sees on advertisements).

Moving to SHAPE

A week ago today we left Shepperton. Unfortunately Tony hurt his back when

bending over to put the last bit of rubbish into the dustbin. He was in agony while driving and by the time we reached SHAPE he was only able to lie down. In other respects the journey was all right. We had a nice lunch on the boat and the children were very good. We stayed the night in Tony's accommodation at the bachelor officers' quarters, which consisted of a huge sitting-room, a bedroom and a bathroom. As Tony could not walk we went to bed early. On Friday Tony found he could not walk at all except short distances with his skiing sticks which, fortunately, were in his room. He was in tremendous pain and twice I found him crawling on the floor. I had to go out early to take over the quarter. The car did not start, so I walked; luckily it was only ten minutes to walk. The house is a detached bungalow, red brick with a black slate roof and white doors and window frames. All rooms are quite spacious, and the heating is gas central heating. Furniture provided by the British Army is the usual issue, the same as in Bielefeld. As I was unable to move the things from Tony's room to our house alone, the CO of the UK Support Unit kindly spared four men and a minibus and everything was shifted within an hour and a half - everything in a fantastic muddle! Ever since then I have been struggling to get things straight.

In the afternoon I had to go by car to the hospital to get Tony's medicine and to the pass office to get a pass for the supermarket to do some shopping. While I was trying to find the pass office (everything looking irritatingly strange: very small traffic signs, no markings on road, very wide roads), craning my neck to find a certain block with the number 306 (most blocks have numbers instead of names), I suddenly found myself going up a dual carriageway on the wrong side of the road. I quickly noticed my error and reversed but a police van with flashing lights was there in no time. The policeman stopped me from moving the car into a safe area and started to talk fast French. He took my English licence and German passport and I had to follow him to the police station where he wrote something very long in a book with red ink. He was a formidable looking chap and I was glad Denise was in the car, at least somebody to talk to. In the meantime I have, of course, my SHAPE pass and driving licence back. It is an offence to drive without them if the car has a Belgian registration number. Mr Buyle, the Belgian lawyer in Tony's office, then talked to the gendarmerie liaison officer who told the gendarmes to let me go free and a Belgian gendarme would come to our house to tell me off in English! He has not been. We do, in fact, have no diplomatic immunity. The report about my "dangerous driving" is with Tony's boss and he thinks it will just be filed away. But the Belgian prosecutor has the final say. I hardly dare to take the car out now. Police are just everywhere and very grim and awesome they look. I was stopped again by the police who had a thorough look at the car, testing lights and tyres and papers. Fortunately a British RAF policeman was with them, which made me feel more comfortable. The Belgian police are the most unhelpful officials I have ever seen.

We are so used to things going wrong now that we take life philosophically with only the occasional short outburst, for example, when we get up in the morning and find thousands of ants all over the kitchen.

Car troubles

When we returned from Hamburg, Tony meant to collect us by car from Aachen but he had to come by train as the car had broken down again. He had been to London to order a new car but, on the way, just off the ferry, the clutch went. This was on Friday evening and, being unable to find a hotel room, he had to camp in the car. Early on Saturday morning he caught a train to London and actually ordered the new car. He returned to Dover, had the car towed to a garage and then made his way to Aachen. After changing trains at Charleroi we arrived at Mons at about 9pm. A taxi took us home.

SHAPE

Tony is very energetic and has started to run. Everybody in SHAPE runs. I suppose they do it because there is not much else to do here. Two men aged 42 have collapsed, and died on the way to hospital. Running seems a dangerous sport. We were surprised to read in the paper that 30 year-old Karen Krauske, a top tennis player, collapsed after a game and died. I think I will stick to walking! The weather has been terrible here. Since we came back from Austria I have had the heating on, as the house smelled very musty and everything felt clammy. It must have been raining a lot while we were away.

Visit to Austria

I wish I could have stayed in Austria! The weather was lovely, the food to our taste, the people friendly. We spent a week near Vienna, at a place called Bad Deutsch Altenburg. We looked at Vienna's sights rather hurriedly and were very impressed. The palaces were magnificent, the Hofburg a town in itself. We adored the cakes and gateaux, the *Sachertorte*, *Linzertorte*, and *Esterhazyschnitten*. We then visited Eisenstadt, where Haydn worked most of his life, apart from his journeys to England, and we saw the Esterhazy palace where he performed his works and the house he lived, and, of course, the church where he is now buried. The Burgenland, formerly part of Hungary, is flat with lots of cornfields and a large lake, the Neusiedler See. Here people grow grapes and live in little Hungarian style cottages painted white with lots of flower boxes. The women still wear traditional clothes in black and head-scarves. We also went to the border with Hungary and Czechoslovakia, but no life was to be seen on the other side.

We had quite a long and rather mountainous drive to Carinthia. The Winkler family looked after us very well. One day we spent with them in a hunting hut on top of a mountain, the next day we had a walk round the Weissensee and came back in a boat. Later on they took us to the pub of an Olympic skier, Franz Klammer. However, we did not see him personally.

Then we went to Salzburg, ate more *Sachertorte* and went to see Mozart's house. Salzburg is full of American tourists and the composer's house was decorated

with advertising material for the Salzburg Festival. It was a shame, poor Mozart! There wasn't the atmosphere of Haydn's and Schubert's places, the former in a village with only a few people looking at it; a quiet place and a serene, dignified atmosphere, where one was tempted to whisper. Schubert's house, on the outskirts of Vienna, was empty apart from the caretaker and us. There was no furniture in the actual flat where, once, he lived. We were impressed with the poverty: two rooms and a kitchen they must have lived in, although Schubert is supposed to have had a happy childhood.

From Salzburg we went to the Obersalzberg, which is in Germany near Berchtesgaden. One probably knows that the Nazi prominence had their villas here. Nearly all the houses were bombed, of course, and most ruins cleared. After looking around for a bit we found the remnants of the Berghof hidden behind shrubs and earth. A little path wound its way to it. The Berghof was the place where Chamberlain went to speak to Hitler and where Schuschnigg, the Austrian Chancellor, was subjected to one of Hitler's hysterical outbreaks. We also went into the tunnel that leads from the Berghof to a restaurant which is now restored and where we had a wonderful rest with plum cake and coffee.

Visits to Spa and Paris

The weather is now very changeable. We have had a very few good, sunny days and a lot of rain. When the weather is good we normally try to go and see those places in Belgium we have not seen, at the moment Spa, Liege and parts of Brussels. Spa was quite disappointing, as it was said to be the "spa" after which all English thermal baths were called spas. One can see that it had formerly been an impressive town, but now it looks seedy and buildings are left to deteriorate - as so often in Belgium. Paris, however, was wonderful: the churches, palaces, museums and everything else. It took me a week after our visit to think about anything else. In Paris one is confronted with France's past everywhere, the kings, the revolution, Napoleon. It is impossible not to be extremely moved.

1978-1987

Philip Norris

The grant of corps status



The badge of the Army Legal Services.

For the first three decades of its existence the full title of ALS had been the Army Legal Services Staff List (ALSSL). It had not been a corps as such, nor even, like the Army chaplains, a department. Rather, it had been a legally-qualified offshoot of the General List of Officers, officers who were not assigned to any particular regiment or corps; and in the early days ALS officers had indeed worn the badge of the General List, that is, the Royal coat-of-arms. But ALS had always had its own autonomous hierarchy of officers, and by the mid-1950s it had also acquired its own officially approved badge and buttons and its own stable belt and side hat. To all intents and purposes it had become over the years a corps in all but name, and now, at the start of the fourth decade of its existence, with effect from 1 November 1978, it was formally accorded corps status and was to be known henceforth as the Army Legal Corps (ALC). This was to remain its name and status until, in the following decade, on 6 April 1992, it was subsumed in the very large Adjutant-General's Corps (AGC) which was then being formed, as part of the radical reorganisation then taking place of the Army's corps assets.

For almost fourteen years of its existence, therefore, ALS was a corps of the Army in its own right. Whether it was the smallest corps was always a matter for debate. It vied, for example, with the Small Arms School Corps. The latter's overall numbers were somewhat larger, but it had fewer officers, all ALC's members being commissioned officers. But whether it was the smallest corps or not, it must surely rank as one of the shortest lived.



The badge of the Army Legal Corps.

The old ALS badge had to be changed slightly for ALC use. The motto "*Justitia in Armis*", whilst retained, was moved from the foot of the badge to the collar surrounding the globe. The legend "Army Legal Services", which had appeared on the collar, was changed to "Army Legal Corps" and was shifted to the foot of the badge where the motto had been. This was done for purely visual reasons, because the word "Corps" was too short to balance the words "Army Legal" on the collar, as "Services" had managed to do. It was also the case that this new badge - both cap and collar versions - was manufactured under Army internal contracting arrangements, and the finished product was thought by many to be inferior in quality to the previous ALS badge, which had been manufactured privately through Moss Brothers. The black background, for instance, which had been a separate enamel disc on the old ALS badge, affixed from the rear, was now simply painted onto the badge at the front.

The Army Legal Corps remained an all-officer section of the Army. Whatever thoughts there might have been of having ALC other ranks, probably transferring from other corps for permanent legal office employment, it never happened. ALC continued to rely for its clerical support on the Royal Army Ordnance Corps

(RAOC), the Women's Royal Army Corps, and on civilian Army employees. Indeed, some of the RAOC personnel served out their time in legal office posts: staff such as WO1 Stanistreet, WO1 Mead, WO1 Cerqua, and, in Germany, WO1 Kelly, who still served on as a civilian at the ALS branch at HQ BAOR after his military retirement.

The eagle-eyed also noticed that corps status elevated the Army's lawyers in the official Army List by quite a few pages. ALSSL had languished at just about the very end of the list of the regular Army, but now, as a corps, and as a predominantly male corps, the lawyers were promoted in the order of precedence to a position above both of the established women's corps, namely, Queen Alexandra's Royal Army Nursing Corps and the Women's Royal Army Corps, which, as "female" corps, always ranked in precedence below the predominantly male corps of the Army. Such was still the attitude then! Above us, one recalls, was the Army Catering Corps, so we had the cooks on top and the nurses underneath.

A corps of the Army also needed, by tradition, a colonel commandant. The question immediately arose, therefore, of who should be the first Colonel Commandant ALC. It seemed entirely appropriate that this honour should be accorded to Brigadier RC ("Herbert") Halse CBE, who had served in ALS from its inception, who had been Director of Army Legal Services 1955-1962, and who, in retirement, had maintained an unflinching interest in ALS and its fortunes. So it was that Brigadier Halse was appointed the first colonel commandant, and he held that office for the full period of tenure, until 1982. He was, as ever, untiring in his support and encouragement, and visited widely.

By the time his tenure came to an end, the climate in the Army seemed to be changing, and there were ever-increasing government pressures to cut military costs and manpower, especially in the rear administrative areas. It was felt that ALC needed as his successor a high-ranking serving officer from the Army at large, someone who could look after its interests in the corridors of power at a time when it could be vulnerable to cost-cutting pressures. His appointed successor was therefore an officer of that order. He was Lieutenant-General Sir Paul Travers, late Royal Corps of Transport, the Quartermaster General. Very sadly, however, and before he could really make his mark as our colonel commandant, General Travers died, and appointed in his place in late 1983 was Major-General David Mostyn CBE, late Royal Green Jackets, who subsequently, as General Sir David, became Adjutant General. General Mostyn was an inspired choice. He turned out to be a true champion of ALC. During his tenure, which lasted until the end of ALS's fourth decade, he was tireless in promoting the interests of the corps. He will be remembered by many ALC officers with great respect and affection.

The remaining formal matter which had to be addressed on the conferring of corps status was the choice of a corps march. Staff lists did not have marches. But no self-respecting corps could be without its own distinctive signature tune. It was not that anyone ever expected that in future rank upon rank of Army lawyers

would be marching down the Mall, or anywhere else for that matter, but a march was at least needed for playing at dinner nights. The natural place to go to get one was the Royal Military School of Music at Kneller Hall. The commandant there gave the task of producing something suitable to a very senior Army director of music, Lieutenant-Colonel Rodney Bashford OBE. It was he who devised and arranged the excellent work which became the ALC March. But it was not he who gave it its title "Scales of Justice". How that came about, and how Colonel Bashford set about finding a suitable march, were recounted by him a couple of years later in the Bulletin of the Military Historical Society, and the following extract was published in ALC Monthly Notes at the time:

"When, in 1978, the Army Legal Services became the Army Legal Corps these gentlemen of the Law decided that, even though they might never march to it, a corps march should be commissioned. The Commandant of the Royal Military School of Music, Kneller Hall, was asked to provide suggestions, and on his behalf I set about researching the only true source of material for regimental marches - the British folk-song collection.

In the past many short-sighted choices have been made, ranging from already famous marches to operatic airs and extracts from symphonic works. Most musicians agree that only a folk tune stands up to the test of time and the constant repetition required of such a march. Even great composers such as Mozart, Wagner and Verdi (all of whom are in current use) begin to sound chocolate-soldiery and contrived after a while. Over the years many music-hall ditties and other ephemera have been adopted, and later discarded. Kneller Hall's policy has always been that one or two folk-songs with, if possible, suitable titles make the best regimental marches, so with this in mind I scoured William Chappell's Popular Music of Olden Times for likely tunes. The following somewhat flippant list was unearthed and considered from both musical and verbal standpoints:

The case is altered now
 Confess: or The Court Lady
 Forth from my sad and lonesome cell
 Here's a Health to all honest men
 Caveat for a young man
 I am a rogue, a stout one
 Law lies bleeding
 The Lawyer's lamentation
 Lay by your pleading
 My name is Honest Harry
 Stop, poor sinner, stop and think
 Pray lend an ear
 Warning to false traitors
 The soldier has no fellow
 Honi soit qui mal y pense

Some were rhythmically unsuitable or were simply rotten tunes. Others continued with lines which were either profane, libellous, lewd or downright traitorous. Not

that words are ever given priority. The tune is everything, and although the fine sentiments expressed or implied in the titles of 'Here's a health to all honest men' and 'Honi soit qui mal y pense' were tempting, I finally settled for a combination of 'The soldier has no fellow' (something to consider when prosecuting a much be-medalled trooper) and 'Stop, poor sinner, stop and think before you further go.' As a marvellous bonus the first tune turned out to be none other than the finest that has never (I think) been used as a regimental march, and is sometimes known as 'The buff coat hath no fellow.'

A rough pianoforte score was cobbled together and sent to the Director of Army Legal Services for tentative approval, after which many hours of juggling with crotchets and quavers to find the right shape, key, harmony and instrumentation which would survive the wear and tear of years of performance. Then an audition at Kneller Hall attended by the Director, the Colonel Commandant, and other senior ranks of the new Corps, a tape-recording made, and with the score and parts studied for official approval by the Commandant and Director of Music, Kneller Hall, and the Director of Personal Services, Ministry of Defence. Finally the score and parts to Messrs Boosey & Hawkes for publication and distribution to all bands of the Royal Marines, the Army, and the Royal Air Force. All this is normal procedure for regimental marches.

During these preliminaries a copy of the original cassette-tape, as recounted in the Peterborough column for the Daily Telegraph, was stolen during the burglary of the Army Legal Aid HQ in Northern Ireland. One hopes this particular poor sinner had cause to stop and think when, on examining his haul, he saw the title of one of the tunes, and especially the name of the owners. It is not true that the burglar was easily apprehended for being the only Irishman in the area whistling the Corps' new march.

As a pleasant postscript to the foregoing I was invited to be a guest at the first dinner of the new Corps in November 1979. There I sat in my dowdy dinner jacket amid distinguished officers and ex-officers in their colourful mess-kit or, in the case of two ladies of the Corps, their dinner gowns; both my immediate neighbours sported a brace of MCs apiece and there were more DSOs and other decorations around than you've seen in a month of Sundays elsewhere. It is obviously not only the accused soldier who has no fellow, his counsel having done a bit of soldiering in his time.

After the loyal toast the new march was played from a cassette for all to hear, and the Attorney General, sitting next to the Director, was casually asked to suggest an overall title which would incorporate all the elements involved in the making of the march - musical order and balance, rhythm, the law in all its majesty, and the unprejudiced arraignment of those poor sinners. In a flash (and not a vestige of court-room dilatoriness) he came up with "Scales of Justice" and thus a new march was born, baptised, enlisted, prosecuted, tried by court very-martial, defended, summed-up, and given (thank God) a hundred-year suspended sentence. Well, a stay of execution anyway."

The ALC officer who handled the cassette recorder on that first proper airing of our new march was Major Gordon Risius. He was given the task because he liked music and was good with gadgets. What happened was that the toast "The Army Legal Corps" was proposed; we all then stood up and waited in silence for the striking up of the march with drum and trumpet. Major Risius then fumbled with something under the tablecloth in front of his person; and then, after a few crackles, some rather feeble strains were heard emanating from around his thigh region. The reader will doubtless have deduced that the reason for this premiere-by-tape was that the DALS fund did not run to hiring a band for the occasion. All this took place in the Naval and Military Club ("The In and Out") in Piccadilly, and the date was 29 November 1979. The Attorney-General mentioned in the extract above was Sir Michael Havers QC MP (later, albeit briefly, Lord Chancellor), and also among the guests was Sir Harry Woolf, who had then recently been appointed to the High Court Bench and who later, as Lord Woolf, was successively Master of the Rolls and Lord Chief Justice. Sir Harry had served with Army Legal Services as a young national service officer, seconded from 15th/19th The King's Own Hussars.

The change from ALS to ALC did not change any names or titles within the corps. The director was still called the Director of Army Legal Services and branches were still called ALS branches. The director when we became a corps, by five days, was Major-General David Appleby MC TD, who handed over the directorship on 6 November 1978 to Major-General Tony McIlvenna. Both these officers had served in the Second World War as infantry officers, David Appleby in the Royal Fusiliers and Tony McIlvenna in the Durham Light Infantry. This fourth decade of ALS saw a further three successive directors: Major-General Sir David Hughes-Morgan Bt CBE, who took over from Major-General McIlvenna in 1980; Major-General Jack Bowman, who assumed in 1983; and Major-General Michael Fugard, who assumed in December 1986. Each of these directors was promoted major-general on assuming the appointment, and each in turn was honoured in respect of his tenure as director with the award by HM The Queen of Companionship of the Order of the Bath (CB). Major-General Sir David Hughes-Morgan was the last director, incidentally, to have Second World War medals, won, however, not as a soldier but as a young officer of the Royal Navy fresh out of Dartmouth.

Attitudes and perceptions

It might be said that the conferring of formal corps status on ALS was the ultimate recognition by the Army that it could not operate without uniformed lawyers. And in some ways it was. Not all, however, subscribed to that view. There were those who asked why, at least in peacetime, the Army needed any uniformed lawyers at all, and why, even if it did, their small number and limited role justified a rank structure which, at the top of the pyramid, had four full colonels, two brigadiers and, at the head, a two-star general. Were wars in future, it was asked, to be fought by lawyers, and by lawyers who, for the most part, did not know one end of a gun from the other? And was the Army in peacetime to be governed by so much paper that only lawyers could sort out what soldiers could and could not do?

Questions such as these were being asked by those who had long regarded the Army as a closed institution and as a law unto itself. For them, shifts in attitudes and perceptions within society at large did not, could not, and would not be allowed to, affect the Army, whose values had been built on the bedrock of long tradition and whose very existence gave stability to the state. For people who thought on these lines, lawyers tended to be seen as not a very positive or useful part of the military machine and as being, at best, a necessary evil, there to assist commanders only in the maintenance of discipline and in dealing with marital and other problems among the troops. For them, any suggestion that lawyers might also be useful in other ways, for instance, in ensuring in time of conflict the Army's compliance with international humanitarian obligations, was shrugged off as a laughable attempt by the lawyers at building empires for themselves.

Attitudes such as these were not unique by any means. They tended to pervade the whole military structure in those days. This was the club, and the club had its own rules, handed down from generation to generation. This explains, in part at least, why the Army - to its own cost ultimately - was so slow to recognise for itself, and adapt to, the changes then occurring in society as a whole, with regard, for example, to the equality of women, and ethnic minorities, and views about homosexuality. As far as women were concerned - and this applied to all except doctors, dentists, and lawyers - they were enlisted or commissioned exclusively into their own corps, the Women's Royal Army Corps, or, for nurses, Queen Alexandra's Royal Army Nursing Corps. Pregnancy for any servicewoman, officer or soldier, meant resignation. Any display of homosexuality, even in private and between two consenting adults, was an offence under the Army Act, and court-martial, at least for males, was the order of the day. Expulsion (dismissal) was the punishment.

It was in this environment that the Army Legal Corps took its place in 1978; and it seemed that for the next decade it was continually struggling to maintain and enhance its position and to organise and present itself in such a way that it would be, and would be seen to be, an inherently useful and efficient part of the Army. It had to respond time and again to investigations and enquiries about its existence and structure, and it always seemed that its small size made it vulnerable whenever the chopping knives were out. And they were out quite a lot in the 1980s. Britain was still maintaining a huge number of forces in Germany as part of its NATO commitment in the cold war, and huge numbers were also deployed in Northern Ireland; and the overall cost was enormous. Millions of pounds might be lost on a single abandoned research and development project, but if a few thousand could also be saved here or there on a few officer posts or a few pads of notepaper, then all to the good. We had to deal in particular with an enquiry conducted by an outside solicitor, one Derrick Bretherton of Linklaters and Paines, who had been brought in by the Minister of State at the time, Mr John Stanley, to advise on how legal services might best be delivered within the forces. A huge amount of ALC time and effort had to be expended as a result, and all to little purpose as far as the structure and functions of ALC were concerned. It was staffed to death.

Reorganisation and deployment in Germany

Reorganisation of ALS assets was already taking place both in UK and Germany. In Germany, in the late 1970s and early 1980s, the large discipline branch at HQ BAOR, which had served the whole of BAOR and Berlin, was split up. That branch, headed by a brigadier (DALs HQ BAOR), had had for many years two teams of ALS officers, each headed by a lieutenant-colonel, with clerical support provided by RAOC, WRAC and civilian staff. Court-martial and disciplinary advice had been provided from there to every formation and unit in BAOR and Berlin. ALS officers travelled week by week, day by day, to different court-martial centres to prosecute. They stayed overnight where necessary in hotels and guesthouses because it was thought inappropriate for the sake of independence that they should lodge in the officers' mess of the regiment to which the accused belonged. Army legal aid work in Germany had also been wholly centralised for many years in one unit, at Bielefeld, the location of HQ 1 (BR) Corps, where a full colonel headed a team of ALS officers, supported by several German civilian legal assistants, a German solicitor (*Rechtsanwalt*) who attended part-time, a military (WO2) chief clerk and a number of civilian clerk/typists. This unit was called Army Legal Aid BAOR (formerly Command Legal Aid Section BAOR). ALS officers would travel out from Bielefeld from time to time to other parts of Germany to hold "legal aid bureaux" for soldiers (and their families if there was no conflict of interests), although for the most part, soldiers travelled to Bielefeld for advice and assistance - and were supposed to be accompanied by a unit officer. ALA BAOR was also affected by the German reorganisation.

The first element in this reorganisation occurred in May 1978, when an ALS officer was permanently detached from the branch at HQ BAOR to Berlin. A succession of ALS officers held this Berlin post from its inception in 1978 to the time when, following the collapse of the Berlin wall and the reunification of Germany, the British military presence in Berlin came to an end. The first such officer, in 1978, was Major Philip Norris, and at the end of his first year in Berlin he presented a report to DALs HQ BAOR, ending with a summary as follows:

- It took several months to get the office into a proper routine, but by the end of the year it was working smoothly, and was settled into the staff structure.
- The possibility of a RAOC clerk for the office should be examined in the future, and also the question of furnishing the office with legal reference material on the strength of the Berlin Budget.
- There was a very high disciplinary workload initially, which has now settled down.
- Because of the volume of disciplinary casework, it was not possible to devote much time to legal aid, but provided the discipline work remains at its current, settled level, there is definitely scope for developing the legal aid role.
- It would be very advantageous to retain a German lawyer to assist in those

legal aid cases where German law applies. Without this, development of the legal aid role would be hampered.

- The workload in Berlin justifies the attachment of an ALC officer here provided the rest of BAOR does not suffer as a result.

US JAG Corps Officers visiting Berlin in April 1979; Capt Larry Horton, Capt Vicky Lofrese ALC, Capt Kay Teeters, Lt Col Jim McIntyre AALC, Lt Col Dan Kile, Maj Philip Norris ALC and Capt John Jones.



The reasons for permanently deploying an officer like this rather than keeping him as a member of a larger team at HQ BAOR were of several kinds. First, provided there was sufficient genuine work to keep him fully occupied in the location to which he was deployed, there was a clear saving in the time and cost of travelling out several times a year from a central base. It was also better for commanders and their staffs to have an ALS officer available locally day by day rather than many miles away, and, allied to this, it gave the ALS officer a higher profile and made it much easier for him to be accepted as part of the military community to which he belonged. It was perceived, moreover, that the quality of life for the average officer and his family would be higher in a smaller community. There was also the underlying fear that large ALS branch offices were more vulnerable to establishment cuts at a time when serious cost-cutting in the military, both at home and overseas, was becoming a political imperative, and that dispersal into smaller packets in different locations might be a protective measure, particularly from those who had not been persuaded by then that the Army really did need uniformed lawyers.

The success of this single deployment to Berlin heralded the approval of plans for further deployments within BAOR, all based on the same philosophy. The plan was that there should be ALS branches at each divisional headquarters in Germany. At that time, there were four divisions: the 1st Armoured Division, with headquarters at Verden; the 2nd Division, with headquarters at Luebbecke; the 3rd Armoured Division, with headquarters in Korbecke; and the 4th Armoured Division, with headquarters at Herford. But, of these, the 2nd Division was due to withdraw from Germany to England and its headquarters were due to combine with headquarters North East District in York. This then left three divisional headquarters to be catered for in Germany. The plan was that each of these three

divisional headquarters would have an ALS branch consisting of a lieutenant - colonel and two or three further ALS officers, with an appropriate supporting clerical staff. This ALS branch would be responsible for all the court-martial and disciplinary work within its divisional area, and also such of the legal aid work for that area which did not have any German element in it. Work with a German element would still need to be done at ALA BAOR, Bielefeld, which had German support facilities.

Plans were formally approved to open such branches in the first instance at HQ 1 Armoured Division and HQ 4 Armoured Division, with a start date in each case of 13 July 1981. There were "compensating reductions" - that all too familiar cry of the establishment planners - in the ALS branch at HQ BAOR and at ALA BAOR, although overall, on paper at least, we were well treated in this exercise. The first officer in charge of the branch at Verden was to be Lieutenant-Colonel John Murray, and of the branch at Herford, on promotion, Major Gordon Risius. Apart from some inevitable teething troubles, all went smoothly, and these deployments were followed, with effect from 26 April 1982, by a similar deployment to HQ 3 Armoured Division at Korbecke, the first officer in charge of that branch being Lieutenant-Colonel Tony Rogers.

DALS HQ BAOR remained in post, still in the rank of brigadier, and one of the previous two lieutenant-colonels' posts also remained there, with a depleted ALS team and support staff, in order to provide legal services to the "non-divisional" formations in Germany, principally the rear formation known as Rhine Area, which consisted of large concentrations of depots and the like and in which HQ BAOR itself was situated. The brigadier's post was retained on the basis that he remained responsible for the technical control of all the ALS branches in Germany. The colonel's post at ALA BAOR was also retained, on the basis that he had technical responsibility for all legal aid functions in Germany.

At the end of this German redeployment, that is, by April 1982, there were ALS branches in Berlin, and at each divisional headquarters - at Verden, Korbecke and Herford - and also at HQ BAOR; and ALA BAOR continued in a slightly depleted form at Bielefeld.

Ironically, the reduction in numbers at ALA BAOR did not remain for long, because with the coming into force in 1986 of the Police and Criminal Evidence Act 1984 there was a need to provide for every serviceman in Germany arrested and being questioned by the service police for a serious service offence the opportunity of having a lawyer present at interview to advise and assist him. The only practical way in which this could be achieved in Germany was by augmenting the number of ALA officers, so that a round-the-clock roster could be set up. The ALA establishment was therefore expanded to allow for this, and the extra officers were placed on the strength of ALA BAOR at Bielefeld. It became a necessary but very time-consuming duty.

Reorganisations in UK

Reorganisation was also occurring in the United Kingdom. Apart from DAL5 himself and the two branches MOD (ALS1) and MOD (ALS2) co-located with him, the ALS assets in the United Kingdom were reorganised in October 1982 into a single establishment called Army Legal Group UK, with a brigadier at its head located at Headquarters United Kingdom Land Forces in Wilton, and with four discipline offices or "detachments", one co-located with the brigadier in Wilton, another at Headquarters South-East District at Aldershot, at Headquarters Northern Ireland at Lisburn, and another at York at Headquarters North-East District. The officer-in-charge of the Aldershot Detachment was in the rank of colonel, because he had additional responsibilities for Army Legal Aid world-wide, while the officers in charge of the detachments at Wilton, Lisburn and York were in the rank of lieutenant-colonel. Also part of Army Legal Group UK, and co-located at the headquarters at Wilton, was the newly created Army Law Training and Publications Branch, with a colonel in charge. This branch assumed the officer training and instruction responsibilities of the old (and now defunct) ALS3 and also the publication and editing responsibilities previously held by ALS2. Numerically, it was a small branch, and yet the range and weight of responsibilities it carried was vast - many would say too much, given all the legal and military developments which were taking place in this fourth ALS decade.

The ALS elements at Wilton did not remain there for long. In 1985, along with a number of other HQ UKLF services, they moved into an old vacant building at Old Sarum, five miles away. It was simply pressure of space at Wilton. The building at Old Sarum - which was originally the RAF officers' mess for the airfield there - remained the home of these ALS elements for the following 10 years. What had been known as the Wilton Detachment of ALG UK became the Sarum Detachment. The peace and tranquillity of that Old Sarum location, and the wonderful views over the Wiltshire countryside, will be remembered by many.

DALS' Conference at the RAD5/ALC Mess in Aldershot in 1985; (from left to right) Lt Col Philip Norris, Maj John Venn, Capt Colin Greasley, Col David Selwood, Maj Paul Watson, Capt John White, Lt Col John Murray, Brig Mike Eugard, Capt Russell Lloyd, Lt Col Terry Davis, Maj Gen Jack Bowman, Capt Gary Adams, Maj Richard Tanevski AALC, Col John Taylor, Capt David Lampitt, Maj Charles Swabey, Lt Col David Hawley, Maj Jeremy Moon and Lt Col Tom Glynn.



A farewell to Lansdowne House

DALS himself was also on the move. Since early days, DALS had been located in London in the building at the lower end of Berkeley Square in Mayfair called Lansdowne House. Many military branches were housed there, including the Directorate of Army Legal Services. Older officers will affectionately remember its shiny linoleum floors and antiquated lifts. For us it was Home Base. But all this changed in 1983. Lansdowne House was then reverting to its owners and was to be pulled down to make way for a luxurious modern office block of granite and marble - a far cry from the red-brick building with metal-framed windows which we had occupied, and no longer a viable proposition as an MOD building. There were in 1978, according to the MOD telephone directory then current, a total of over twenty MOD buildings dotted all over London, including not only MOD Lansdowne House but also that veritable treasure, MOD Drury Lane.

New accommodation was therefore needed for DALS and the two central ALS branches in another London MOD building. If anyone thought that this was the cue for DALS to move into one of the main MOD buildings in Whitehall, however, they were mistaken. The appointed building was a decidedly unattractive tower block in Fulham known as Empress State Building, described in ALC Monthly Notes at the time by a less than impressed officer as "an edifice with all the charm of an abattoir in August." It had reputedly been built speculatively a couple of decades earlier as an hotel, but, because there had been no buyers, it had been let to MOD for offices. Naval branches mainly had been housed there, but, with naval reorganisations, accommodation had become vacant in it, and so it was that in November 1983 the Directorate moved in and said farewell to Lansdowne House. The pleasant amble each day between Green Park tube station and Berkeley Square was exchanged for a less exhilarating walk from West Brompton tube station, along Lillie Road, and through a bus station to the rather tawdry Empress State entrance. And no longer was our local pub the delightful Bunch of Grapes in Shepherd Market. And as for walks at lunch-time in Green Park, or Bond Street, or Piccadilly, those were now superseded by the prospect of a stroll in Brompton Cemetery. All the many attractions of working in Mayfair had disappeared.

Other developments

Also disappearing at about the same time were the traditional British Army staff designations based on "G", "A" and "Q" functions. They were being replaced, in the name of rationalisation, by the US-based NATO nomenclature, which used the basic functional designations G1 to G5. Thus, we had to get used to a SO1 G1/G4 instead of an AA & QMG, and a SO3 G1 (Discipline) instead of a Staff Captain "A", whilst in our own ALS terms an ADALS became a SO1 Legal, a DADALS a SO2 Legal, and a Captain Legal Staff a SO3 Legal. DALS HQ BAOR would henceforth be known as Brigadier Legal HQ BAOR. The other brigadier, heading Army Legal Group UK, gloried in the perhaps rather pompous title "Commander ALG UK" (or *Gruppenfuhrer* for short!).

Whilst the advantages of reorganising into small branches were many, one of the problems was that it made it much more difficult to "borrow" officers for other things. This was, in theory at least, more difficult in Germany than in UK, because in Germany the branches "belonged" to the headquarters which they served, whilst in UK they did not. Thus, it was not open to Brigadier Legal HQ BAOR to borrow an ALS officer from, say, HQ 4 Armoured Division without seeking first the permission of that headquarters. Whilst, moreover, this may have been technically feasible in England, courtesy at least required the same prior liaison. And all this was at a time when the Army, and in turn all its constituent elements, were becoming increasingly cost-conscious, so that to borrow an ALS officer from a division, or not to fill an ALS divisional post until the earmarked officer had finished doing something else, had distinct cost implications, and much time was spent in ironing out administrative difficulties of this sort.

One recalls continual problems in keeping all our established posts manned, particularly at SO2/SO3 level. One recalls also the extra burdens, which inevitably fell on others in small branches as a result. The problems were of various kinds. There was in particular a fairly high turnover of officers. Some stayed, but the majority, as in the past, served out their four years on a short service commission and then went. There was, therefore, an almost continuous recruitment drive, and it varied in its rate of success, particularly because of a desire to maintain and enhance the quality of those accepted. With this in mind, it was decided in 1984 that short-listed applicants should no longer merely attend before an ALS interview board as hitherto, but should instead undergo a selection process based on that used by the Regular Commissions Board (RCB) for applicants for the Royal Military Academy (RMA) Sandhurst - a rigorous process to test suitability as an officer in general and as an ALC officer in particular. This selection process was devised by Colonel David Selwood and Major Charles Swabey in Army Law Training and Publications Branch, in consultation with RCB. It was undoubtedly more time-consuming and involved a greater number of people, but it was intended to produce the right candidates for acceptance, and, just as importantly, to demonstrate to the Army at large that ALC had in place an appropriate kind of officer selection system, relying as much on objective criteria as on subjective assessment.

This new selection procedure was intended to produce candidates who would be particularly well fitted for the CMDVLP Course at RMA Sandhurst. New ALC officers had been sent on this induction course for several years already - the special course for "Chaplains, Medics, Dentists, Vets, Lawyers and Postal Officers", known colloquially as the "Vicars and Tarts" course; and this was followed by a short attachment to a "teeth-arm" unit (not doing any legal work) before being posted to an ALC job. A report by an attending ALC officer at CMDVLP Course No 21 appeared in ALC Monthly Notes in 1983 as follows:



Pre-Sandhurst training with RSM Barrett at the RMP Training Centre RSM at Chichester in 1990 - Lts Dick Pierce, Alan Moore, Juliet Foster and Sarah Guest.

CMDVLP Course

"October saw the Captains James, Scott and Vowles repatriated at Sandhurst for the CMDVLP (Vicars and Tarts) Course No 21 in the company of two vets, seven dentists, eight chaplains and thirty-four medics.

The four week course was based upon the operations and training undertaken by an infantry company. All operations were preceded by Company and Platoon lectures followed by a practical demonstration before students were let loose with blank rounds to have a go.

The basics of Signals, Skill-at-Arms, NBC Protection and Tactics were taught. Fears of PT proved unfounded. The assault course was great fun and enjoyed by all.

The undoubted highlight of the final 3-day Exercise on Salisbury Plain came just as morale was flagging due to long hours digging trenches. Three Chieftain tanks were produced and students clung to the turrets for an exhilarating ride over the hills and heather. Morale suitably lifted, it was time for a night-fighting patrol to attack yet again our long-suffering Gurkhas who never failed to die with enthusiasm.

The morning periods of drill were immediate and uncompromising and difficult at first (like the Colour Sergeants) though everyone got the measure of it in time for the final parade. Throughout the four weeks the weather could not have been kinder (unlike the Colour Sergeants) and the day of the final parade was no exception. The hours of drill now seemed worthwhile. Only the audience can say whether it was worth watching.

Achievements by Capt Vowles were best personal BFT time and best shoes in 9 Platoon.

Overall hard work but good fun."

By 1986, a glossy recruiting brochure for ALC officers was being produced with the assistance of the Directorate of Army Recruiting, and in the following year a system of Army legal scholarships and bursaries was approved. This system, introduced in 1987, was designed to provide outstanding candidates with financial assistance during outside legal training, in return for a number of years' service in ALC following legal qualification. Because of financial constraints, the system did not last long, but while it did last it produced some first-rate officers, both male and female.

As far as female officers are concerned, the proportion of female candidates accepted for commissions in ALC was quite high throughout this fourth decade. Female officers wore their own version of ALC dress, which was quite different in colour and style from that worn by the WRAC and more akin to female Royal Army Medical Corps and Royal Army Dental Corps officers' dress. The first female officer in ALS, Captain Suzanna Woollam, had been commissioned in the mid-1970s and left at the end of her short service commission in 1979, later to

become a judge advocate; and a steady stream of female officers followed her. Incidentally, those rules, already mentioned, about a female officer having to resign if she became pregnant applied as much to legal officers as to other servicewomen.

It was also agreed in the early 1980s that ALC officers would be eligible to attend the Junior Division of the Staff College (JDSC), and the first ALC officer to attend, in 1979, was Major Gordon Risius.²⁹

The corps also selected in some years, but not all, an officer at major level to attend the two-month long basic course at the US Army JAG Corps School at Charlottesville, Virginia. This course was valuable to the ALC officer not only as a comparative exercise, comparing the way the US Army did things with the way we did them (or did not!), but also, just as importantly, as a means of making and maintaining friendships with kindred spirits.

Contacts were also maintained - and visits arranged wherever possible - with military legal colleagues in Canada, Australia and New Zealand. In the case of Australia, the corps took part year by year in what was called Exercise Long Look, whereby an exchange took place for several months in the year between an ALC officer and an AALC officer. This was at SO2/SO3 level. The ALC officer went to Australia and was attached for service with the Australian Army, while the AALC officer came to Europe, normally to Germany, and was attached for service with the British Army. It was an exchange which worked well for both sides. It was designated an accompanied posting, so families could take advantage of the exchange too. Among the ALC officers who went to Australia on this exchange were Major John Mitchell, Captain Gary Adams and Captain Tony Paphiti, and among those AALC officers who came from Australia were Major Les Young, Major Jim Pattison and Major Richard Tanevski. Visits overseas by DALS to Commonwealth and US opposite numbers were also arranged wherever time and budgets would allow, although, as the eighties progressed, funding became increasingly tight for such things.

Important international contacts were also maintained through international military and humanitarian law gatherings, particularly at San Remo; and principal among our delegates at such gatherings was Lieutenant-Colonel Tony Rogers, who was and is acknowledged as a leading expert in the field of humanitarian law and the laws of armed conflict. It was for his outstanding contributions in this field, both domestically and internationally, that in 1985 he was appointed OBE.

Falklands War

In 1982, there was the Falklands War. It may well prove to have been the last colonial war to be fought by the British. ALC did not go down there in the first wave. But an ALC officer, Major Richard Spencer, was deployed and he arrived shortly after Stanley had been retaken. He set up shop there, and by all accounts

²⁹ General Risius comments: Incidentally, I was only allowed to stay for the first five weeks, and have regretted ever since that I am only half staff-trained!

did some useful work with regard to prisoner-of-war handling and repatriation. He in turn was relieved later in the year by Major John Mitchell, who remained there, however, for only a matter of weeks because by then it was felt that the workload did not justify an ALC officer on the ground. But he was not the last officer to go to the Falklands on duty. Major Jeremy Moon had occasion to visit in 1985, as did Lieutenant-Colonel Terry Davis in the same year. The Falklands War certainly underlined the fact that there was a place for military lawyers in war, although perhaps not in the thick of things.

The Falklands War gave rise to a quite separate body of work back home. This concerned the distribution of what was called the South Atlantic Fund. This was a huge total of money donated by members of the public to help servicemen injured in the Falklands and the families of those killed. Individual needs had to be assessed, and this task was given to the ALS Aldershot branch, primarily because of its legal aid responsibilities. A South Atlantic Fund cell was set up to gather and evaluate claims and to advise the trustees of the fund. It was important and stressful work, and it was done methodically and efficiently over a period of upwards of two years following the Falklands War.

Another enormous task in the early 1980s, which fell this time to Army Law Training and Publications Branch (ALT&PB) and colleagues in the other two services, was the production of a brand-new Tri-Service Manual on the Law of Armed Conflict. The need for this new work arose from the 1977 Protocols to the Geneva Conventions. It might have been possible in Army terms simply to update the Manual of Military Law Part III, dealing with the law of war, published in 1958 and prepared by Colonel (later Professor) Gerald Draper. But it was decided that the opportunity should be taken to produce a brand new, tri-service work. With much industry and inter-service co-operation, this new work had reached final draft form, complete with index, by 1986, and required only the approval of the Foreign and Commonwealth Office before publication. But there it stuck. The Government remained undecided about the 1977 Protocols and the FCO remained undecided about the approval of this manual. And that remained the position until the end of the fourth ALS decade and beyond. It was a wholly frustrating position.

The Manual of Military Law Part I, moreover - dealing with criminal and disciplinary law and procedure - was approaching the need for a new edition.³⁰ The last edition had been produced in 1972, under the editorship of Major David Selwood, assisted by Captain David Hawley; and now, in the mid-eighties, with Colonel David Selwood at the helm of ALT&PB, it was reaching the stage at which it had been the subject of so many amendments that a further new edition was indicated. The amendment incorporating the PACE Act 1984 was a particularly large one. Time and money, however, were both in short supply, and so decisions about a new edition were postponed year by year.

It was mentioned earlier that ALT&PB with its small establishment had particularly heavy responsibilities, including not only the publication burden but also the responsibilities for training and instruction. This latter responsibility related both internally, to ALC officers, and externally, to Army officers at large.

³⁰ Philip Norris famously described the work at one DALs conference as 'more darnin' than sock!' - ed.

There was a duty to train in the relevant areas of domestic military law and also, pace the 1977 Protocols, in the international laws of armed conflict, and this was a vast commitment in itself. ALT&PB could not possibly undertake the whole of this training commitment themselves, and had to rely on ALC officers drawn from every command for assistance. But the central organisation and preparation of material fell to ALT&PB itself, and this involved endless hours of meticulous work. There were separate presentations, separate areas of subject-matter, separate kinds of instructional technique, for different kinds and level of audience, whether for cadets at RMA Sandhurst, junior officers on the JDSC course, more senior officers at the Staff College, or newly joined ALC officers. Every presentation had to be immaculate. The commitment, moreover, seemed to be an ever-increasing one, particularly in relation to the laws of armed conflict, and it remained to be seen whether there were sufficient ALC assets to underwrite it, bearing in mind that, for most ALC officers who were required to assist, this commitment came on top of the primary commitments of their current jobs.

Over-stretch was indeed a word which was commonly heard. It was over-stretch caused by posts not being filled, or by having to take on too much at once, or by officers being away for periods on courses. The younger officers, moreover, tended to be posted rather more frequently than was ideal. Yet, whatever the obstacles and setbacks, the show carried on, and, looking back, ALC probably emerged stronger at the end of this fourth decade than at the start.

The reorganisations in Germany and UK have been mentioned. The corps also continued to send an officer, at lieutenant-colonel level, to the international legal office at SHAPE. The branches in Hong Kong and Cyprus were also maintained. Locations such as Belize and Gibraltar were visited as occasion required from UK, and an officer was found for a number of years in succession to accompany the Royal Marines on winter exercise in Norway. In Northern Ireland, the detachment continued not only to perform the "normal" ALS functions but also to operate the flying lawyer service and to run the criminal injuries compensation cell. Two ALC officers were honoured for their services in Northern Ireland during this period: Lieutenant-Colonel Neil Barclay was mentioned in dispatches in 1980, and Major Jeremy Moon was appointed MBE in 1985. Another MBE went in 1980 to Captain David M Howell for services at ALA BAOR, whilst Lieutenant-Colonel Johnny Johnston, our long service quartermaster officer in MOD (ALS1), was appointed OBE following his retirement in 1983.³¹

ALC sporting prowess during this period should not go unmentioned. The corps had in particular a number of good long distance runners, the most outstanding of whom was Major Gary Adams. In 1985 he ran the London Marathon in a magnificent 2 hours 28 minutes, 49 seconds, raising approximately £150 for the Spastic Society. His account of that race appears below.

It was also during this decade that the call for part-time judges to sit in the Crown Court was answered by ALC. The director of the day, Major-General Sir David Hughes-Morgan, cleared the arrangements with the Army Board and the Lord Chancellor's Department, and as a result he himself began sitting, to be followed

³¹ HQ Northern Ireland was a place where ALS officers could shine. I think I am right in saying that Lieutenant-Colonels Colin Overbury and Charles Wakerley were both rewarded with appointment as OBE for their services there.



Maj Gen Tony Rogers presenting Brig Philip Norris with his retirement gift in 1985.

in turn by Colonel Selwood and Brigadier Fugard, and (into the next decade) Colonel Norris and then Colonel Risius. It was hoped that the arrangements would be to the mutual benefit of both the Army and the Bench. When, on 16 May 1986, Sir David, following his military retirement, was sworn in as a full-time circuit judge, the Sun newspaper headlined it "Top Brass Beak."³²

Finally, it must be mentioned that Rumpole of the Bailey went out to "defend" at a court-martial in Germany in early 1987. It was a fictitious episode of the well-known television series. The producer received technical military legal assistance both in London and Verden.³³ The ALS1 help in London, given by Lieutenant-Colonel Norris during rehearsals and on shoots in the Teddington studios, and aimed mainly at getting the court-martial procedures correct, earned the DALs Fund the princely sum of £250!

Editor's postscript

Modesty did not permit Philip Norris to mention his own award during this decade. "Meticulous" is a word he used in his contribution and it is a word that sums up his approach to work. It is very fitting that the Civilian Supplement to Part 1 of the Manual of Military Law stands as a monument to him but also that he was appointed OBE on 31 December 1981.

³² Of course, both David Selwood and Philip Norris followed him on to the circuit bench - ed.

³³ For the exploits of Rumpole in Verden, see the separate article below - ed.

ALS as a fourth career - continued

Tim Wright

Interlude at Wilton

We arrived at Wilton on Saturday afternoon to be greeted by David Selwood who had taken over our quarter in Groveley View. Barbara and David kindly entertained us to lunch on the Sunday and on the Monday morning I reported to Brigadier Geoffrey Weston at the ALS offices which, I was pleased to find, also looked on to the car park. Mike Fugard was the full colonel in ALS3 working on the tri-service manual on the laws of war and organising staff promotion law lectures. Tony Rogers was ADALS International Law. David Selwood and I were the two team-leaders. My team was Major John Mitchell and Captain Rod Gillanders. Majors Terry Davis and Bill Potts were, I think, the other team. Between us we advised and prosecuted all disciplinary cases in Great Britain, Belize and Gibraltar. Even so there were two weeks in or about July 1979 when we were sitting around reading one legal periodical after another and fighting for any new case that happened to come in.

In June, I was called back to Northern Ireland for the trial of the two soldiers accused of murdering John Boyle at Dunloy. I had advised them as flying lawyer. Sitting opposite the open door of the Wessex, I had thought the pilot was trying to tip me out but he explained afterwards that he thought I would want a view of the village. At the trial at Crumlin Road, at which I was sitting quietly and, I hoped, anonymously, in the well of the court, an RUC detective gave evidence of an interview under caution in the presence of an ALS officer, thoughtfully pointing at me and saying in a loud voice, 'it was that man there, Major Wright!' They say that no publicity is bad publicity and I felt honoured thereafter to find myself mentioned in a couple of pro-nationalist books.³⁴

In early September I was about to go on leave when Geoffrey Weston called me in and asked if there was any good reason why I could not leave for Hong Kong in 48 hours. I explained that it was grossly inconvenient but since he had asked me so nicely I would put myself out. In the event I was not required to leave for about ten days and we enjoyed a long weekend in Somerset and Cornwall. I left Leone to pack, pay and follow and left for RAF Lyneham, or was it Brize Norton?

Hong Kong

The flight, in September 1979, to Hong Kong took some 23 hours with an hour or two on the ground at Bahrain. On the flight, I found myself sitting next to Rosemary Warne and we whiled away the time talking about Geoffrey Weston. British Airtours had just taken over air-trooping and, due to a misunderstanding, were serving free drinks to all passengers, a gesture which was welcomed by the troops. At Kai Tak Airport, I was met by John Murray and conveyed through the harbour tunnel to HMS Tamar to de-jet-lag. The move from Victoria Barracks had taken place about six months before. I had last seen Hong Kong in January 1957 when the old Hong Kong Shanghai Bank was the tallest building. It was now one of the smallest, barely discernible from the Kowloon-side which was as close as I had got in 1957.

³⁴ Sitting anonymously in court is a special skill, which the editor too has not acquired. Ordered by the military assistant to the AG (then Lt Col, now Lt Gen Sir Christopher Wallace), to attend and report the committal proceedings in Dover magistrates' court of Maj Gen Dalzell-Payne in connection with the alleged smuggling of vintage port in a horse-box, I was spotted by the general in the first 5 mins and cross-examined about what I was doing there. For the record, it was decided that there was no case for the general to answer. His house Sgt was

Ruth and John were as hospitable as ever until they left on the next week's plane. I lived in the mess for about three weeks before Leone arrived. For some reason we were unable to move immediately into the Murray's flat in Paget House and were given temporary accommodation at Vista Panorama on the hillside at the north edge of Kowloon, past Osborne Barracks. I don't remember which floor we were on but planes going into Kai Tak passed level with our balcony. If we had stayed there long enough we would have got to know the pilots by sight.

Soon we moved to Paget House, a nine-storey block of 18 flats at the eastern end of Victoria Barracks, just above Wanchai. There was an other-ranks block and a NAAFI shop. The rest of Victoria Barracks had been surrendered to the Hong Kong government in exchange for the cost of the new headquarters building at HMS Tamar, the old naval base across the road. Most officers of HQ British Forces lived at Royden Court at Repulse Bay. We could walk to work while they had to drive from one side of the island to the other over the central spine. Repulse Bay had advantages at weekends but we soon had the best of both worlds with hospitable friends occupying one of the three penthouses at Royden Court. Soon after our arrival, the MTR (Mass Transit Railway or underground) station opened, giving us quick access to Kowloon, its shops and hotels, the officers' club with its pool at Gun Club Barracks and Osborne Barracks, where Leone worked for some months for the Far East Area manager for NAAFI. We were also members of the Royal Hong Kong Yacht Club. The officers of the five old mine-sweepers and tug, all that was left of the Far East fleet, enjoyed free membership of both the Yacht Club and the stately old Hong Kong Club. This privilege had long been extended to officers of HM ships. To be fair, our jolly tars were often out overnight looking for illegal immigrants and once voyaged as far as Manila.

We were invited to lunch at the Hong Kong Club by Tom Jones, the Solicitor-General. Tom had served in the wartime Royal Air Force, qualified in Scotland and had been commissioned in ALS before coming to Northern Rhodesia as Crown counsel in 1960. From Zambia he had come to Hong Kong in the mid-1960s. He was awarded the OBE on retirement while we were in Hong Kong but unfortunately died quite soon thereafter.

Another former ALS officer, Henry Daniell was a magistrate but appeared to have little affection for ALS! Chris Young was at the Hong Kong bar and John Miller was running the Law Society of Hong Kong's legal assistance scheme.

Soon after my arrival I went to a meeting at the Independent Anti-Corruption Commission (ICAC) where I found the Hong Kong Legal Department represented by Geoff Chamberlain whom I had known as the New Zealand Army legal officer in Singapore in 1970. The legal department was popular with lawyers from the Antipodes whose qualifications were not otherwise recognised in the colony. The ICAC was all-powerful and staffed by former UK police officers whom I found to be not particularly impressive. Naturally their organisation was resented by the Royal Hong Kong Police (RHKP). I was struck by a similarity of the RHKP's attitude to that of the Royal Ulster Constabulary who, in my day, still recovering from the blows to self-esteem inflicted on them by HMG in the late 1960s,

appeared sometimes to regard the Royal Military Police as a rival force about to take over their territory.

In the RHKP were about ten of my old colleagues from Northern Rhodesia. David Deptford ran the police side of "POLMIL", the joint police and military operations centre. I soon found myself in correspondence with Ronald Clibborn-Dyer, whom I had known in Lusaka and who was now in charge of traffic in the New Territories. Half the people one had ever met were in or passed through Hong Kong. Army Legal Services had recently become the Army Legal Corps and our first colonel commandant, Brigadier Bertie Halse, stayed with us on his way home from introducing military law to Tonga. Ben and Florence Odell arrived in the course of flying round the world and regaled us with tales of New Zealand and Hawaii. DALS, Tony McIlvenna, came with Hilde to inspect and renew his acquaintance with the Hong Kong Club. Peter Bryant and Terry Davis came separately for a taste of the orient. Terry arrived in the early evening after the officers of HQBF had been entertained by the sergeants. After a quick shower I took a taxi and just managed to make the airport in time to greet Terry. He spent the night with us before going on to stay with John Miller on Lamma Island. On Boxing Day the phone rang. After exchanging seasonal greetings, Leone passed me the phone. My inquiry as to what Terry thought of Hong Kong brought the answer, 'well, you can't see much of it from the window of the BMH.' On Christmas Eve they had gone out for a meal. On the way home, John had driven into the only cow on Lamma and Terry's arm was broken. Evacuated by helicopter, Terry had spent Christmas Day in a Chinese hospital before being transferred to the BMH. He was discharged with his arm in a sling just in time to catch the plane home at the end of his leave.

With me, to do legal aid work for all three services, was Squadron-Leader Marvin Nicks of RAFLS. Under the Army and Royal Air Force Legal Services Ordinance, we had the right of audience on behalf of service personnel in the magistrates and county courts in Hong Kong, but no one had told me that I would need my certificate of admission as a solicitor for the formalities. It was with our belongings in store. Luckily the Law Society was able to supply a duplicate before I had to make an appearance. Such work was normally Marvin's "part of the ship" as one said at HMS *Tamar*. However, he could not be in two courts at once. Sometimes there was more than one accused before the same court and just occasionally Marvin, or his successor, Peter Visagie, needed leave. I appeared before most magistrates in Hong Kong, including Paul Corfe whom I had known as a civil servant studying for the bar when he lived in my station area in the suburbs of Lusaka in 1962.

On one occasion at Fanling I appeared for a Chinese petty officer of the Royal Navy who had knocked down a schoolboy who suffered a broken leg. The prosecuting inspector asked the boy if he remembered whatever day it was in April. The boy replied "no" whereupon the inspector, who, I regret to say, was British, could not even think to ask him why he was limping. The petty officer was very impressed to find that he had no case to answer.

On another occasion, the CO of a Gurkha battalion asked me to defend him on a careless driving charge and insisted on sending a helicopter to fetch me. They were never my favourite form of transport. No identification evidence was given and I made a successful submission only to find my client express great disappointment that he had not been given the opportunity to give evidence, whereby he would almost certainly have been convicted.

There was one British battalion in the garrison: the Royal Green Jackets at Stanley Fort, soon to be relieved by the Queen's Own Highlanders who in turn were replaced by the Black Watch shortly before my departure. There were three Gurkha battalions in the New Territories with their depot and the Queen's Gurkha Engineers. The Gurkha Transport Regiment was at Gun Club Barracks in Kowloon. Communications were handled by the Queen's Gurkha Signals. The locally enlisted Hong Kong Military Service Corps manned a dog company and a transport squadron and was represented in all the administrative services. Its depot was at Lymun. The RAF provided a squadron of Wessex helicopters at Sek Kong and the Army Air Corps a flight. Under command were the Gurkha base organisation in Nepal, a Gurkha battalion in Brunei and the British platoon of the United Nations Honor Guard in Korea, which was furnished by the units in Hong Kong in turn. To assist with border patrols to stop illegal immigrants, and to ensure that the two legal officers did not have too easy a time, UKLF provided a second British battalion or commando on unaccompanied tours until shortly before my departure.

Fortunately, or unfortunately, I never had occasion to go to Nepal. Every staff officer who went there seemed to suffer serious stomach trouble. I had no desire to see Korea again in the winter and could find no excuse to go in the summer. However, I made three visits to Brunei, two to see the Gurkha battalion at Seria and one to appear in the magistrates' court on behalf of a British petty officer of the Royal Navy who had been involved in a fatal road traffic accident while attached to the Sultan's armed force, the Royal Brunei Malay Regiment. He had been sent home to recover from his own injuries on the understanding he would be returned to stand trial. Politically it was no doubt a good thing that he had never sought legal advice as to whether he was bound to return. I had no dealings with him until I met him on my arrival in Brunei. Things looked pretty black for him on the charge of causing death by dangerous driving but, with my tongue in my cheek, I offered a plea to careless driving. This had to be referred to the Attorney-General but after lunch the message came back that it would be accepted. The accused got off with a moderate fine and left the Far East a happy man.

Commander British Forces was a member of the Governor's Executive Council, Hong Kong's cabinet. He therefore required legal advice on all proposed changes to the laws of the colony. Hong Kong being a great commercial centre, many of these concerned banking and company law and the stock market, matters I had given little thought to since qualifying. I felt more at home in strongly advising against following the United Kingdom in abolishing the offence of causing death by dangerous driving. The death penalty was still the punishment for murder in Hong Kong, although no one had been executed for many years. All cases were

considered by the executive council to assist the Governor in deciding what sentence of imprisonment should be substituted. Under the Colonies Prisoners' Removal Act of about 1890, British service personnel and merchant seaman sentenced to imprisonment by the local courts could be returned to the United Kingdom to complete any sentence of, if I recall rightly, more than six months. In about 1972 a soldier had murdered a prostitute in Wanchai. He had duly been convicted and sentenced to death. On commutation of the death sentence he had been transferred to a prison at home. By about 1980 he was a free man and murdered a child in north-east England. This news caused a great furore in the Hong Kong press which took the not unreasonable view that if the UK government did not wish Hong Kong to hang murderers it could at least keep them from re-offending for a reasonable period. The DPP who had prosecuted at the trial felt particularly disgusted and affronted.

At about this time, a British soldier appearing on a charge of assault was recognised by a newly appointed magistrate as a man he had defended not long before on a murder charge at a court-martial in Germany. He had successfully appealed on a technicality. The magistrate, of course, quietly withdrew from the case and the press never learnt of the matter.

Lieutenant-General Sir Roy Redgrave was Commander British Forces (CBF) when I arrived. He left a few months after my arrival and was succeeded by Major-General John Chapple. Public opinion in Hong Kong felt slighted that CBF had been downgraded, not so much in rank but by the loss of the knighthood, an honour of great weight in the colony.

Economy and common sense suggest that CBF should have exercised disciplinary command over all members of the British armed forces in Hong Kong. Of course, he did not. The Royal Navy went their own way and thought themselves generous in allowing the Army and RAF in their "ship". The captain in charge appeared to seek and receive legal advice from MOD (Navy) by signal. Air Officer Commanding RAF Strike Command convened all RAF courts-martial with advice from my squadron leader and a complete court would be flown out and accommodated in hotels!

The Hong Kong Military Service Corps consisted of locally enlisted personnel of the British Army but the colony had its own military unit, the part-time Royal Hong Kong Regiment, The Volunteers, "*Primus in Orient*", which had fought gallantly against the Japanese invaders in 1941-42. The law of the colony and section 207(1) of the Army Act 1955 provided for trial by court-martial under the Army Act for personnel of this regiment while the governor had power to review sentences. One such case occurred in my time and provided an interesting exercise.

Most sports had been introduced to Hong Kong by the British forces. Soon after my arrival I was appointed officer in charge of football, which carried with it membership of the council of the Hong Kong Football Association although we could no longer maintain a team in the league. As the garrison had shrunk football

had become more and more popular among the inhabitants of Hong Kong. Professionalism had taken over the league. Not surprisingly I found myself on the disciplinary committee, being not only a lawyer but having no financial interest in any of the teams, most of which were owned by council members. I was the last service officer to be an *ex officio* member of the council.

In February 1982, Neil Barclay arrived to take over. I was posted as SO1 Legal at HQ BAOR. A most interesting tour of duty had come to an end.

More letters from an Army wife

Anne Rogers

Taubeneiche

We told you that there is a very beautiful view from our house, when it isn't misty. One's eyes wander over fields and meadows to the next village, Sichtigvor (the soldiers call it sixty-four!) in the valley along the main road. What one always recognises, even on a misty day, is a spire, which seems to me a mixture of baroque and gothic in black slate, and part of a tower. It is a pity, that one cannot see the whole of the church but, as I said, the village is situated in a valley. There is another interesting building there, an *Ordensburg*, a monastery near the church. It looks impressive from the main road as it was built on rocks higher than the latter. Beyond the houses behind the spire on the rising slope of the hills and visible from our house, there are enormous stretches of woods, the Arnsberger Wald and apparently great for walking. On the right and left hand side of the view are several farmhouses which belong actually to the hamlet of Taubeneiche. We counted them the other day when we were out for a walk. They count only twenty. Everybody seems to know each other and people greet one and talk sometimes. Of course, they are all farmers and they keep a close eye on our garden. There seems to be one in front of every house. The other day I had to listen about the ailments of an old lady, about people who had lived in the hiring before us and what I had to do with our vegetable plot! We feel rather inhibited, of course, as these people are experts and know it all.

This main road which goes through Sichtigvor along the valley leads on one side to the Moehnesee and on the other to Belecke and further along to Warstein, famous for its beer. Both places are similar because they stretch along the main road among rocks that rise steeply on both sides. Both places have an old town high up on these rocks, very picturesque. Warstein, for example, has an old church built in the transitional Norman or Romanesque style on the highest position. It was used as a fort for the population in the thirty-year war against the Swedes. Anyway, the Swedes might as well have stayed at home as all places seem arch-catholic and the only protestant churches, I have seen, were in Soest.

One curiosity I find difficult to understand is the fact that all churches (in Warstein, in Belecke, in Körbecke, the cathedral in Soest and, I am sure, in other places) are called St Pancras (St Pankratius). My dictionary says under this name: catholic saint, died about 304 as a martyr. Around the church in Warstein lots of old houses, well renovated, cluster tightly together. It is a very pleasant sight. Down in the valley, they built a neo-gothic church during the last century. It is quite a proud building in the local, slightly green stone. Inside it is fairly plain for a catholic church but it has the most magnificent organ, situated at what we normally call the west end. Here the church seems to be in the direction of south-north. We were fortunate enough to hear the organ being played and were most impressed.

Soest is very pretty at the moment. There is a Christmas market next to St Peter's church with stalls, decorations consisting of fir and lights (not coloured), a platform where concerts take place and a roundabout for children. They sell hand-made things, small cakes and pottery, including madonnas and monks! Every evening, when it's dark, a brass band plays from the little platform on the tower of the

church. It really is like the olden days. I hope busy commercialism with its bright colours will never come to Soest.

Arriving from England one day, we drove into Soest for lunch. There we found an enormous fair. We parked the car in the usual place, then tried to push our way through a thick crowd, stalls, roundabouts, big dippers, *Geisterbahnen* and other devilish machines, Tony in front at impatient speed and I trying to keep up without losing sight of him. At last we reached the shop where I was going to do my shopping when we found that it was closed for lunch. This time we tried to go through the back roads but, alas, there was no escaping: the fair was everywhere. The whole of the old town was one fair. Tony's mood was desperate and I had lost my appetite. After pushing and climbing, escaping and ducking, following Tony and being breathless we finally found ourselves in the door of Gasthof Bäcker, relieved and looking forward to better things. On entering, however, our hopes were shattered: we had never seen the place so full before. In fact, there was not a single empty chair. Disappointedly we left to return later when, we hoped, it would be emptier, only to be engulfed by the fair again. An hour later, when we entered Gasthof Bäcker for a second time, it was still very full with I don't know how many unknown waitresses rushing around with huge plates and dishes of *Grünkohl*, *Kasseler*, *Jägerschnitzel* and *Schweinshaxe* and glasses of schnapps and beer. On looking more closely, I decided that the farmers of all the villages around Soest must have gathered to tuck in with great gusto and concentration, their eyes fixed on great portions of their favourite food. Modestly, Tony and I sat down in a corner of an adjacent and normally unused room at a table shared with a stout farmer and his even stouter wife. Needless to say, we had to wait for ages for the food although Tony's beer glass was filled as soon as he had emptied it. He drank them all.

Verden

We have not missed Taubeneiche yet but might in summer. Verden is a medieval town, very pretty with a cathedral and genuinely old houses, as there was no bomb damage. The town is a thousand years old and has a chequered history, once belonging to the Swedes, to the French, then to the Hanoverians before the Prussians marched in, until Germany's unification in 1871. Regiments of soldiers seem to have been stationed here through the centuries, so there are quite old barracks and new ones, of course.

Not far from here is an artists' village in the middle of the Teufelsmoor where a lot was going on at the beginning of the century. Today it is still very pretty to look at with a museum and art shops. Paula Becker-Modersohn is a well-known painter who lived and worked here. Unfortunately her paintings and drawings were not appreciated during her lifetime and some of her pictures were destroyed by the Nazis as being "degenerate art". She died at 31 in childbirth - very sad. We are still busy discovering our surroundings, the towns, the countryside, the museums and art galleries. Yesterday we drove around the Teufelsmoor, a vast marshy area which unfortunately has been drained, apart from a small original patch. It was

raining and quite stormy and we could see from old photographs and paintings why so many artists were drawn to this part of Germany. The peat farmers were, of course, terribly poor and lived in ghastly conditions on a diet of potatoes, like many Irish in the last century, and buckwheat. It was in the 1930s when nearly all the marshes in Germany were drained. It is a pity that some Army people in Verden can't be bothered to venture a bit further afield. They always complain about the area and say it is flat and uninteresting.

One thing everybody is getting excited about, however, is the visit of Princess Anne on the 18th of June. They have been busy painting the metal fences of both barracks and refurbishing the toilets of the mess as well as the CO's house where Princess Anne is to stay. The officers and their wives have the honour of being present at the parade.

Having for a long time resisted Wagner's music on the grounds that it is too heavy and too gloomy, we have become converts following a very good performance of *Lohengrin* at Bremen Opera House. We immediately bought a recording of the complete work in five records and have also bought excerpts from the *Flying Dutchman* and *Götterdämmerung*. Now we are thinking of buying the complete Ring cycle - four operas - and even attending the Bayreuth Festival! Mind you, we have not entirely forsaken the remainder of the classical repertoire. Last Sunday we enjoyed a very pleasant performance of Bach's St. John's Passion in Lilienthal church and on Friday we are going to the Opera in Bremen to see Mozart's Magic Flute.

Buckingham Palace

At last I have a few photos. A man outside Buckingham Palace approached us saying that photographers were not allowed in that day, so - Tony probably glad to get the business of having pictures taken over so quickly, when we had been warned that it could take up to two hours if one had the bad luck to be at the end of the queue - here is the result, not too good, I am afraid, with people in the background, the colour not right, not posed, just snap-shots. I am sure that they are not worth the money we paid for them. The silly thing was that the court photographers were inside the gate after all! Anyway, I bought a nice frame for the big picture and it will remind us of the day. It was, after all, an extraordinary occasion. I would have thought that taxi drivers are used to taking people to Buckingham Palace. When Tony said, "To the Palace", the driver said, "Which one?" He then looked very worried and asked, "Which entrance?" upon which Tony said, "south entrance". He then stopped twice to ask a policeman where the south entrance was. Eventually we ended in a traffic jam outside Buckingham Palace. To make things easier for everybody, we opted to walk the rest of the way to the great relief of the taxi driver. The return journey was much easier.

International diversions - and Rumpole

Tony Rogers

Bahamian delight

I spent three weeks in Nassau in 1981 at the request of the Bahamian government to help draft subordinate legislation for the defence force and wrote the following about the trip.

The defence force is entirely naval, consisting of some 300 officers and "marines", and operates a number of patrol craft. Its duties are not defence in the true sense, but prevention of drug smuggling, fisheries protection and the control of illegal immigrants. In all these roles, members of the force are very busy. It was not uncommon to see a patrol boat bringing into Prince George's Wharf a large consignment of captured bales of marijuana and a number of drug smugglers, usually South American, who were stopped on their way through The Bahamas to Florida. People escaping from the poverty of Haiti settle in large numbers in The Bahamas, often scratching their subsistence from a small area of infertile soil. The Bahamians are also anxious to protect their fish, especially the conch (pronounced conk), a large mollusc whose somewhat rubbery flesh is said to enhance the reproductive capability of the human being. There may be something in it since eighty percent of the population is under 20! I tried conch in various forms - fritters, cracked, salad and chowder, but cannot yet comment on its properties.

The task of the defence force is enormous. There are 700 islands in The Bahamas, of which only 29 are inhabited, stretching over a very large area of sea from Florida to Cuba. The defence force has many problems, quite apart from the fight to get a fair share of the budget. A fire at their Coral Harbour base in 1980 nearly destroyed one of the office blocks. Work continues in the burnt out hulk until, one day, the government gets round to rebuilding it. **Flamingo**, their pride and joy, a 103-foot patrol craft armed with a 20 millimetre gun, was sunk by Cuban air attack and may never be replaced, throwing a heavy burden on her sister ship, **Marlin**.

This attack was a curious affair. The **Flamingo** stopped a Cuban fishing boat whose crew radioed back to Cuba that they were being attacked by pirates. The Cubans sent out the air force, which sank the **Flamingo**. The pilots, possibly realising that they had made a mistake, proceeded to machine gun the survivors in the water. Four were killed. Perhaps they hoped that news of the attack would not escape.³⁵ But it did, and Cuba ended up paying £5 million compensation. Unfortunately the price of Vosper Thornycroft's patrol craft has since increased and it is unlikely that **Flamingo** will be replaced in the foreseeable future.

Heat, and the almost blinding brilliance of the sun strike one on leaving the Tri-Star at Nassau airport. Within moments perspiration runs freely. The drive from the airport follows the north shore of New Providence Island. The palm trees, casuarina pines, ponciana flame trees, white sandy beaches and turquoise sea are, indeed, impressive. These scenes tend to distract attention from the poverty of the hinterland. For New Providence is an island of strange contrasts. There is Lyford Cay of the millionaires with its smart villas, lawns and yachts; there are the attractive pink, colonial-style buildings of old Nassau; and there are the shocking conditions in which many people live "over the hill."

³⁵ They obviously were not aware of the Peleus case - ed.

Although tourism is the main source of income for the island, which houses the bulk of the population, the Bahamians seem to make no serious attempt to court the tourists or encourage foreign investment. Litter is a serious problem. Apart from Paradise Island, retreat of the topless (and some bottomless), a small offshore island connected by bridge to New Providence, which is owned by a foreign consortium and reasonably well kept, litter is everywhere: empty beer bottles, coca cola cans, Kentucky fried chicken packets, derelict cars. The hoteliers complain that the German tourists do not come back. The discarded bottles cause forest fires. Hardly half an hour passes without the wail of a fire engine siren. Although many people would be prepared to settle in The Bahamas, residence and work permits are not lightly given to foreigners.

Nassau itself is a bustling town. Every day there will be half a dozen cruise ships in the harbour. Their passengers, usually tanned Americans in shorts, roam the streets and bargain with the saleswomen in the straw markets. Women seem to do the bulk of the work in The Bahamas. The men spend most of their time loafing about and drinking. Many women will not marry because they do not want to support an idle man, although they are prepared to have children by selected partners. Men who do work include the very smart policemen and a splendid taxi driver dressed in pink, driving an ancient, but spotless pink Cadillac which blares the Pink Panther tune from loudspeakers as it plies the streets. Most vehicles are less pristine. Bald tyres and ramshackle undercarriages are more usual.

The Ministry of Defence is in a government building close to the harbour. The prime minister is also the minister of defence so the ministry is next door to the Cabinet Office. The ministry consists of two persons, the commander of the defence force, a Royal Naval lone service officer, and a Bahamian lady civil servant. The Cabinet Office too is small, consisting of a permanent secretary, a deputy permanent secretary, an accountant and a personnel officer, apart from clerical staff. Legal advice is given by the Department of Legal Affairs headed by the Attorney-General. Operational command of the defence force is vested in a captain, a former Royal Naval officer on contract, at the Coral Harbour Base. There are several other Royal Naval officers in key posts, including the personnel and supply officer, but those who man the patrol boats are all Bahamian and they will, eventually, run the defence force themselves. The Bahamian officers are either former marine policemen who have transferred to the defence force or younger men who have been trained at Dartmouth.

The Bahamas Defence Act was passed in 1979. It was drafted by a Barbadian lawyer and follows very closely the Jamaican Defence Act which, in turn, is based on the Army Act 1955. Since the subordinate legislation, which consists of regulations on enlistment, procedure, summary jurisdiction, boards of inquiry, imprisonment and detention, pay, pensions and deductions, appeals and reserve forces, is being drafted by an Army lawyer, the result is rather strange: the application, with some adaptations, of military law to a naval force. Scope for naval inclination in the subordinate legislation is somewhat limited in view of the way the Defence Act itself has been written. Some features of the Act are a little startling at first sight - commanding officers dealing summarily with officers and

sentencing them to 3 months imprisonment, option to elect trial for officers only, findings of guilty but insane - but one grows quickly accustomed to these oddities.

As I look forward to the next trip in November I am left with the memory of chatting to an enormous lady head-teacher to the strains of the police band at a Government House reception and the clink of glasses of Bahamian Delight.

Le vieux milord anglais

Old friends and adversaries from the international circus gather at Lausanne in 1982 to fight old battles again: the battles of the San Remo sand tables, the NATO and UN conference tables. There are generals and professors, some well-known authors in the field, Meyrowitz, Kalshoven. Even the doyen, Draper, graces us with his presence.

On the sunlit shores of lake Geneva at Ouchy, at an outside table of the Hotel de L'Angleterre, where "The Prisoner of Chillon" was written, an unlikely group is assembled over *perche du lac*, some idly ogling passing temptation. There is a certain stentorian baronet; a rather less than dour representative of the Judge Advocate General, a suave American turning to him and asking "before you did whatever it is you do now, were you a barrister or something?" (that was the only time during the whole proceedings that the said representative was rendered absolutely speechless); *un vieux milord anglais*;³⁷ *Onkel Willie aus Stuttgart*; and there is Valerie, probably inspired by the ghost of Byron yet clouded by wine trying to remember whether "Dunsinane wood remove to ... where was it, or was it the other way round?" This struggle puts one in mind of Keats:

"..... I will fly to thee,
Not charioted by Bacchus and his pards,
But on the viewless wings of Poesy,"

In the conference room, the large Italian delegation perceptibly dwindles as the day wears on, not surprising as French-speaking academics read their papers. Prepared scripts, planned interventions, circulation of papers afterwards - that's safest, for nobody has the opportunity to challenge or upset the cosy atmosphere of learning and erudition. The dialectical and earnest German delegation, spearheaded by the dreaded Rauch, want to make the congress more meaningful, to shake the whole thing up, instigate a revolt, get some useful and controversial discussions going. Alas, this gallant attempt fails, grounding on the rocks of simultaneous interpretation. Misunderstandings are rife. Mr Smith says X in English. M Forgeren, being a French-speaker, understands Y. He intervenes and takes Smith to task for having dared to be so inhumane as to say Y. A bemused Smith, having said nothing of the sort, learns through the headphones that he has said Z... Is it worth replying and incurring the risk of more confusion? When Smith and Forgeren meet over coffee, all is explained, in a mixture of languages and gestures. From being near to blows, they part the best of friends. After all, who can resist a chap who shares your views entirely?

³⁷ For the record, this refers to Brigadier, as he then was, Jack Bowman. One of the younger conference delegates pointed him out and asked me: 'qui est le vieux milord anglais?' - ed.

Outside in the garden, Christina from Sweden is explaining how she teaches the law of war in her country. Her audience includes a former CNJA and young Hoyer of the German delegation, yes Hoyer the terror of the San Remo sand box, of the "Hoyer attack", the "Hoyerism." But some friends are missing from Lausanne. Where is Samir Osman from Egypt, Juan Gonzalo Martinez Mico from Spain. One hopes they have not been hit by a political swing at home.

The banquet is held by candlelight at the Château de Chillon, an hour away by paddle steamer. Who cuts the most dashing figure on the boat, is it Lieutenant-General Luluka Bolongo from Zaire, or is it his elegant wife? At the castle they are very generous with the wine. A choir entertains us with song. It is a merry contingent that returns later across the lake and, the last metro having run, tackles the steep climb up the hill to Lausanne.

Not everybody takes part in the Sunday excursion. But there is still a convoy of buses, English, French, Italian and German. Those who go enjoy the clear mountain air of Gruyères, Fribourg's towers and turrets, an excellent lunch overlooking the lake at Murten, a miniature of Bern, and the Sherlock Holmes exhibition at the Château de Lucens. At each stop another bus has to wait for a passenger missed on the head count. At the end we think we have lost four of our company, but it turns out that we have lost none. It was simply that the director of studies at San Remo had been absentmindedly hopping from one bus to another without telling anybody, switching, in his best San Remo manner, from French to English, from Italian to German and throwing in some Spanish for good measure. No doubt his mind was elsewhere, perhaps in Alphaland or Betaland, or on that cultural bridge.

All too quickly the congress comes to an end. It is *au revoir* to the SHAPE deputy legal adviser, the AFCENT legal adviser, to Frederic, to General Jack Wolfe from Canada who has survived the rigours of Lucerne, Lugano, the Diplomatic Conference, the Weaponry Conference and still comes back for more, to old Uncle Willie, to Valerie and all.

And back to Koerbecke, back to the case of ... now which Royal Highland fusilier was it?

Rumpole at Celle Court-martial

Well, not quite; his creator Mr John Mortimer QC,³⁸ attended as an observer a court-martial at Celle in 1985 and was looked after by the SO1 Legal HQ 1 Armoured Division and Mrs SO1 during his stay. Mr Mortimer had been contemplating setting a Rumpole episode against the back-cloth of the army in Germany. Would this be the antidote to "The Brief",³⁹ we asked.

Arriving at Hannover airport in torrential rain, and looking not too dissimilar to the Leo McKern we had been looking out for, our guest was whisked away by Vauxhall Chevette "staff-car" straight to the court-martial centre, just in time to

³⁸ Now Sir John Mortimer QC -ed.

³⁹ A popular television series of the time - ed.

witness a drama: the collapse in chambers before the opening of the trial of the prosecution case on the section 69 drugs charges, by courtesy of the Courts-Martial Appeal Court judgment in *R v Street*, the transcript of which had arrived five minutes earlier by hand of the learned judge advocate.

So we proceeded on the desertion charge, a plea to AWOL having been rejected. After all, we couldn't allow Mr Mortimer to go away without seeing a contest. It seemed as if those involved were already on television. Presidential severity had given way to smiles, the judge advocate's demon delivery of fast balls to the prosecutor was more furious than the West Indies pace attack and defence counsel's unctuousness would have done credit to OPEC. John Kerce, for the prosecution, had to struggle to keep the attention of the court on the very weighty evidence. This consisted of a section 10 admission about the absence and a Northamptonshire police constable who kept the coffee makers busy by his late arrival and who presumed that his interview notes had been handed over with the accused into military custody. Speeches were delayed until the following morning.

Our guest turned out to be most charming and very interested in all aspects of Army life, especially the role of the WRAC and life in the officers' mess. At the dinner table those present, frustratedly burning to seek the secret of literary success, studiously avoided Rumpole or West End plays and dwelt instead on our visitor's concerns about such light matters as the nuclear deterrent or the need for troops in Germany.

The next day brought relief for the prosecution, a conviction for desertion and a prompt and rain-swept departure of the VIP. He left clutching the copious notes which we had been straining to read over his shoulder, shaking his head in bewilderment and muttering something about dogs at courts-martial centres, officers in maroon trousers and Irish soldiers in green berets. Some of these features, as well as a lieutenant-colonel who played the Moonlight Sonata, and some extensive extracts from our dinner-table conversation appeared in *Rumpole and the Bright Seraphim*. We felt that the prosecutor in that episode, Michael Watford,⁴⁰ bore a passing resemblance to an ALS officer stationed at Verden!

Garmisch notebook

It is autumn 1985. On arrival at Garmisch-Partenkirchen station in the most brilliant, warm, sunny weather, which lasted until the day of our departure, there was an announcement. "Welcome to participants in the 10th International Congress of the International Society for Military Law of War. Would participants report to the information desk on platform 1." There were German soldiers, ticking off our names on the hotel lists and loading our luggage into a mini van, which took us to the congress centre. "Typical German efficiency," we all thought. At the purpose built congress centre, the flags for all the states whose members were to participate in the congress were flying and a large notice board proclaimed to the, probably bewildered, occupants of Garmisch that the society's congress was about to start. Members of the German group, who had organised

⁴⁰ I think we might have mentioned that our daughters went to St Margaret's School at Bushlry, near Watford - ed.

the congress, were there to meet us and already piles of paper were beginning to accumulate in the foyer.

One had, perhaps, tended to dismiss the Bavarian Alps, being under 3,000 metres in height, as being rather insignificant. But Garmisch is, indeed, impressive. It lies in a narrow valley between the Kramer Plateau, which is about 2,000 metres, and the massif that culminates in the Zugspitze, which, at just under 3,000 metres, is the highest mountain in Germany. A little further away and dominating the nearby town of Mittenwald is the rock face of the Wetterstein range, which forms the border with Austria. This range is most spectacular seen in the early morning or evening when the sun illuminates the rocks from an almost horizontal position.

Over 300 congress delegates, many with their wives, gathered outside the congress hall for the first official event, a reception to be held at the German Alpine Division officers' mess at Mittenwald. To the amazement of participants a convoy formed for this excursion of 9 army buses with armed guards, police cars with flashing blue lights front and rear and interspersed unmarked cars carrying men in plain suits with bulging armpits. This was the level of security to which we were to become accustomed for the remainder of the congress.

After the pleasure of meeting old friends and making new acquaintances and drinking quantities of German beer, the real business of the congress started with the opening session. Many found the military band performance more interesting than the florid speeches that they punctuated. The nearby *Kurgarten* proved more of an attraction than the rising and falling modulations of our president. By the afternoon, in the first working session, however, one had become accustomed to the pace of things and listening to Professor Dr Doehring literally reading his report. It was good to hear Professor Bothe, co-editor of the leading work on the Geneva Protocols of 1977,⁴¹ make an intervention. Things became more lively when Captain Malewa Fofe Djofia, a pleasant extrovert from Zaire and master of the emphatic statement (In Zaire we have no homosexuality.... If woman are to be liberated they need first to liberate themselves) told us, in terms, that in Zaire they did not bother with all this democratic nonsense and conscientious objectors were not tolerated. The Indonesian delegate, skilled in metaphor, emphasised that the role of his armed forces was to kill dangerous elephants and snakes. In an earlier draft the typist reproduced this as dangerous elements and snakes - probably much nearer the truth. We even heard a new, hard-line Frederic de Mulinen propounding the theory that it was contrary to the spirit of the laws of war (a) to punish soldiers who refuse to carry out unlawful orders and (b) to reduce the disciplinary powers of commanding officers, since that would result in a reduction in military efficiency and discipline.

The proceedings were interrupted by a reception, which started with ample quantities of beer and wine and finished with a band performance in the *Kurgarten*. Obtaining food proved to be something of a problem. As soon as a tray appeared, congress participants descended upon it like black vultures and picked it clean within seconds while one stood rooted to the spot watching in horror. This was made up for in the evening by a splendid dinner given by Dr Manfred

⁴¹ Bothe, Partsch and Solf, *New Rules for Victims of Armed Conflicts* (1982, Nijhoff, the Hague - ed.

Werner, the Federal Minister of Defence, who showed obvious delight in conducting the band. Some uniforms appeared at the dinner but not, to the disappointment of your correspondent, worn by members of the British delegation. Perhaps the most spectacular were those worn by those from Paris.

The next day's proceedings were concerned with the role of women in the armed forces. Brigadier-General (Mrs) Marsh USAF gave a crisp briefing and showed a film. Woman in the US Armed Forces, she declared, had been trained as astronauts, snipers, instructor pilots, forward air controllers, airborne battlefield controllers, deep sea divers and coast-guard commanders. She did not see pregnancy as being a problem since this was only a temporary disability. She accepted that public opinion was not ready for employment of woman in the direct combat role. Professor Steinkamm made a beautifully delivered intervention the substance of which seemed somewhat elusive. Was it too much *Loewenbrau* or sunstroke on our part? His intervention prompted the following exchange of notes:

"What's this got to do with the subject?"

"I thought it was an in-depth legal look at 'status' hence my blank look!"

Mr de Smet from Belgium started to address the meeting in English and promptly switched to French. This caused a flutter of consternation, which disturbed the tranquillity of the proceedings and woke up those who had been quietly snoring at the back. There was much twiddling of switches in the headphone boxes, but to no avail until the interpreters woke up too. Professor Ruini enlightened the wakeful by informing them that in China the ideogram for war is two females in the same house. The interpreters ran into further difficulties when a delegate from Italy intervened and spoke in a French that was virtually unintelligible. At one stage the interpreter who was translating into English exclaimed "*Mon Dieu!* This French cannot be understood," and abruptly stopped translating. Switching over to the translation into German one heard that the interpreter was struggling - odd words here and there. "*Mein Gott!*" a deep sigh and expiry. One was forced to turn to the French channel and listen to the indecipherable. The meeting was eventually brought to a close by the chairman for the afternoon, in his distinctive tones thanking us all and breaking off the meeting.

In the evening we rushed to a reception at the *Antiquarium*, which has nothing to do with fossilized fish, of the former royal residence in Munich, again escorted by police through red traffic lights, bringing the rush hour traffic in Munich to a complete standstill. In Munich the waitresses, probably after years of practice, adopted the anti-vulture system of rushing through the throng with trays held so high that the food could not be picked by anybody. But we were consoled with much beer. Even the members of the Moslem delegation seemed not averse to that Bavarian nectar. All were tiddly on the return journey and the convoy had to stop twice, so that passengers could discharge natural functions, the armed guard deploying to give all round protection. A terrorist attack at this stage could have been extremely embarrassing. The trio from Zaire, Tunisia and that old friend Samir Osman from Egypt seemed much amused by the word "*Garmisch*" which

obviously had some hidden meaning in Arabic. When asked what this was, there followed considerable consultation, interspersed with many guffaws, in a combination of French and Arabic, while we all awaited impatiently the denouement. The final conclusion was an anti-climax which readers will be spared.

The last day of the congress was devoted to the meetings of the special committees. Your correspondent sat in the Committee for the Protection of Human Life in Armed Conflict, where our education was improved by an expose by Dr Rauch about the effect on the law of naval warfare of the Geneva Protocols of 1977 and the recent United Nations Law of the Sea Convention. The paper provoked considerable interest and discussion and we were privileged to be addressed by Colonel Solf, another co-editor of the leading work on the Geneva Protocols of 1977, and Professor Jaenicke who, at one stage, served with Admiral Canaris. Your correspondent can confirm that the professor's ears were on the large side.⁴² The committee meetings were forecast to end at 12.30pm and your correspondent had arranged to have a walk on the Hausberg Alm during the afternoon with Major-General Bowman and Lieutenant-Colonel Glynn, but that well known slave driver, de Mulinen, kept his committee working all afternoon. DALS and ADALS (International Law) enjoyed the mountain air on their own.

At the General Assembly of the Society the usual organisational problems emerged. It was discovered that one member of the board of directors was not even a member of the Society and had not paid any membership fees for years. Since he had taken part in the activities of the society over a long period, he probably considered that he had acquired a right by prescription to directorship. General Prugh retired as vice president and was appointed an honorary president. Messrs Krüger-Sprengel, Barras and Doerenberg were appointed vice presidents. Messrs Gorle and Alexander were appointed joint secretary general. There were numerous appointments to the board of directors including Colonel Ghent from Ireland, Professor Williams from the USA, Mr Pitts from UK, Professor Steinkamm from Germany, Mrs Zachrisson from Sweden, Dr Alivatos from Greece, Colonel Delhaye from Belgium, Mr Oerbit from Indonesia, Professor Adachi from Japan and Lieutenant-Colonel Fenrick from Canada. Mr Stuart-Smith was appointed president. The retiring president, Mr Bosly, was appointed president of honour. Our correspondent, having tendered his resignation as a member of the board of directors, was ignored and therefore remains on paper a member of the board, although he will in future be represented by Lieutenant-Colonel Glynn.

The Sunday outing was to Linderhof Castle built by King Ludwig II of Bavaria in the rococo style. It appears that King Ludwig was a great patron of the Arts, a champion of Wagner's music and interested in social reform. He was probably not mad at all, just eccentric, and his own death by drowning in the Starnberger See remains a mystery. He was declared mad because of the debts he had incurred building castles, but they were no more than the war reparations the Bavarians had without hesitation paid the Prussians. It is ironic that the Bavarians have probably recouped the cost of the castles several times over in tourist income. Neuschwanstein alone has nearly one million visitors annually. The soiree was a

⁴² Canaris was reputed to distrust men with small ears - ed.

Bavarian evening with *Lederhosen* and *Dirndl*, beer, whip-cracking and yodelling.

The final outing of the conference was to visit the German alpine division at Mittenwald and to be treated to a superb demonstration by the alpine troops of a company attack across a sheer rock face. Your correspondent offered to swap jobs with his opposite number in the German alpine division, but that offer was firmly declined. The congress ended for the UK delegation with dinner at an Italian restaurant at which we were glad to see Professor and Mrs Draper.

The next day, the day of our departure, it had started raining. Old friends and new acquaintances had all left except for a few lost souls, like Captain Dlamini of Swaziland, wandering the streets of Garmisch dolefully awaiting the departure of their trains. Outside the congress centre the workmen were busy taking down the flags and the International Society sign and were putting up the signs for the next congress.

The London Marathon

Gary Adams

April 21, 1985 dawned just the way a marathon runner would want it: not too hot, not too cold, slightly overcast and with no wind blowing. There had been many runs on cold, dark, wet, windy, foul, miserable winter's nights, many sweating sessions sprinting up and down hills, many punishing sessions in the weight room. But now I felt lean and mean and raring to go, yet slightly worried about the lack of sleep in the last few nights as nervous energy took its toll. I was staying in the Woolwich mess and breakfasted on Alpen, bread and honey, coffee and some high energy liquid before getting down to the serious business of rubbing Vaseline and Deep Heat on to appropriate parts. After breakfast I jogged to the start in Blackheath Park where I dumped my kit in the bus which would take it to the end of the race at County Hall and joined thousands of people from all over the world who were jogging about, mostly wrapped up in black dustbin liners bearing the words 'Mars' or 'Cobra Sports' which were given away free.

I went to the blue starting grid for those expecting to beat 2½ hours. There seemed to me to be an awful lot of people with that ambition. The starting cannon boomed and we all stood still waiting for the front runners to cross the line and get away. About 20 seconds later I was able to cross the start line but I was still shuffling along dodging and weaving the slower runners who should not have been there. It was a bit like trying to run through a football crowd. I covered the first mile in just under 7 minutes having done more side steps in that time than the average rugby winger does in a season. The time was about a minute slower than I wanted to be doing but at the same time I kept my eye on Lieutenant-Colonel Shields REME whose back I had seen rather too frequently during the cross country season. I decided to keep near to him. After about 3 miles I found myself pulling away from him. Around the 3-mile point we met the "Vets and Virgins" who had started in Greenwich Park and run along a different road. I was horrified to see how many of them were already in front of me. Around the 4-mile point I met Celia Duncan, the wife of the APTC "Q" from Verden, a very good female runner who was to finish the race in approximately 2 hours 42 minutes. I moved on, running through some rather rough streets, which were crowded with cheering people. Time for another drink from a little cardboard carton with a straw. Then through Greenwich, past the Naval College on the right and with my old school (now the National Maritime Museum) on the left. Round the corner we passed the Cutty Sark and I am afraid that my mind then went blank as to what happened until I checked my watch at the 10 mile point and found that I was through in about 57 minutes. This meant I was on schedule for a decent time provided nothing went wrong.

It is fair to say that I cannot remember a great deal of the race; the 2½ hours seemed to flash past. There were cheering crowds every inch of the way, occasionally there were bands and discos and there were always other racers to overtake. I passed half way in about 75 minutes, running easily but with lurking fears that I would get cramp or a stomach upset or hit the dreaded wall. I ran hard but kept a little back in reserve. At the 16-mile point we were passing through a dockland reclamation area. It was about this time that I realised I was on schedule to beat 2½ hours if I could keep up the pace. I then passed a tiny figure with a crew cut, wearing a string vest. It was Mary O'Connor from New Zealand, last year's

women's runner up. By the 18-mile point we had passed through St Katherine's Dock and the Tower Hotel. Next I had flashed past the Tower of London without even realising it. Then it was on and into Wapping and Deptford and I remember thinking, "wonder if David Owen is watching" and "the crowd certainly like the Gurkhas." By now the early pace was beginning to tell on more and more people, and I was passing numbers of the AAA runners who were distinguishable by their bright yellow numbers. I recognised a Bath runner from cross-country races, "C'mon Bath," I shouted. "I am knackered - too fast at the start", he panted. 21 miles came up, I was still feeling good and still on schedule for a sub 2.30 and hoping that nothing untoward was going to happen. 23 miles gone. Whatever happens now I will be able to finish the race. I just hope I don't hit the wall. 24 miles: just 2 and a bit miles to go. With that, the black guy in front of me collapsed. I passed a Swindon runner whose vest I recognised and we both shouted encouragement to each other. 24½ miles, keep pushing. "There's Ron Hill (former European and Commonwealth champion, now famous for his sports clothing firm), he will be a good scalp to take." 25 miles "surely that chap's not going to drop out at this stage?" but he was. Past Trafalgar Square, through Admiralty Arch, up the Mall hanging on, trying to maintain a good pace, desperate to beat the 2½ hours. One mile to go, 7½ minutes to do it, I should be OK.

I don't remember seeing Buckingham Palace. I was too busy with the race, trying to work out how a very fat lady, well past the first flush of youth, had managed to be in front of me still at this stage in the race. I then noticed that she had no numbers and realisation dawned. She was a Sunday morning jogger who had crashed the barriers for a bit of company on her run. The crowd cheered her all the same. Round the corner and on to Westminster Bridge. Big Ben and the Houses of Parliament were hidden behind the crowds who were still cheering enthusiastically. There were still people to try and overtake, including the chap who had been forced to walk because of cramp. One kilometre to go, automatically converted to 0.62 of a mile, the longest part of the whole race. There were several of us running together and we all gathered speed for the last gasp effort. Then cramp hit me in the left calf muscle. Remedy, ease down slightly and try and run with the leg relaxed hoping that it does not get worse. 385 yards to go, come on leg, not far now. There is the finishing arch with the big digital clock recording the seconds 2 hours 28.41, 42, 43, come on last effort and 2 hours 28.49 I am under the arch for a personal best. I hear the PA system announcing the second girl who had just come in, in front of me and looking across I recognise Olympian Sarah Rowell, daughter of an Army officer. The PA system goes on to announce that the third woman, Mary O'Connor, is about 3 minutes from the end, failing to notice that little Sally Hales has also crossed the line apparently unnoticed having knocked 12 minutes off her previous best (and having beaten me). I limped down the finishing tunnel, had my computer slip ripped off, collecting my finisher's medal, my space blanket, my free Mars bar (Mars bar aversion therapy), my free glass of water, my free glass of high energy drink and then struggle off to the bus for my kit.

Now that the race is over I notice how sore my feet are, how stiff my knees and thighs. Despite these minor aches the main feeling is one of euphoria. I have done

it and I will do it again next year.

The Inter-Services race was won by the Royal Air Force thanks to the contribution of Corporal Jones who collected approximately £20,000 in prize money and £15,000 appearance money for the morning's work. I finished 223 overall, out of approximately 17,500 starters.

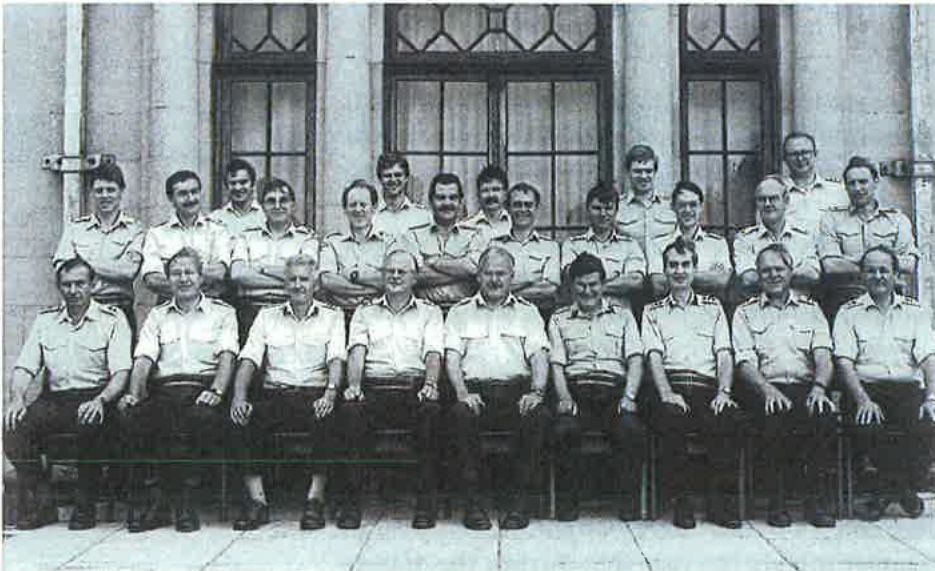
1988-1997

Tony Rogers

The fifth decade of ALS was one of political change, draw-down and re-expansion, intervention by the civil courts, obituaries, new court-martial procedures, armed conflict and upheaval.

Personalities

When the decade ALS started, General Sir David Mostyn retired as colonel commandant and General Sir Robert Pascoe was appointed to replace him. He, in turn, was replaced by Major-General (later General Sir) Sam Cowan. Eventually, on the formation of the AGC on 6 April 1992, Her Majesty The Queen became Colonel-in-Chief of the corps. Lieutenant-General Sir Jeremy McKenzie became the colonel commandant and a deputy colonel commandant was appointed for each branch of the corps. Major-General David Selwood was appointed in 1996 as



DALS' Conference, 1988: left to right Lt Col Chris Price, Maj Gary Adams, Maj Andrew Scott, Lt Col Tony Rogers, Capt Paul Rice, Maj Roger Lewis, Col John Taylor, Maj David V Howell, Maj Adam James, Brig Mike Clarke, Maj Peter Lozynski, Capt Russell Lloyd, Maj Gen Mike Fugard, Maj Jim Stythe, Col Oliver Pugh, Maj Richard Spencer, Capt Mike Conway, Col Tim Wright, Maj Stephen Vowles, Lt Col John Mitchell, Maj Tony Lever, Capt John Bowman, Maj Dick Austin and Lt Col Jeremy Moon.

deputy colonel commandant for ALS and remains in post. Major-General Robin Grist became the DGAGC and was succeeded by Major-General Mike Regan in July 1994. With the move of the Adjutant-General to Upavon, the post lapsed and chief of staff to the Adjutant-General, Major-General Richard Oliver, took on the responsibility for co-ordinating the work of the AGC directors. James Stuart-Smith QC retired as JAG to be replaced by Judge James Rant QC in 1991. In 1988, Major-General Mike Fugard was DALs. In January 1990, David Selwood succeeded him. Other directors in this decade were Mike Clarke 1992-94, Tony Rogers 1994-97 and Gordon Risius 1997 to date. Two ALS officers who would undoubtedly have become DALs but who took early retirement should be mentioned because of their long and invaluable association with ALS: John Taylor who retired to do tribunal work and Philip Norris who left to become a circuit judge. They were officers of immense experience and ability we could hardly bear to lose.

The Edinburgh Congress

At the start of the decade, the 1988 Edinburgh congress of the International Society for Military Law and the Law of War had just taken place. It had been a large affair. At the opening reception, hosted by the Secretary of State, George Younger, 400 were present. Fortunately, we had had Major Tim Wheadon RRW to assist, and he and a clerk were based in Edinburgh for the six months preceding the congress. He dealt with the local arrangements. We worked under the watchful but avuncular eye of James Stuart-Smith, the JAG and president of the society. Jean Stuart-Smith, Anne Rogers and Sue Wheadon dealt with the ladies' programme. At the congress, Neil Jones joined the team for his fluency in French. We were also helped by various *ad hoc* bus monitors. Highlights included the outing to Glamis castle and the Signet library banquet.

Monthly Notes

There were no monthly notes for two years from March 1988. It was thought that we ought to have something a bit more intellectual than a gossip column. So for two years we produced the *Military Law Quarterly*, a mix of legal articles, summaries of recent cases and notes from "around the legal offices". It was a worthy undertaking but, without a permanent and long-term editor and proper funding, difficult to maintain. Monthly notes returned in April 1990 and the *Military Law Journal*, an occasional publication with legal articles, was launched to replace the Quarterly.

Obituaries

One of my very first duties on taking over as DALs was to attend the funeral of Major-General Roger Marshall. It is unfortunately the case that during the decade under review, and particularly during my directorship, we lost several of our former directors and other prominent former ALS officers. I therefore feel moved to mention them here.

Professor Colonel Gerald Draper OBE died on 3 July 1989. He had been a war crimes prosecutor after the Second World War and assisted the future Attorney-General and Lord Chancellor, Elwyn Jones, at the trial of Field Marshal von Manstein in 1949. After a time in ALS2, he left ALS in 1956 to join the world of academia, becoming Professor of Law at Sussex University. A person not afraid to speak his mind, Gerald's spirit lives on at the Lauterpacht Research Centre for International Law, University of Cambridge, where his books, complete with his hand-written astringent comments, enrich the shelves.

Major-General David Appleby CB MC TD, DALs from 1976 to 1978, died on 4 October 1989. He had seen real military action, having been awarded the Military Cross for an intelligence mission behind enemy lines in Tunisia when serving with 8th Army. He lost a leg during the Salerno landings. Supported by a metal leg, he

was passed fit for continued non-active service and eventually, having qualified as a barrister, joined ALS in 1948. He will be remembered by those who knew him as a quietly modest man of great personal courage, unfailing courtesy and an ability and willingness to listen to his subordinates.

Brigadier Geoffrey Weston DSC died on 17 May 1993. A memorial service was held at Lincoln's Inn chapel on 18 November 1993. Major-General Mike Clarke started the eulogy with the unforgettable words: "I have an uncomfortable feeling that any moment now, there will descend a large cloud of cigar smoke accompanied by a snort and a loud trumpeting on a large spotted coloured handkerchief." Geoffrey Weston served in the Royal Navy during the Second World War, was mentioned in despatches in 1943 and was awarded the DSC in 1945. He was the first lieutenant of HMS *Amethyst* during the Yangtze incident in 1949. Despite his wounds he assumed command of the ship on the death of its captain and was awarded a Bar to his DSC. Having read law at Cambridge, Geoffrey joined ALS in 1955. As Mike said, he was a most fearsome competitor in everything he undertook, whether it be bridge or squash or simply arguing. The arguments he had with David Hughes-Morgan in Rheindahlen in the late 1960s put me in mind of the irresistible force meeting the immovable mass.

Brigadier "Herbert" Halse CBE, DALS from 1955 to 1962, died on 6 October 1993. A memorial service was held at St Mary Abbott's, Kensington, on 3 December the same year. There, Major-General Mike Clarke recalled him as having a large presence and a powerful voice and that, though he did not suffer fools gladly, he was kind and humane. Those of us who joined ALS after his retirement regarded Herbert as something of a father figure to ALS. He continued to take a great interest in us, even to the extent of scrutinising proposed amendments to the Manual of Military Law and spotting errors with his eagle-eye. It was very fitting that he became our first colonel commandant on the formation of ALC.

Major-General Roger Marshall CB TD, DALS from 1971 to 1973, died on 22 April 1994. He was commissioned in the Territorial Army in April 1933, was admitted as a solicitor in 1938 and achieved unbroken military service for 40 years. He commanded 446 Searchlight Battery, 65th Regiment Royal Artillery from March 1942 to September 1944, then commanded 18 Disbandment Control Unit in April 1945 before being appointed staff captain in the Judge Advocate General's office in 1946. Transferring to ALS, he served in East Africa, where he was severely injured when trampled by a horse on a polo-field in Kenya, the Far East, Germany and England. He was remembered as a man of strong principles who was always courteous and considerate, especially towards his subordinates, and believed that Army service involved more give than take.

Major-General John Robertson, DALS from 1973 to 1976, died on 15 July 1994. He had served with Gloucestershire Regiment and was captured at Dunkirk in 1940. He spent his time in captivity improving his education so that he could read for the Bar. After post-war service in India, he joined ALS in 1948. A forward thinker, he was much concerned about military aid to the civil power and law of war. He was over twenty years ahead of his time in wanting to reform the military justice

system. His idea was to replace the district court-martial with a service magistrates' court. Like many innovators, he was, unfortunately, distrusted by some outside ALS. To those of us who had the privilege of serving under him, his retirement without the customary CB was an insult to his honour and integrity.

Major-General Gerald Whiteley CB OBE, DALs from 1964 to 1969, died on 5 January 1997. A graduate of Cambridge University, he was admitted as a solicitor in 1938 but, in September 1939, voluntarily attested and was called up in the ranks of the Royal Artillery in February 1940, being commissioned in August. He served with Middle East Forces before joining the Military Department of JAG in March 1941. There he served in the Western Desert, the Canal Area, Palestine and Jordan before returning to the War Office in September 1945. He joined ALS on its formation and saw service in Singapore, Germany, the Middle East and Cyprus. A blunt Yorkshireman who did not court popularity, Gerald Whiteley will probably be remembered by ALS as the officer who secured the two-star rank for DALs.

Major-General Tony McIlvenna CB, DALs from 1978 to 1980, died on 18 December 1997. He had started articles before the Second World War and was allowed to take his degree in June 1940 before being called up. He saw active service in the Light Infantry after the D-Day landings and in Holland and was mentioned in despatches. He was admitted as a solicitor in 1947 and joined ALS in 1950. In the eulogy by Philip Norris he was described as courteous, calm but resolute, always positive. He regularly attended ALS functions after his retirement. I had the honour of sitting next to him at the "old-boys' lunch" a couple of weeks before he died. He was talkative and in very good spirits though he must then have been aware of the terminal illness that he bore with such fortitude.

Lieutenant-Colonel Terry Davis also deserves a mention. I had known him since I collected him from Duesseldorf airport on his first posting to HQ BAOR. He died on 5 February 1998 aged 53 following a long struggle against motor neurone disease that had afflicted him while serving in Hong Kong. Although he had been selected for promotion to colonel, he was prevented by his illness from taking up a colonel's appointment. He was a gentleman, the kindest of persons, amiable, a conversationalist with a gentle sense of humour that never deserted him to the end. His uncomplaining courage in adversity was an example to us all.

The Berlin Wall

The fall of the Berlin wall was probably the political event of the decade. Tom Glynn has the knack of being in the right place at the right time. He ought to have become a journalist. He was in Cyprus when the Turks invaded. He was in "B" Mess when the IRA tried to blow it up. On 9 November 1989, when people from the east were allowed to cross for the first time, he happened, of course, to be serving in Berlin. The following day he



Lt Col Terry Davis watching the annual cricket match against the MOD Legal Adviser's XI in 1995.

experienced the party atmosphere at first hand at Checkpoint Charlie and the Brandenburg Gate. The wall was still there at that stage, but Tom declined an offer of a helping hand up to the top of the wall!



Rheindahlen Marches 1989; Gordon Risius, Alasdair Morrison, David Selwood and Colin Greasley - also Verbatim Court Reporters Jean Gill, Carol Hayball and Iris Humphrey

In early December, I had to go to Berlin to assist Tom in the prosecution of a double-handed murder case. It was an interesting time to be in Berlin as the wall had been removed between the Brandenburg Gate and the Potsdamer Platz and one was never quite sure where the border actually was. There was general freedom of movement, but the occupation regime and the German Democratic Republic still existed. We in the armed forces still had to go through Checkpoint Charlie and had to wear uniform in East Berlin. Schoolchildren were burning their Russian textbooks in the Alexanderplatz. Tom managed to get us tickets to see Parsifal at the Staatsoper.

Of course, eventual German reunification meant the demise of the British sector on 15 October 1990 and the loss of the GOC's lovely house on the banks of the Havel. We were fortunate to be able to hold nostalgic ALS BAOR study days in Berlin in 1990 and 1993 before the military train, Edinburgh House and the officers' club, with string trio, also finally disappeared.

ALS officers and physical exercise

When I first joined ALS, I was given the impression that physical activity and military training were the reserve of the stupid. All military lawyers needed were the traditional skills of legal analysis and persuasion together with a reasonable gin-swilling capacity. There were some notable exceptions, of course. John Robertson had passed the physical training instructors' course with top marks. Nor could I ever emulate Mike Clarke's completion of the Nijmegen Marches: 4 days of 50km each of travelling light or 40km with a pack. Mike used to wear the Nijmegen march medal on the underside of the lapel of his mess dress jacket. David Selwood has referred, in his introduction, to the exploits of Richard Green

and Ian Clarke in tennis and golf respectively and Gary Adams' piece on the London marathon appears elsewhere.

But in the decade under review, Gary Adams successfully passed the P Company course at the Parachute Regiment Depot. This was an indication, perhaps, that as the turn of the century approached, legal officers would not only need the traditional skills but also that they would have to be physically fit and able to acquit themselves well in an active military environment. Other reports of sporting prowess included Philip McEvoy and his exploits in cross-country runner, triathlon and orienteering, including the 140km "walkabout" in mountainous terrain in Cyprus. Nigel Jones, winner of the Worthy Down cross-country race, was later joined by Lee Marler in the AGC cross-country team.

On a gentler note, in 1995 I challenged David Pickup (MOD Legal Adviser), reputed to be a former minor counties player, to a cricket match. This has become an annual fixture at Worthy Down. Charles Bullough, who had made his name as a hockey and cricket player, proved to be an excellent captain and quite a pool of cricket-playing talent was found to exist in ALS. After losing the first match by a narrow margin, ALS won all the others - until 2001.



Maj Lee Marler, Maj Nigel Jones, Lt Col Stephen Vowles and Matthew Vowles (son) before the Army Half-Marathon at Fleet in 1995.

DALS' XI at Worthy Down with the trophy after the annual match with the MOD Legal Adviser's XI in 1997 - John Bowman, Charlie Barnett, Colin Greasley, Geoff Cameron AALC, Scott McDonnell, Charles Bullough (capt), Nigel Moreland, Mark Dakers, Nigel Jones, Peter Bryant and Charles Garraway.



The Gulf War

On 2 August 1990 I was on leave with my family at Wolfenbuettel to celebrate our silver wedding when our elder daughter announced that Saddam Hussain had invaded Kuwait. No sooner was I back at Empress State Building than ALS2 were required to start writing an urgent paper for the Foreign & Commonwealth Office about the status in international law of the British military members of the Kuwait Liaison Team who had been taken prisoner to Baghdad. I later received one of those uplifting calls from Frank (later Sir Franklin) Berman, FCO Legal Adviser, that we "had made the big time" as the paper was being used by the UN Secretary General in his mediation efforts. I am glad to say that he was able to secure their release.

When, later in the year, it became certain that force would have to be used to end the occupation, we had to begin thinking seriously about the law of war. Suggestions to the Director of Military Operations that we should start drawing up contingency plans for prisoner of war handling fell on deaf ears - he was much too busy - until the first planning meeting on 23 December. Many law of war briefings were given in Germany and the UK. People were beginning to realise that the subject was important.

The air campaign, and this meant serious law of war, started on 17 January 1991. By this time, first 7 Armoured Brigade and then 4 Armoured Brigade had been deployed to Saudi Arabia. Four ALS officers were deployed with them: Charles Garraway, Dick Austin, Jane Eyton-Jones and Chris Armstrong; Rick Charles of RAFLS was sent to Riyadh; the legal cell at PJHQ was manned on a 24 hour basis, mainly by Philip McEvoy and Garry Adams of ALS and John Ashworth of RAFLS; and Gordon Risius and I were busy dealing with questions from the comfort of Empress State Building. 1 (UK) Armoured Division legal work in Germany was shared between the other branches.

Not only Germany was affected. UK branches were very much involved in the legal aspects of the recruitment and training of reservists. That was not all. The Home Office was on the point of deporting some Iraqi students at British universities who were members of the Iraqi armed forces, when we intervened and said that they were probably entitled to prisoner of war (PW) status. The upshot was that a PW camp had to be set up for them at Rolleston Camp on the Salisbury Plain. Stephen Vowles advised the authorities about the legal aspects of that operation and the determination of status boards of inquiry that were held. While all this was going on, the Armed Forces Bill was at its committee stage and the train services were in turmoil because of "the wrong kind of snow" on the lines.

In the aftermath of the Gulf war, Gary Adams was despatched to Northern Iraq to help protect the Kurds and Terry Davis to Riyadh. Not only those who were deployed to the Gulf but also those who had been based in Cyprus during the conflict were presented with the Gulf War medal. Apparently, the justification for the latter was that they were within Scud missile range of Iraq.



Col Stephen Vowles and Lt Col Charles Bullough with Maj Bruce Boivin (US JAG Corps Reserves) in the Balkans in 1996.

The war in former Yugoslavia

After the initial hand-wringing inactivity and hesitation by the international community, a modest step forward was taken with the establishment of the United Nations Protection Force (UNPROFOR), which included a British battalion, initially 1 CHESHIRE under Lieutenant-Colonel Bob Stewart. There was no call for legal advisers at first, but ALA BAOR had to provide cover for legal advisers for soldiers in theatre who were being interviewed by the service police under the Police and Criminal Evidence Act 1984.

Eventually, it was found necessary to have a permanent ALS presence in the

former Yugoslavia and Nigel Jones was despatched to Split in early 1995 on OP GRAPPLE. He was followed by Emma Gillespie. A little later, David Richards was sent to Ploce with the rapid reaction force.

Once the Dayton peace accords had been signed in December 1995, there was a great demand for legal officers on the staff of the implementation force (IFOR). Tony Paphiti went to Zagreb, to the International Support Command. David Reddin, newly posted to HQ Allied Command Europe Rapid Reaction Corps (ARRC) as SO1 Legal, was deployed to Sarajevo. So was Richard Batty, to advise the Joint Military Mission, involved with liaison with the factions. Alan Moore was posted to the HQ Communication Zone Forward at Split and Nick Mercer to the UK National Support Element at Split. When 3 (UK) Armoured Division deployed to Gornj Vakuf, becoming HQ Multinational Division South West, Mike Conway and Nigel Moreland went with them. Cecilia Miskelly remained with the rear party at Bulford. The HQ later moved to Banja Luka in the Serb part of Bosnia. By this time, seven ALS officers were serving on operations in Bosnia and Croatia. This commitment was to place a very heavy burden on ALS. Nobody expected the deployment to be short-term and the prospect of having to find replacements at regular intervals was troubling. Second tours seemed inevitable. When I visited ALS offices in theatre in August 1996, the numbers had reduced slightly. Lee Marler and Susan Ridge were at Split, Gary Adams and "T-D" Tregilgas-Davey at Banja Luka and David Reddin in Sarajevo. Fortunately, the number of ALS posts was reduced to two in 1997. The greatest delight of my visit was to find David Reddin in the office next door to the IFOR commander and to learn that he was one of the commander's closest advisers.



Capt Emma Gillespie (now Peters), serving with UNPROFOR in 1995.

The new management strategy (NMS)

This started in April 1991. The idea was that by delegating management of budgets to lower levels, there would be financial savings through personal responsibility for careful expenditure of funds. Unfortunately, it was attended by an unwelcome bureaucracy and really did not work for ALS because only the directorate and ALG UK had their allocation; the remaining ALS officers were on the strength of other formations, with their own budgets. Since the ALS budget was made up almost entirely of salaries, with only a few additional items such as travel and publications, the only way the 10% or 15% cuts that were from time to time imposed could be achieved was by not recruiting new officers. Since most ALS officers' salaries were not paid out of our budget, scope for savings was extremely limited. Had DALC controlled the entire operating budget for ALS, there would have been much greater flexibility and the ability to apply the money where it was most needed.

Having attended a seminar on NMS in March 1996, I penned the following lines:

NMS - what is it?
 A strategic framework, opportunity
 Driven, not threat inhibited,
 Designed to expose full non-core potential
 And to project-manage business
 Process engineering through leverage
 Of complement'ry resources
 By utilising all output levers and
 Rationalisation drivers for
 Mutual target cost incentivisation.
 I think that's what it's all about.

Draw-down: the fall and rise of ALS

One of the immediate consequences of the fall of the Berlin wall, German reunification and the thaw in East-West relations that followed, was a reassessment of the size of the armed forces and the need for three deployed divisions, the Berlin brigade and one allied tactical air force in Germany. It was decided to withdraw the Berlin brigade and reduce the military strength in Germany to one large division, 1 Armoured Division to be based at Herford, with a support command at Rheindahlen, HQ UK Support Command (Germany) (HQ UKSC(G)), and an air force group. This meant the end of 1 (British) Corps, based at Bielefeld, in October 1992 and the creation, at Rheindahlen, of Allied Command Europe Rapid Reaction Corps (ARRC). This, a British-led formation, with 1 and 3 Armoured Divisions assigned, also needed a legal office: a UK SO1 Legal, Tony Paphiti, and a Dutch SO2. Also abolished was HQ British Army of the Rhine at Rheindahlen in July 1993 and of NATO's Northern Army Group, also based at Rheindahlen.

ALS were involved in assisting Rodney Batstone of the Joint Services Liaison Organisation in Bonn with the re-negotiation of the NATO Supplementary Agreement on the Status of Forces in Germany and in assisting the MOD Legal Adviser in negotiating a memorandum of understanding for HQ ARRC.

On 31 March 1992, the number of Districts in Great Britain was reduced to five: Scotland, Wales and Western, Eastern, London and Southern with a legal branch at each. Southern also had an outpost at Bulford. The ALG was abolished in March 1993 and Brigadier Legal joined the staff of HQ UKLF (again).

These changes had consequences for ALS: the loss of the brigadier's post in Germany and of two lieutenant-colonel posts with a considerable reduction in ALS officer strength in Germany. Because of the strength reduction of the armed forces, a redundancy package was put in place. David Hawley and John Mitchell pulled the short straws. Redundancies would turn out to be premature as, within a very few years, ALS was expanding again and short of experienced officers.

Draw-down also meant the closure of offices at Koerbaecke (which I had set up ten years before) in September 1992; Verden, designated for a brief period HQ Lower Saxony District before its final expiration in July 1993; and Berlin. About the only office to remain more or less intact was ALA BAOR. It was re-named ALA North West Europe (ALA NWE) and took over responsibility for army legal aid world-wide.

In September 1992, Army Law Training and Publications Branch (ALT&PB) moved from Old Sarum to Worthy Down, the home of the AGC. In May 1993, Alasdair Morrison became the first ALS officer to be assigned to HQ Royal Marines at Portsmouth. In February 1994, as part of the general rustication of the services, DALs and ALS1 moved to Worthy Down to join ALT&PB, now renamed ALS3. Because some key service personnel remained in London, ALS2 also remained in London, at Metropole Building. It was felt necessary, so long as service personnel remained in Whitehall, to have a legal presence there too. With hindsight, it might have been better if the services had pulled out of London completely and set up a joint service headquarters somewhere else. The Permanent Joint Headquarters (PJHQ) at Northwood never had this role as it was an operational headquarters. It also required a legal adviser. At the time of its establishment, ALS did not have an officer to spare, so RAF Legal Services were first to fill the post on the understanding that it would rotate with ALS.

By early 1995, things were changing again. Apart from London, military districts disappeared, as did HQ UKLF. Most of the Army came under command of HQ Land Command: HQ 1 (UK) Armoured Division at Herford, HQ 2 Division at York, HQ 3 (UK) Armoured Division at Bulford, HQ 4 Division at Aldershot, HQ 5 Division at Shrewsbury, HQ UKSC (G) at Rheindahlen and, if remember rightly, Cyprus. Each of these had its legal team. The London District legal branch also covered Scotland to start with. I think York later took over this responsibility. As part of the rustication process, the Adjutant-General (AG) moved out of London and was joined on the Salisbury Plain by the service directors. That meant another move for DALs, from Worthy Down to Upavon, in March 1996. Other new posts included an SO2 Legal, Robert Girling, on the staff of the Director of Manning (Army) to assist with the legal implications of equal opportunities, racial and sexual equality and other manning problems. Also established in August 1996, was an SO1 Legal post at HQ Allied Land Forces Central Europe (LANDCENT), at Heidelberg, and Stephen Vowles became the first incumbent, just in time to join their deployment to Sarajevo to take over from HQ ARRC as IFOR became the stabilisation force (SFOR).

Judicial review and the military

Before 1990, the Divisional Court rarely intervened in administrative matters affecting the armed forces. That changed with the Anderson case⁴³ where the court was critical of the Army Board's procedures for dealing with a complaint of racial abuse. It resulted in a wholesale review of the way redress of grievance cases, Army Board censure cases and other administrative matters were dealt with by

⁴³ R v Army Board of the Defence Council, ex parte Anderson (1991) 3 All ER 375.

the board as well as by the chain of command. In particular, there was a requirement for full disclosure of the evidence to be considered by the board to the person affected and consideration of his response. There was also a requirement to consider the need for an oral hearing with cross-examination of witnesses. The effect of the Anderson case was to bring ALS officers much more into administrative procedures, to review the suitability and relevance of the assembled evidence; to advise on disclosure and on the comments of the person affected; and to advise on the need for an oral hearing. In some cases, DALS actually advised the Army Board in person when they were considering the case. Major-General David Selwood was the first DALS to do so following the Anderson judgment.

Formation of the AGC

After only a few years as a separate corps in its own right, ALS was absorbed into the Adjutant General's Corps on its formation on 6 April 1992. Opinions varied about the need for such a corps and whether ALS should be part of it. The expected financial savings to be made by closing down Eltham, Beaconsfield, Guildford and Chichester, however, proved a powerful driving force that tended to prevail over counter-arguments. For the directors concerned, the formation of the AGC proved to be more of a damage limitation exercise. The main concern for ALS was to maintain the rank of DALS and to resist proposals for complete

integration. From the point of view of our work, we could see no benefits. There was, indeed, the important issue of whether it would be constitutionally proper for police and prosecutions, RMP and ALS, to be part of the same corps. On the other hand there were some social benefits for ALS in being part of a larger organisation with greater funds that the DALS fund and better facilities, especially the officers' mess and other facilities at Worthy Down, at our disposal.

DALS was much involved in the AGC implementation and

establishment work. There were discussions about whether the corps should be unified, like the Royal Logistic Corps, or a looser federation. Eventually, the federal structure was accepted and the rank of DALS maintained. Fortunately, the representatives of the constituent elements of the AGC got on well on a personal level, so the federation quickly settled down to a routine. We did not have much in common work-wise, so each element tended to go its own way, but we did get together for social activities and for management and selection boards. The latter, perhaps, introduced a more objective element into ALS promotions.



Russian visitors to Worthy Down, November 1995, hosted by (left to right) Lt Col Stephen Vowles, Brig Gordon Risius, Maj Gen Tony Rogers, Col Charles Garraway and Col Tom Glynn.

AGC Functions

Her Majesty, The Queen, as Colonel-in-Chief, and their Royal Highnesses, the Duchesses of Kent and Gloucester, as Deputy Colonels-in-Chief, attended the AGC Day at Worthy Down on 4 June 1993. The senior officer present was Lieutenant-General Sir Jeremy Mackenzie, the colonel commandant. Cecilia Miskelly was second-in-command of the quarter guard. She later attended the lunch for the Royal party in the officers' mess along with senior ALS officers and their wives. ALS had a display tent, which was visited by the Royal party.

Capt Mark Dakers, Brig Gordon Risius, Anne and Maj Gen Tony Rogers, Jane and Col Charles Garraway and Lt Col Stephen Vowles at Winchester in 1996, after the parade at which the freedom of the city was transferred from the RAPC to the AGC



On 1 July 1993, as the representative AGC commander in Germany, I was privileged to sit next to HRH The Duchess of Gloucester at the AGC dinner at Bielefeld. The following day Neil Barclay hosted a visit to ALA BAOR by the Duchess, the first time a member of the Royal Family visited that, or possibly any other, ALS office.

In April 1996, a parade took place at Winchester when the Freedom of the City was transferred from the RAPC to the AGC. Mark Dakers commanded No 3 Detachment in the parade. The parade was followed by a service in Winchester cathedral and a reception at the Guildhall. This was one of only two occasions as DALs that I had to turn out in No 1 Dress with ceremonial accoutrements.

The Joint Service Manual on the Law of Armed Conflict

This must be one of the longest-running manual projects in ALS history. The idea was to replace Part III of the Manual of Military Law of 1958 with a new, joint service, operationally biased manual. It started under Colonel Mike Fugard in 1979. The decision by the United States not to ratify the Geneva Protocols of 1977, the collapse of a unified NATO approach to ratification and concerns about ratification by HMG, meant that, for many years, there was not much impetus behind the project. Under Colonel David Selwood, the drafts were dusted off and up-dated, so that there was a complete manual with index by 1986. But the lack of a decision on ratification meant that it was put aside once again. By 1994, there had been considerable developments in law of war, including the experience of the Gulf War 1991, which called for a careful revision. Colonel Charles Garraway was tasked to do the work in co-operation with Professor Chris Greenwood.

I helped with a couple of chapters as did RN and RAF lawyers. A further revised draft was produced while we awaited definite news on ratification. This eventually took place on 29 January 1998 but by then we had a new mines protocol, a new mines convention, a new protocol to the Cultural Property Convention and the San Remo Manual on the law of naval warfare... so yet another draft became inevitable!⁴⁴

Rank of DAL5

By mid-1994, the ALS establishment was becoming a bit lop-sided with the loss of one brigadier's post, in Germany. The Colonel ALS 3 post was downgraded to lieutenant-colonel on the grounds that DAL5 could not have two full-colonels on his staff and the fact that Colonel ALS2 was in London was his problem. Fortunately, we were able to claw back that colonel's post after about a year. Nevertheless, the rank of DAL5⁴⁵ was beginning to look vulnerable as a result of the changes, especially as all the other heads of AGC branches were brigadiers and because the DGAGC was a major-general. In fact, it turned out that a decision had already been taken at a high level to downgrade the post. On protesting that this decision had been taken without consultation with DAL5, we managed to secure a promise from AG that it would be not implemented without a proper study. Old studies directly or indirectly relating to the rank of DAL5 were found, re-read and summarised for AG. It became evident that the amount of time, money and effort that had been expended on this issue was verging on the farcical. Despite that, a new study was launched, job descriptions drawn up and interviews conducted, but the pressure of other things and the court-martial reforms meant that it was never completed and the threatened downgrading did not occur.

The Hague War Crimes Tribunal

When the International Criminal Tribunal for the Former Yugoslavia was first set up, there was a wide trawl for suitable staff. ALS were, as ever, willing to help, and Captain Andrew Cayley was sent to The Hague.⁴⁶

Honours

It was a good decade for honours for ALS honours, an indication that the legal support we provided was appreciated. They included: Major-General Mike Fugard CB in the New Year Honours List 1990; Lieutenant-Colonel David M Howell OBE in the Northern Ireland List in November 1991; Lieutenant-Colonel Peter Bryant OBE in the Northern Ireland List in May 1995; Lieutenant-Colonel Roger Lewis OBE in the New Year's Honours List 1996; Major David Reddin MBE in the Birthday Honours List 1996; Major David Yates MBE in the Northern Ireland List in December 1997; and Major Justin McClelland MBE in the Birthday Honours List 1998.

⁴⁴ By the time of going to press, Tony Rogers, who had been contracted to do this work, had produced his third re-draft, which was on circulation for comment.

⁴⁵ Oliver 1939, Lewis 1946, Napier 1948, Drew 1965, Adams 1965, the 1971 Working Party, Stewart-Cox 1977, Bunkell

DALS' Conference at the Royal Army Medical College, Millbank, in 1989 - (from left to right) Cdre Peter Partner (Canada), Lt Col Charles Garraway, Lt Col Richard Spencer, Brig Mike Clarke, Col Oliver Pugh, Lt Col David Hawley, HHJ James Rant QC, Lt Col Tom Glynn, Col Philip Norris, Maj Gen David Selwood, Lt Col Peter Bryant, Capt Shaun Lyons RN, Col Tony Rogers, Brig Bill Rolfe (Australia), Lt Col David Howell, Col Tim Wright, Brig John Taylor, Lt Col Tony Paphiti, Lt Col Gordon Risius, Lt Col Dan Gardiner (New Zealand), Lt Col Stephen Vowles and Col Neil Barclay.



International Law

The tradition of ALS officers' involvement in the negotiation of international treaties was upheld by the work of David M Howell on the revised mines protocol, Colin Greasley on the Ottawa convention on landmines, Charles Garraway on the international criminal court, and Susan Ridge on the second Hague protocol. Charles Garraway continued his regular association with the International Institute of Humanitarian Law as director of military courses and Major-General Gordon Risius took over from the author as vice-president of the International Society for Military Law and Law of War.



The International Institute of Humanitarian Law, San Remo, Italy, in May 2001, with Col Charles Garraway as Course Director, Lt Col Nick Mercer⁴⁶ as a Class Leader and Maj Keith Eble as a participant.

Hong Kong

1997 saw the end of colonial rule in Hong Kong. The ALS office closed quietly. Our last representative there was Alasdair Morrison and his final monthly notes despatch, published in May 1997, spoke of farewell ceremonies and disbandment parades and the shared accommodation of the chief medical, dental and legal officers, known as 'pills, wills and drills'.

⁴⁶ Having left ALS, Andrew Cayley became a Senior Trial Attorney at the Tribunal and recently arranged a series of internships for young ALS officers there to conduct research into the Milosovic and other cases.

Court-martial reforms

After the Dutch soldiers' case in the 1970s, we realised that some aspects of military law might be incompatible with the European Convention on Human Rights, especially commanding officers' powers of summary jurisdiction and the attendant procedures. No particular need was found, however, to introduce any reforms unless required to. John Robertson's proposals were not taken up.

That things would have to change became apparent when the European Commission of Human Rights in February 1995 declared admissible Lance-Sergeant Findlay's contention that the court-martial system was unfair. The next opportunity to enact legislation was the Armed Forces Act 1996 and, even before the Findlay case went to hearing before the European Court of Human Rights, proposals for the Bill had been formulated.

Since the objection to the court-martial system was that nearly all the powers lay in the hands of the convening officer, it was decided to split up those powers. A prosecuting authority, independent from the chain of command, would be established. Presidents and members of courts-martial would be appointed by a court-martial unit that was also independent of the chain of command. Officers in the command chain would simply decide whether a case should be dismissed or dealt with summarily or referred to the prosecuting authority for a decision on prosecution and, if so, the conduct of that prosecution. The responsibility for court-martial legal aid (and Tony Lever who ran it) would be transferred from DAL5 to AG7. As this last change did not require legislation, it was implemented in March 1996 when the Directorate moved to Upavon.

The changes introduced by the Armed Forces Act 1996 were to come into force on 1 April 1997, but the various associated postings were implemented beforehand so that there could be a period of adjustment prior to the Act becoming operative. Three people deserve particular mention here: Tom Glynn worked tirelessly in ALS 2 on the primary and subordinate legislation and well deserved his subsequent promotion to brigadier; David M Howell masterminded the creation of the Army Prosecuting Authority (APA); and Stephen Vowles was responsible for the attendant postings plot.

The APA was set up at RAF Uxbridge with a branch at Bielefeld. The idea was that Brigadier (Prosecutions) would be in day to day charge of the authority as a whole, and that the UK office, headed by a colonel, David M Howell, would conduct prosecutions world-wide, except for cases in Germany which would be dealt with the Bielefeld office, headed by another colonel, Tony Paphiti. ALA NWE, still a colonel's appointment, would be responsible for Army Legal Aid world-wide. PACE work for Army accused would, in future, be done by RAF Legal Services, ALS reciprocating for RAF cases. All other advisory work would be done by smaller ALS offices in the chain of command, as before, but headed by a Brigadier (Advisory), based at Upavon. The reason for this was that DAL5 was to become the Army Prosecuting Authority, an appointment by Her Majesty The Queen.

The changes were accommodated with a modest establishment increase from 53 to

60 legal officers with the second brigadier post reinstated and the colonel posts increased to six. As a result of the changes, the move to downgrade the DALs post was shelved. I was therefore able to hand over the baton to my successor, Gordon Risius, on 31 March 1997 with the new court-martial system in place and ready to operate on the following day. Tom Glynn became Brigadier Prosecutions and Peter Bryant became Brigadier (Advisory).

The Fiftieth Anniversary Dinner

The dinner was held at Lincoln's Inn on 24 September 1998. Guests included one of our Deputy Colonels-in-Chief, HRH The Duchess of Gloucester, and her Lady in Waiting, Lady Camoys; Lord Woolf (Master of the Rolls); General Sir Roger Wheeler (CGS); Ross Cranston QC (Solicitor-General); General Sir Alex Harley (AG); Judge James Rant QC (JAG); Major-General Richard Oliver (COS AG and Assistant Colonel Commandant AGC); Colonel (Retired) Barrie Johnson (Regimental Colonel AGC); Martin Hemming (MOD Legal Adviser); Professor Christopher Greenwood QC; three former Colonel Commandants: General (Retired) Sir David Mostyn, General (Retired) Sir Robert Pascoe and General Sir Sam Cowan; and Major-General Walt Huffman (US Army JAG) and Brigadier-General Jerry Pitzul (Canadian JAG). The full AGC Band played during the dinner. Major-General (Retired) HH Judge David Selwood (Deputy Colonel Commandant) presided and made a speech of welcome to the guests. Lord Woolf responded on behalf of his fellow guests and fondly recalled his days in ALS in the 1950s. He concluded his remarks with a toast to the next fifty years, to which Major-General Gordon Risius responded on behalf of the branch. It was a splendid and memorable evening in a magnificent setting with a record attendance - a total of 133 officers. The organisation of the dinner reflected great credit on Lieutenant-Colonel Charles Bullough.



ALS 50th Anniversary Dinner, Lincoln's Inn Great Hall, 24 September 1998; (top left to bottom right) Lt Col Bullough, Brig Bryant, Judge Rant, Gen Mostyn, Brig Glynn, Maj Gen Huffman, Mr Hemming, Maj Gen Clarke, Maj Gen Rogers, Maj Gen Oliver, Gen Pascoe, Brig Gen Pitzul, Prof Greenwood, Col Vowles, Gen Harley, Lady Camoys, Mr Cranston, Maj Gen Risius, HRH Duchess of Gloucester, Maj Gen Selwood, Lord Woolf, Gen Wheeler, Gen Cowan.

Balkan reflections

Tony Rogers

A good way to arrive for the first time is in the cockpit of a Royal Air Force VC10. It was flown by the station commander of Brize Norton, presumably keeping up his flying hours. It is certainly better than being in the cabin, facing to the rear. There seemed to be a lot of trimming and adjustment, fiddling with dials and switches and, through the headphones, almost unintelligible communication between the crew and the air traffic controllers, putting me in mind of the Norris Spitfire sketch. I hoped those concerned knew what was being said. Presumably they did, because there was a change of wind and instructions were received to alter the approach to the far end of the runway. This meant getting uncomfortably close to the mountains overlooking Split before banking steeply to port and then steadying for touchdown.

After disembarking, being issued with an Implementation Force (IFOR) identity card that, flatteringly, promoted me to lieutenant-general, rules of engagement and a guide to the prevention of heat casualties, and making a short journey in an air-conditioned car to the Palace Hotel, it seemed pleasantly warm and sunny. But Majors Lee Marler and Susan Ridge, who met me at the airport, complained about the heat. After a few minutes in a stuffy hotel room changing into combat dress and struggling into boots combat high I had to concede that they were right. That is why plastic bottles of water are to be found everywhere. The Army water bottle remained unused. I must say, however, that I found the new lightweight combat clothing extremely good.

The Palace Hotel is set amid pines, separated by a narrow road from the sea-shore. It is a tourist hotel that has seen better days but there are signs that holidaymakers are beginning to return to the Dalmatian coast.

Then we were off to Divulje Barracks, shared with the Croatian army, to be briefed and to meet the Commander Communication Zone Forward, Brigadier General Holger Kammerhoff, of the German army mountain troops, and his chief of staff, Colonel David Hills, late RHF, and Major Lee Marler, their legal adviser and to meet Brigadier Roy Ratazzi, the commander of the UK National Support Element, escorted by Major Susan Ridge, his legal adviser.

The evening was spent with Majors Marler and Ridge at an outside table of a restaurant in the local village amidst the comings and goings of evening life, looking out over the sea, eating Balkan food and swapping anecdotes. And the red house wine did not produce much in the way of the feared after-effects.

The night was disturbed for other reasons: the heat and the noisy night-life outside. So it was a relief to be up early to enjoy breakfast in the cool of the officers' mess veranda with a view, through the pines, of blue sea and wooded island.

I would not recommend a flight in the back of German CH 53 helicopter to those without ear defenders. It took about 24 hours for my hearing to return to anything like its previous, rather poor, level. My fellow passengers were a group of signallers with weapons and kit, led by a young female officer who was sufficiently relaxed to read a book. The others, like good soldiers, seized the

opportunity to get some sleep, despite the din. The crew seemed quite casual, smoking incessantly throughout the flight.

The metal factory at Banja Luka in the Bosnian Serb area was my next port of call. This houses the headquarters of the Multinational Division (South West), based on 1 (United Kingdom) Armoured Division. I was met and looked after during my short stay by its legal adviser, Lieutenant-Colonel Gary Adams. He gave me a guided tour of the metal factory, an enormous metal box which conveniently swallows most of the headquarters' vehicles and equipment among bits of metal and machinery that are left over from the factory's previous use. The factory also boasts purpose-built office and canteen blocks, which the headquarters is able to put to good use, and only lacks living accommodation. This comes in the form of containers known as CORREMECS (at least, that is what it said on my programme) which are infinitely adaptable to provide ablutions and clothes washing facilities as well as sleeping space. I was accommodated in the VIP container, which, though rightly frugally furnished, did sport windows with mosquito netting and ample lighting and electrical sockets. The assembled CORREMECS reminded me more of a construction site than a military headquarters and yellow plastic helmets would have seemed more appropriate than combat helmets. For all that, they are very practical.

More briefings and calls on the GOC, Major-General John Kiszely, and the DCOS, Colonel Robbie Burns, were followed by a helicopter flight (a BO 105, or has the Defence Recognition Journal let me down?) by courtesy of the Dutch army, over the divisional area. This included flying over the Omarska mines, which are thought to house mass graves, various heavy weapons collection sites, and the towns of Sipovo, Gornj Vakuf and Vitez. A combination of Dutch accents, my continuing hearing problems and a semi-defective headset meant that my appreciation of the terrain was less audio than visual. But it was clear that the country had suffered enormously in the war. It seemed as if half the houses were roofless. I was told later that 42 per cent of the population of Bosnia had been displaced by the war. It is a shame. Bosnia is a green and pleasant land, reminiscent of Carinthia or Steiermark in the 1950s. There are marvellous ravines, rock faces and pinnacles to tempt the walker or climber. In the most elevated places, there are the most amazing abandoned trench systems following the contours, often along the top of steep cliffs. Here there were also IFOR communications sites, very isolated and difficult to reach and reinforce. One could understand nervousness about hostage taking if the peace process should go badly wrong. Perhaps Judge Goldstone should visit some of these sites.

After the flight, the next visit was to IFOR House in the centre of Banja Luka. This was set up by the Civil Affairs Group under Lieutenant-Colonel Tom Boland, Commander 450 Civil Affairs Battalion (US), who first drove me around Banja Luka in one of those extraordinary, wide-tracked, American, cross-county vehicles with a 6-litre engine and flimsy door panels, known as a Humvee. Once through its indifferent suburbs, and ignoring the piles of litter, Banja Luka is an agreeable town with tree-lined roads and once splendid villas. IFOR House is like a citizen's advice bureau in a dwelling house in a quiet side street. I was shown around by

Major Elizabeth Brown AGC(ETS), whom I had last met at Sandhurst where she administered the Professionally Qualified Officers' course. The house is where citizens can meet representatives of IFOR and bring their complaints and concerns. Many of these relate to tracing relatives. I was shown a list compiled by the ICRC of some 11,000 missing persons, many lost for more than four years. Perhaps some of them, like the Moslem woman reported about in the papers a few months ago, are living in holes in the ground in the forests. A warrant officer and a driver live at the house for security reasons. The other staff, including the interpreters, are there only during working hours. I learnt that the chamber ensemble of the London Mozart Players had, through the good offices of the British Council, recently performed at Banja Luka and that the concert had been well attended and greatly appreciated. Their corresponding concert in Sarajevo was reviewed in *The Times* of 9 August 1996.

A brisk drive before dinner along the road to Prijedor was a sobering experience, not only because we narrowly avoided a collision with the rear of a horse and cart. Captain Tregilgas-Davey was about to shout a warning when the driver swerved aside. He was probably just testing the nerve of his passengers. Horse drawn transport is quite common in these parts. The inhabitants seem friendly and wave to passing IFOR vehicles. It was the damage to houses along the road that was depressing. It did not look like war damage. I was told it was due to the "ethnic cleansing" of the area. We stopped to have our photograph taken in front of the wreck of a house. In the ditch was a pile of rubbish, including bones - origin uncertain.

A dinner at the GOC's table of the all-ranks canteen rounded off the day. It was good to see the AGC represented again in the shape of the Provost Marshal, Lieutenant-Colonel Desmond Bergin. The Army caterers, or what is left of them, manage wonderful things in remote places.

As one retired to the container, the smoke from burning rubbish which had been in the nostrils all day (the smoke, not the rubbish), was blown across the metal factory and we were enveloped in a thick, acrid and evil smelling blanket. Apparently, this is a regular occurrence as the fires cannot be put out. Who knows what is being burnt in those rubbish tips: toxic waste, perhaps even the by-products of ethnic cleansing. If we all go down with the Bosnia syndrome, it might be traced back to this pollution.

The next day we drove, Captain Tregilgas-Davey, two young women signallers heavily armed with SA 80 rifles (the modern, popgun-like equivalent of the Lee Enfield) and I, in a Landrover to Sarajevo along route "Clog", pioneered, no doubt, by the Dutch. For reasons best known to them, the route planners eschew main roads, so we crept over the mountains by a magnificently scenic route. Again, there was much waving by the locals as we passed. The road is in pretty poor condition in places but in one village there were even road repairs in process. We saw a lot of IFOR vehicles, even tanks. The occupants of one IFOR vehicle ahead of us threw out packets of sweets for locals, children and adults, to scramble for. There were also ICRC and UNHCR cars and an unmarked GB registered car with 4 heavy-looking men in white shirts studying a map. On this

route there was not much damage in evidence until we passed out of the Bosnian Serb area at the Inter-Entity Boundary Line, the spot marked by a small picket of silent flag wavers. It became worse as we moved into Moslem areas. At Travnic, where the signallers exchanged the driving responsibility, and Vitez it is particularly bad. There is a lot of obvious war damage. Then we reached an area where one village contained a mosque and the next a church as we passed through Moslem and Croat enclaves. In this region, the damage seems more selective.

At one point there was a traffic hold-up in mid-village, Nacuni, I think, right on the divisional boundary. People milled about. The police stood about doing very little. Nothing much seemed to be happening. When I suggested another option like turning round and driving to Sarajevo along the main road, the driver was not very enthusiastic as she did not know the way to our destination except along this route. So we overtook the column of waiting vehicles to find out what was going on. Things were not much clearer. A large bus followed us, blocking my option B. Communication with the police was in one's own language supplemented by hand signals and, on their part, not very hopeful looking shrugs. The IFOR Serbo-Croat phrase booklet does not cover this situation. Captain Tregilgas-Davey went off to investigate. A weighty grandmother, breathing heavily, got out of the car in front and proceeded, aided by her family, on foot. The signallers seemed just a touch uneasy, perhaps remembering a case in Northern Ireland. Needless to say there was no other IFOR vehicle in sight. They wondered whether 30 rounds each would be enough. But one was reassured by the attitude of the people around, which seemed very calm and patient. Then a policeman returned, smiling this time and nodding and waving. We proceeded. Captain Tregilgas-Davey jumped aboard. We discovered the cause of the delay. Protesters who had been staging a sit-in on a bridge got up and raised their flimsy barrier to let us through, sat down again as soon as we passed, lowered the barrier and the demonstration continued. It was obviously not directed against IFOR.

The headquarters of the Allied Command Europe Rapid Reaction Corps (HQ ARRC) is situated in the wooded fringes of Sarajevo in a hotel complex that must have been a delight before the Great War. The headquarters are in the Hotel Serbia. We arrived just in time for lunch, again well prepared by the Army caterers, now part of the Royal Logistic Corps. I was surprised to meet Major Peter Smith, until recently of PS2(Army) and now attached to the UN. Then there were interesting briefings about HQ ARRC and its operations from Lieutenant-Colonel David Reddin and from Lieutenant-Colonel Mark Zanin, US Army, about the US Civil Affairs brigades and battalions and their activities. If only we had their resources! Next was a discussion with Colonel Reddin in his office, another hotel room, which he shares with the Political Adviser, and which is only a few doors away from the Commander and the Chief of Staff. A courtesy call on the Chief of Staff, Major-General Tim Sullivan, not long ago a fellow resident of Upavon, followed, in the tiny hotel room which is his office. The hotel was smart once but looks rather sad now with worn carpets and peeling wallpaper. The VIP room is no exception. In fact some walls looked pretty mouldy (rather like Muir House at Tidworth⁴⁷), but there was, great joy, a bathroom. However, Lieutenant-Colonel Reddin dampened my enthusiasm by saying that I would be lucky if there were

⁴⁷ The "residence" of DALs at the time - ed.

any water later and that I had better fill up a bucket while it lasted. Apparently, both water and electricity are very intermittent in Sarajevo.

Major Wiebe Baron, the Dutch Army lawyer, then whisked me off for a tour of Sarajevo in a Dutch Army Mercedes (a cross-country vehicle, in case readers get the wrong impression, but more refined than a Landrover), accompanied by a very mean looking Dutch soldier, with a shaven head and an Uzi sub-machine gun, who was to be our escort. I felt quite reassured by his presence. He was not the sort of person with whom one would pick a quarrel. We drove up the hills overlooking the town to the now abandoned Bosnian Serb trench systems. These were just like those of the battlefields of France and the Low Countries, only much more recent. One could see how the snipers and mortarmen were able to operate so effectively up there with the whole town at their feet and in their sights.

I could not let slip the opportunity to see the bridge where the Austrian Archduke, Franz Ferdinand, was assassinated by Gavrilo Princip on 28 June 1914. We pride ourselves on the speed of modern communications and on our rapid reaction forces, but it was possible to deploy forces very quickly in those days. Less than two months after the assassination the British Expeditionary Force was in action at Mons. We also had a walk around the old town, which is very attractive in an oriental way, though its a pity there is so much refuse in the river, saw the Library, an impressive cultural building in the Turkish style, badly damaged in the war, and the confined area of the market place where 68 people were killed by a mortar shell on 5 February 1994, a turning point in the attitude of the rest of the world to events in Bosnia.

Our route to HQ IFOR took us along sniper alley, the wide road through the Western part of Sarajevo, that featured on many television films. It was once lined by the uninspiring commercial buildings and blocks of flats that are to be found in many East- (and West-) European towns. It is now lined by shattered and derelict structures. The newspaper office building continues to produce papers even though its tower has collapsed onto the office block. It looks decidedly unsafe. Only the Holiday Inn, occupied by journalists during the war, has survived relatively unscathed. Some trains were running, in defiance of the graveyard for battered trains which was once the tram station. At HQ IFOR we met the legal adviser, Colonel Jim Burger, US Army JAG Corps and fellow Vice-President of the International Society for Military Law and the Law of War, and his assistant Lieutenant- Colonel Ed Monaghan. HQ IFOR is, if my memory serves me right, in a former police building in the centre of town, not far from some of the Sarajevo olympic facilities. There was no glass in the windows when they took it over in January, but it seems reasonably comfortable now, apart from the conference room we used which might once have been an interrogation cell. On leaving I bumped into Brigadier Will Cook, the senior British officer at HQ IFOR, with whom I had many a dealing when I was SOI Legal at Verdun and he was the Deputy Chief of Staff of 7 Armoured Brigade.

Dinner at the hotel in the evening, hosted by Colonel Reddin and attended by many of the IFOR lawyers, mainly US but including Dutch lawyers and one Greek

colleague who presented me with the Hellenic Force in Bosnia-Herzegovina plaque, was a very civilised affair. Among those present was Robert Blomfield, a District Judge and lieutenant-colonel in the Honourable Artillery Company, wearing a form of barrack dress, who, unarmed and with a self-drive car and interpreter, had been driving around Bosnia interviewing judges and court officials about the quality of justice in the local courts: quite the quintessential, eccentric, English gentleman. He must have had an air of authority and conviction because all the interviewees bar one had been co-operative. I was left unclear as to who had commissioned this study or what would be done with it.

Water predictions turned out to be very accurate. There was none on retiring, nor any on rising the following morning. It was just as well the bucket had been filled. On the stairs I met a perspiring brigadier carrying a pail which he had replenished at some far-distant pump.

Early on Saturday morning we left Sarajevo by road for Split, travelling in convoy. Major Baron drove in the judge's hired Passat saloon, which lacked number-plates though plastered with IFOR stickers, and bore a "HR" plate which, I gather, stood for Croatia. I was not sure whether it was a good idea to travel with such a plate through the Moslem parts of Bosnia, but we were being escorted by a military vehicle with a Dutch colonel and yesterday's Dutch soldier, both with sub-machine guns, aboard. We were also accompanied by an interpreter called Dina who, I was informed, had completed legal studies in Belgrade.

We drove though undulating, but gradually rising, meadows, woods and fields and after a while, after plunging through a dark tunnel, emerged to start a steep descent through narrow valleys to Konjic and along the shores of a lake to Jablanica where a bridge, demolished by Tito in his campaign against the German army, still stood as a monument. Then, negotiating a narrow, rocky valley, we were held up again. The Dutch colonel sailed to the head of the queue, exercising IFOR's right of freedom of movement. We followed. We found that a bridge had been blown up. The water level was, apparently, too low to allow use of the floating bridge, so we had to wait while French IFOR members directed the traffic down a narrow, dirt track, high above the lake, wheels uncomfortably close to the edge, reminding one of the Saxon accidents near Gorazde which are causing so much concern at present.

After the last dam, the narrow gorge widens into the Mostar plain. Here the devastation is awful. For dozens of miles as far as the Croatian border, what must once have been a fertile valley between barren hills has been burnt: houses, vineyards, roadside trees, everything. We stopped briefly at Mostar to look at the remains of the old bridge over the river dividing the Moslem and Bosnian Croat parts of the town. According to John Swain, writing in the Sunday Times on 24 December 1995, the bridge was built "almost 500 years ago by Turkish craftsmen of the Ottoman empire" and was destroyed by the Croats in 1993. At the San Remo law of war course we students had laughed at the very idea of Colonel de Mulinen's cultural bridge, but here was one in real life. Mostar, which once was a delightful medieval town, is in ruins. The opposing sides must have shelled each

other across the river. Hardly a building is not damaged. Yet life goes on. People throng the streets. Men sit, seemingly idly, in the cafes. We were hailed and salaamed as we passed. A small shop sells guidebooks and one wondered if there were any tourists. People cross the river by a rope bridge slung between the towers of the old bridge. It seemed peaceful, but there is an underlying tension because of the reluctance of the Croat side to accept the outcome of the recent elections.

It was a relief to get out of the battered Mostar valley and back to the heat of the Dalmatian coast where there is little war damage. Some tourists, mainly Czechs it seems, were evident, sunning themselves on the beaches, and the restaurants and cafes were thriving again. A quick (not a good idea if you want to reduce overheating) change into civilian clothes and I was saying goodbye to Major Baron and Dina, to Majors Ridge and Marler and facing the prospect of a return flight with Croatia Airlines. This, however, turned out to be very smooth and comfortable with a friendlier service than I have experienced with many a West-European airline and, I suspect, better than the alternative, a Hercules to Lyneham.

Fourteen ALS officers have so far⁴⁸ served in UNPROFOR, the Rapid Reaction Force and IFOR. Others will follow. This has been a very heavy commitment indeed as most of the posts have not been established, so gaps have had to be created, causing a great deal of extra work for those left behind. There has been massive resulting turbulence which has affected everybody and which, at a time when we are going through a major restructuring, is hardly welcome. Deployed officers are separated from their families and working long hours in uncomfortable and unfamiliar surroundings. That we have been able to meet the commitment and do our other work as well I regard as a major achievement. Our operational work is highly regarded and appreciated by the Army. Our operational role has really put us on the map. It has done ALS nothing but good. I would like to pay tribute to those who have deployed, and their families who have had to cope on their own, as well as those who carried the extra burden of work caused by the absences of the deployed, for rallying round and making this splendid achievement possible.

⁴⁸ This was written in August 1996 - ed.

Ahead of my time?

John Kerce

In mid-1987 whilst serving in Army Law Training and Publications at Old Sarum, idly waiting to transfer to the "posties", I was given a task. Rather shaken by this turn of events, I reported to my boss, Colonel John Taylor. The gauntlet he threw down was easy to pick up; all I had to do was create a "typical", insofar as such a beast ever existed, discipline file for the edification of those struggling with military law. The file was to contain all the relevant paper work from the note of the first telephone call to the adjutant to the criminal record documents. Rather pleased that here was a task I could really lose myself in, I scurried away to begin butchering the RMP report which would form the bulk of the file, with, in this case, names being changed to protect the guilty.

Time passed and some time later, beaming happily, I presented the fruits of my labours to Colonel John. Whilst he was not unhappy with the antics of my originally named Private Violent, he did point out that although I had changed names, dates and places, the title of Private Violent's corps had escaped my notice and proudly remained that of a corps not unknown in logistic circles.

I accepted the colonel's suggestion to go away and invent a corps or regiment whose title would not lead to squabbles in the syndicate room as brains, overheated with legal concepts, seized completely when confronted with a slur on the honour of the regiment. Clearly, tomorrow's leaders could not be exposed to such risks. Back in my office, I searched for an answer. The Blankshires and the Loamshires already had too many dubious battle honours and were summarily dismissed. In any event as an ex-TA infanteer, I was sick of the PBI getting the blame for everything.

At last, the answer presented itself as I glimpsed a future in which all the logistic functions currently undertaken by a number of corps would be combined in one. Congratulating myself that such a future could exist only in my fevered imagination, I allowed Private Violent to wear the cap badge of the Royal Logistic Corps (RLC) confident in the knowledge that no one else ever would. Colonel John was happy, the Private Violent file had its 15 minutes of fame at the Junior Division of the Staff College and no regimental feathers were ruffled.

I moved onwards and, until 3 April 1993, the RLC was forgotten. A quick estimate revealed that the story I have told would lead to my untimely demise in my new corps and thus my current comrades in arms have no idea of the glorious legacy that is Private Violent and a rather nasty assault occasioning actual bodily harm. I wonder however if my scribbling stirred a chord during the days of options, perhaps with an over-tired S02 who, scarred by his exposure to the workings of military justice, dredged a name for the his new corps from the mire of his subconscious? I shall never know.

Three months in the sun!

Amanda Brown

Nothing can prepare you for the change in lifestyle - I'm not talking about getting married or having a baby, but joining the army as a lawyer and then finding yourself on a three-month infantry attachment with the Cheshires in Cyprus!⁴⁹

My adventure started at Brize Norton where I sampled the delights of aircraft packaged food in the canteen on the ground! As I spoke to my fellow passengers it appeared that no one had even heard of my destination namely Dhekelia in the Eastern Sovereign Base Area. This troubled me slightly as I had tried to find my destination on an atlas, but to no avail, so I began to wonder whether I was the victim of a sick sense of humour in Army Legal Services.

Finally we boarded the aged RAF Tristar and my sanity was restored when I found myself sitting next to the only other passenger en route to a posting with 1 Cheshire at Dhekelia - he assured me the place did exist! Approximately four hours later I was greeted at RAF Akrotiri by Lieutenant Angie Tarlton, the detachment commander, who instantly picked me out of the crowd by my lawyer-like appearance (perhaps I shouldn't have worn the pinstripe trousers and blazer!).⁵⁰

My home for the next three months was to be the 1 Cheshire officers' mess at Alexander Barracks, Dhekelia. I immediately settled into my large room with a view of the Mediterranean. Angie and I were the only females in the mess, which meant that I was easily recognised whereas I struggled to remember everyone's name.

My first days at work entailed touring the barracks in my very noticeable green combats and attending interviews with the adjutant, Captain Jason Jordan, and the commanding officer, Lieutenant-Colonel Andrew Sharpe. I had been given the appointment of second-in-command of Support Company, which had the benefit of the most senior soldiers and accordingly those best suited to teach me the ropes.

The clothing storeman scratched his head in disgust as he tried to solve my clothing needs - unfortunately he could only find the thick winter version of desert combats so, although I was now the correct colour, I actually felt warmer. The desert hat covered my eyes and I had no idea what I was supposed to do with the cream tablecloth type articles!

Support Company it seemed had been without a second-in-command for a long time and had also lost their clerk to sporting commitments. The result was administrative chaos. Company Sergeant Major Kujawinski enjoyed the prospect of a new officer to torment. It was clear from the beginning that he ran the company and I should tap into his vast experience and knowledge. He obviously needed support on the administrative front and I was happy to oblige.

Within days of my arrival I became a source of entertainment on the fitness front as the sergeant major made sure that I joined in with the 5.30 am starts and early morning runs/tabs with the soldiers. I was not convinced that it was healthy to go from deep sleep to running within such a short space of time. The guys would run ahead and I would be left bringing up the rear. The highlight of the week was the CO's Friday morning run - approximately 5 miles up a very steep hill, around the

⁴⁹ I spent part of my 'infantry' attachment with 32 Field Squadron, Royal Engineers, in Cyprus in 1968. The Squadron were doing community projects as military training but did not really know what to do with a lawyer, so I was given a car and a driver and ordered to produce a report for the Cyprus HQs on roads. Having spent three wonderful weeks travelling over the entire island (this was before the Turkish invasion), I duly produced my report to the HOs and it was politely received. This, my first great opus, which

married quarters and then back down again to the gym. The point of the exercise was to beat the CO's personal time and to be home before the "bogey time", otherwise remedial PT was the order of the day! Fortunately you were allowed slower times during the first few weeks whilst getting acclimatised. I suppose my fitness must have improved but I was still concerned about my inability to breathe whilst running and my red appearance which would last all day!

With morning PT behind me, I could get to work in the office - a small cupboard with a window, no fan and certainly no air conditioning. My first job was to set up a workable filing system for the piles of paper in the company office. A relatively easy task was challenging owing to the absence of any stationery. Even paper for the photocopier was in short supply. The result was that the local shops made a good living from selling paper and pens to Army officers.

Next I busied myself with Investors in People policy documents. The research work was an excellent cure for insomnia! I then set about drafting the training and development programmes and returns, which are exceptionally tedious to read and will no doubt form a template for future Investors in People documents at Support Company.

As instructed I became the resident ITD expert and organised the training required for the soldiers. I gave lectures myself on the law of armed conflict, and drugs and alcohol awareness. I was completely out of my depth with no knowledge of drugs and in fact the discussions which ensued demonstrated that the soldiers themselves had vast experience and knowledge in that area!

Keeping everyone happy on the adventure training front was more tricky, trying to ensure that everyone had a chance to bid for a bit of fun in the sunshine. I couldn't understand everyone's fascination with parachuting, particularly as one of the young officers in the mess experienced a malfunction with his parachute and had to resort to the emergency chute. Apparently it is good to experience such an emergency, but I did not feel the need to throw myself out of a perfectly good aeroplane at all!

The ultimate test was trying to win over the wives with coffee mornings and shopping trips. I discovered first hand that you cannot please everyone and despite the requests for trips, only the old-faithful wives would actually sign up and take part. I had to convince my OC that it was necessary for me to accompany the wives on such trips to ensure everything went smoothly, the fact that I was then able to wear summer clothes for the day was simply a necessary by-product!

The OC of the company commented on the constant stream of soldiers calling at my office and I have to say that I got to know the mind of an infantry soldier. It is essential to have a good sense of humour and to be willing to listen. The key to a good officer was to know your men well and what makes them tick. It was, apparently, evident that I had been accepted by the soldiers when I was drenched in water and covered in flour on one of my final days!

⁵⁰ It seems to happen to many of us. On my way to an advocacy training seminar at Windermere in 1970, a gentleman, who turned out to be the president of the local Law Society, stopped his car and offered me a lift. When asked how he knew I was on my way to the course he replied that I looked like a lawyer - ed.

Life at the mess was sedate during the week with lights off by around 2130 hours to cope with the early morning starts. The social life kicked in on Friday and Saturday nights. On the first weekend I was pleased to be invited to join the others for a Chinese meal. Little did I know that a tour of the local pubs would then ensue. At around 2 am I announced that, as I was tired, I would get a cab back to the mess, only to be informed that I was not allowed to leave before the bar closed at 4 am! Such was the infantry commitment to training! Needless to say all subsequent weekends involved similar tours of drinking establishments followed by long lay-ins and very little sight-seeing.

Having settled in at Support Company, I was then approached by Major Jamie Balls who asked whether I would like to organise a rugby tour. Despite knowing nothing about rugby, I found myself agreeing to the task. We had been invited to participate in the King of Jordan's tournament by the chairman of the Jordan Rugby Club, Mr Steve Orwell, who was also the Air Attaché at the British Embassy. He was exceptionally helpful and I managed to set up a four-day tour staying at the impressive Le Meridien hotel. I managed to persuade the Army Sports Lottery to pick up one third of the bill and then I begged money from the PRI and local businesses. We put together a team comprising soldiers from 1 Cheshire and the King's Own Scottish Borderers, also based in Cyprus. The tour was a great success despite one officer running up a £600 hotel telephone bill, which tested my negotiation skills, and a soldier managing to leave his passport at the hotel on our day of departure. The passport arrived at the airport by taxi and we had to run to board the plane in time!

Towards the end of my Cyprus tour the CO suggested that I try some adventure training myself. The adventure training team identified water skiing and at 6 am each morning I reported for lessons. With my wet suit and life jacket on I bobbed around in the Mediterranean waiting for my turn to be pulled behind the speedboat. How could something that appeared so easy be so difficult to learn? After four or five attempts and colonic irrigation I was eventually on my feet looking very cool!

Finally it was time to go home - the three months had passed very quickly indeed. I remain grateful to 1 Cheshire for the experience, which I will never forget. Fortunately I managed to leave with helpful contact telephone numbers for a holiday in the sun, this time without the early starts and PT!

Postscript

Gordon Risius

Anyone in ALS who expected a period of stability following the major reforms of the court-martial system in April 1997 was in for a disappointment. With the possible exception of Army Legal Aid (North West Europe) in Bielefeld, where change has been relatively limited, the branch has continued to experience major changes. The purpose of this short postscript is to chart the four years since our fiftieth anniversary and to provide a snapshot of ALS as it is at the time of writing, in the autumn of 2001.

DALS and ALS1

The Directorate's establishment remains much as it used to be, with DALS supported by SO1 Legal ALS1, an HEO (Higher Executive Officer), a Staff Assistant, a PS and a driver. But the pressure of work is unrelenting and an additional SO2 is urgently awaited. There are now more than 100 Regular and 12 reservist (TA) officers to be recruited, posted and managed. The advent of a vast, secure, MOD computer network means that correspondence of all descriptions arrives in electronic shoals, often with impossibly short response deadlines. My appointment as the Prosecuting Authority for the Army brought with it for the first time executive, as distinct from advisory, responsibilities for the branch. It also created a pressing need to devise ways of demonstrating to the satisfaction of the Courts-Martial Appeal Court and the European Court of Human Rights that there is a genuine separation between the disciplinary functions of the chain of command and the prosecuting functions of the Army Prosecuting Authority (APA) - not an easy matter given that, wearing my traditional hat as DALS, I remain answerable to a senior member of the chain of command, namely the Adjutant General, for all non-prosecution legal services. A major part of my time is now spent on Army Board administrative casework (applications for redress of complaint, misconduct submissions, etc), following a decision by the Board in early 1997 that legal advice from DALS must accompany all Army Board casework papers. Mercifully the Board is content for me to share that burden with Brigadier Advisory, but the number and complexity of such cases keep the two of us very busy. Keeping in regular touch with ALS officers and those on whose establishments they serve is now more difficult than ever, with legal officers now stationed in 30 different locations.

ALS2

The non-international work of ALS2 was recently transferred to HQ Advisory, leaving Colonel ALS2 and the SO1 International Law to concentrate entirely on international matters. Their services are much in demand both at home, dealing with such matters as weaponry reviews, and overseas, attending conferences on such far-reaching topics as the establishment of the International Criminal Court.

HQ Advisory

Brigadier Advisory, Colonel Advisory and their staffs are co-located with me at

DALS' Summer Conference, June 1997
(left to right) Lt Col Russell Lloyd, Lt Col Chris Armstrong, Col Tony Paphiti, Maj Susan Ridge, Maj Dick Pierce, Col David Howell, Capt Marcus Tregilgas-Davey, Maj Nick Clapham, Brig Tom Glynn, Maj Nigel Jones, Maj Stuart Lythgoe, Maj Gen Gordon Risius, Capt Jason Pegg, Brig Peter Bryant, Capt David Wakefield, Capt Scott McDonnell, Capt Keith Eble, Col Dick Austin, Capt Cathy Braddick-Hughes, Maj Robert Girling, Col Stephen Vowles, Capt Jo Bowen, Lt Col Gary Adams and Lt Col Ruth Sullivan.



Upavon, dealing with operations, training, publications and general advisory work, including the non-international work previously undertaken by ALS2. Brigadier Advisory is also the point of contact for ALS officers serving in international headquarters such as SHAPE (Mons), HQ ACE Rapid Reaction Corps (Rheindahlen), JHQ Centre (Heidelberg) and JC SOUTHCENT (Larissa, Greece) as well as those deployed on operations (e.g. in Bosnia, Kosovo, Macedonia, Sierra Leone, East Timor and Georgia). The branch was under exceptional pressure in 2000 with the requirement to devise ways of ensuring that the Army's summary discipline and arrest system would withstand further challenges under the Human Rights Act and the ECHR, but the challenges were duly met and the new arrangements, though more time-consuming than the old, appear to be working well.

Land Command Advisory Branches

All eight advisory branches in Land Command, together with those at HQ Royal Marines and in Northern Ireland and Cyprus, come under the professional control of Colonel Legal, HQ LAND. Their responsibilities relate in the main to discipline and administrative casework advice to commanding officers and commanders (but excluding court-martial and Summary Appeal Court work, which is the province of the Army Prosecuting Authority). HQ 1 (UK) Armd Div (Herford) and HQ 3 (UK) Div (Bulford) now each have two ALS officers specifically for the provision of operational legal advice, while Legal Branch HQ Northern Ireland continues to support military operations in the province in a variety of ways.

Other Advisory posts

There are currently two ALS officers based in Glasgow with the Army Appeals Wing, dealing with applications for redress of complaint; a singleton post in the

Directorate of Manning (Army), dealing with employment law; a singleton post, shared with the RN and RAF, at PJHQ Northwood; and an exchange post with the Australian Army at Land Command Headquarters, Sydney.

Army Prosecuting Authority

The APA has expanded from an initial strength of seventeen officers to thirty-one today, not counting eight retired officers (non-legal) who act as prosecutors' assistants. In addition to deciding whether to direct trial by court-martial or in the Standing Civilian Court, prosecuting officers now have also to deal with appeals to the Summary Appeal Court, a tribunal established on the same day (2 October 2000) as the Human Rights Act 1998 came into full force in order to render the summary discipline system compliant with the European Convention on Human Rights.

Army Legal Aid (North West Europe)

Bielefeld remains the focus for the provision of legal advice to soldiers and their families, though the service remains available in Northern Ireland and Cyprus. Legal aid clinics (formerly known as bureaux) are still held throughout Germany, but legal aid officers routinely deploy to the Balkans in view of the number of troops still based there. With the demise of the RAF bases in Germany, ALA (NWE) has discontinued its PACE service for RAF suspects. The five remaining German legal assistants, together with our long-serving German legal consultant, Dieter Roellecke, continue to provide a valuable and much-appreciated service for soldiers involved in German legal matters.

"Old Boys"

ALS has never had a Regimental Association or equivalent, but in recent years we have tried to maintain contact with former officers, who are always welcome at the Annual Dinner, the Summer Cocktail Party and at AGC Corps Days. A database (reproduced at Annexes 2 and 3) has been one recent development, but more important have been the annual "Old Boys" reunion lunches at the Army & Navy Club, initiated and presided over by our Deputy Colonel Commandant, Major-General David Selwood, and organised by Lieutenant-Colonel John Mitchell.

Since our fiftieth anniversary we have sadly lost three more former Directors. Major-General Jack Bowman died in 1998 at the age of 70. His obituary in *The Times* justly portrayed him as "a man of enduring strength, physically and morally, who had an unswerving commitment to secure justice for those whose rights he felt had been overlooked". The following year we lost Major-General Harry Owen, at the age of 87. After his retirement as DALs in 1971 he went on to another successful career, as chairman of the NHS Appeals Tribunal. His *Times* obituary described him as "a deeply compassionate and tolerant man, but there could never be any doubt that he meant what he said, as the incorrigibly idle or

merely incompetent soon found out". Finally Major-General Michael Fugard died on 24 March 2001 three days before his 68th birthday, having been in poor health for several years. Of him the Deputy Colonel Commandant has written, "No one was more loyal to ALS or more fiercely determined to improve and maintain its standards of professionalism. He, too, was deeply committed to the protection of soldiers' rights".

The future

The main challenge now facing ALS was mentioned at the end of my short history of the branch, namely the possibility - perhaps probability would now be a better word - of a Tri-Service Discipline Act. Work has now commenced on the policy aspects, though it is still too early to predict what form a unified disciplinary system is likely to take. But the phenomenal growth of operational law over the last decade or so means that discipline, though still one of our core responsibilities, is no longer the only one, and there can be no doubt that military lawyers are now so integral to the proper functioning of the Army that the future of ALS is assured, whatever may be the form and consequences of a Tri-Service Act.



The figure of justice which graces the table at AGC(ALS) Dinner Nights.

The Army Prosecuting Authority 97-01

David Howell

Introduction

Shortly after it became common knowledge in the Army that a new prosecuting authority with executive powers would be established in April 1997, a very senior general said to me, 'at last you chaps will know what it's like to take executive decisions - advising is all very well but you will soon find that being in the hot seat is quite different'. I had never found hitherto that our advisory role in disciplinary cases included immunity when the hot air began to rise in the headquarters. It often seemed to me that the temperature had a habit of rising from time to time, usually proportionate to the degree of controversy particular cases attracted. But if the creation of the Army Prosecuting Authority (APA) made us as an organisation more able to experience directly the pressures undergone by those we normally advise, then I thought it was probably no bad thing, and I awaited the great day of our establishment (having brought in a suitable supply of cold compresses to ease the expected over-heating of nether regions).



The Attorney-General, Lord Williams of Mostyn QC, visiting the Army Prosecuting Authority's Bielefeld office in 2000 - including (left to right) Lt Col Clive Whitwham, Maj (ret'd) David Murray, Capt Dylan Sadler, Lt Col Neil Jones, WO1 Regler, Lord Williams, Col Tony Paphiti, Maj (ret'd) Alan Homewood, Brig David Howell, Lt Col Nick Mercer, Capt Callum Cowx, Maj Richard Allen, Maj (ret'd) Ron James, Mr. Rupert Cazalet (PS to Att-Gen)

The Findlay reforms

Before going on to discuss our experiences of military law in a warm climate it is worth setting the scene by explaining in detail the rationale, functions and structure of the APA, for the benefit of those who left the service before its creation. The Army Board established the Army Prosecuting Authority as a direct consequence of a decision of the European Court of Human Rights in the well-known case of **Findlay**. The essence of the Court's decision was that the existing structure of military law as it applied to courts-martial did not give the necessary appearance of a fair trial required by Article 6 of the European Convention on Human Rights. Their main complaint was that one officer, the convening officer, had too much theoretical control over the whole process. He appointed the prosecutor, decided on the charges, appointed the court and so on. While the court found no evidence of actual impropriety in the case, appearances were crucial and the British court-martial system was accordingly held to be in breach of the convention.

The structure of the new system

Out of the ashes of the old system, three distinct legal entities were created by Act of Parliament, all with a role to play in future court-martial cases. First of all, the chain of command, that is to say the commanding officer and the higher authority, remains as it always has been the focal point of investigations. In cases where he concludes that summary disposal is not appropriate, the commanding officer may refer a charge to his higher authority while the latter must refer the case to the APA, unless in essence he exercises his power of veto. This process then leads to the APA, which decides whether or not to direct court-martial trial and if so to conduct the prosecution. The last of the triumvirate was the creation of what is now called the Army Courts Service, which has an entirely administrative function of convening the trial itself, once a case is directed.

The commanding officer, higher authority and the legal adviser

While the commanding officer and the higher authority no longer have the final say about whether or not a case is tried by court-martial, if either does not wish the case to proceed to trial he can prevent it. The commanding officer must, if a case is going to go to trial, refer a charge to his higher authority and the latter must have decided not to exercise one of his various powers of veto, for the case to proceed. Both require advice in the exercise of these functions. Under the modern structure of ALS, this advice is provided by an ALS officer on the commander's staff.

The prima facie test

In deciding whether or not to refer charges to higher authority, a commanding officer is usually advised that, provided there is a *prima facie* case and there is no service interest why the case should not proceed, he should refer it. The expression *prima facie* case has a special meaning in this context. It means merely that there is an allegation against the accused which is not wholly incredible and has not been withdrawn.

Obviously most cases will pass that test and this is quite deliberate and in the military interest. Although a commanding officer is free to ignore the legal advice, the advantage to the Army of his application of the *prima facie* test is that the majority of serious cases will land on the desk of the independent APA. If, therefore, it is decided not to proceed to trial, the Army is able to say that the decision was taken by an independent authority quite separate from the chain of command. If the commanding officer were himself to make the decision not to refer a charge in a serious case, the Army is in a less attractive position in defending complaints.

The function of the APA

The function of the APA is to decide whether or not to direct court-martial trial and also to make the same decision with regard to Standing Civilian Courts. Thereafter the APA conducts the prosecution case and has complete control over what charges to prefer, whether or not to accept plea bargains and so forth.

In deciding whether or not to direct trial it, applies the following tests: first, before any charge is preferred for trial by court-martial, there must be a realistic prospect of conviction and, secondly, it must be in the public (including the service) interest. Note the distinction between the test applied by the APA and the commanding officer.

The army prosecuting authority structure

DALS is the APA and is appointed as such by the Sovereign. He delegates the day-to-day responsibility for the running of the APA to the Brigadier Prosecutions. Under him there are two full colonels, one running the APA German office from Rochdale Barracks Bielefeld, while the other is responsible for APA (UK) which is located at RAF Uxbridge and deals with all prosecutions outside the German theatre. Colonel Prosecutions (UK) has under him four prosecution teams, each headed by a lieutenant-colonel and Colonel Prosecutions (Germany) three such teams.

The new system in more detail

There are two aspects to the new system, which have proved important in its practical application. The first is that the APA has no role to play in respect of a case unless and until it is referred by a higher authority. This is different, of course, from the Crown Prosecution Service (CPS) in civilian life, or to the Canadian military model, which enables the chain of command to be by-passed and a police report is sent directly to their prosecuting authority. The second interesting aspect is that our statutory framework did not follow the model for the creation of the CPS, the Prosecution of Offences Act 1986, where the Director of Public Prosecutions or any of his senior management may give direction to junior staff with regard to any case. That is not the legal position at the APA. Once an individual officer has the APA powers delegated to him by DALS he has complete discretion, subject only to the fact that he must exercise it reasonably - the Wednesbury Rule.

Independence

We quickly realised after our formation that, while we were intended by the Army Board to be independent, that cannot mean that we were accountable to no-one. After correspondence between DALS and the then Attorney-General, it was accepted by all sides that DALS as the APA would be answerable to the Attorney-

General alone. Complaints regarding any of our decisions are ultimately referred to him and not only does he discuss the more important cases with us but his role is one of general superintendence. Altogether we have dealt with three Attorneys-General and the military system has been greatly enhanced by their strong support.

But being independent does not mean that we cannot speak to the military authorities or anyone else in the discharge of our duties. At the outset we took a policy decision that we were always happy to explain any decision not to prosecute to the chain of command. Sometimes we have to agree to disagree but the policy decision was undoubtedly the right one to take. We also have relationships with the CPS at a high level and we are currently working on a protocol with the Health and Safety Executive. Brigadier Advisory and I meet usually once a month to iron-out any procedural wrinkles and misunderstandings to ensure the smooth working of the system.

Complaints

The formation of the APA coincided with ever increasing duties upon the prosecution with respect to victims. The APA developed at its inception policies closely modelled on, but not identical to, those of the CPS to cater for the situation where we decided not to direct proceedings and the victim required to be notified and subsequently either complained or otherwise sought a detailed explanation. As the policy evolves, officers from the APA are attending courses run by the CPS, principally to ensure that the handling of face-to-face interviews with victims is conducted with as much skill and sensitivity as possible.

The Summary Appeal Court

It seemed to most of us that the Army had no sooner digested the court-martial changes than they were expected to assimilate a complete overhaul of the summary dealing system, with scarcely any breathing space in-between. It was decided that the commanding officer's power to deal summarily with cases would infringe Article 6 of the European Convention on Human Rights principally because he was not "impartial". To allow commanding officers to continue dealing summarily, it was agreed to provide the accused with two rights. First, an accused soldier has the right to elect court-martial trial in respect of every proposed summary dealing and, secondly, if he does agree to be dealt with summarily he can appeal both against finding and sentence to a newly constituted court known as the Summary Appeal Court. This new court has three members, a judge advocate and two officers. The hearing in respect of appeals against finding is by way of retrial. Although this system only came in at the beginning of this year, the Army seems to have taken these major alterations of function in its stride. The APA is responsible for conducting the respondent's case at Summary Appeal Courts.

Training

All APA officers undergo a week-long intensive course, which is run in-house. From January 2002 arrangements have been made with a leading London set of criminal chambers, that will offer four pupillages to us each year.

Accommodation

APA (UK) started life in Building 91 at RAF Uxbridge which, while adequate, was scarcely glamorous. It has recently moved to some of the finest office accommodation enjoyed by ALS. We currently occupy Hillingdon House, which is a very beautiful listed building. APA Germany commenced life occupying a very small part of a large office block in Rochdale Barracks Bielefeld. As the office grew in numbers it extended its accommodation outwards and now occupies a complete floor and a substantial chunk of another part of the same building.

Staffing

The APA has been extremely fortunate in two vital respects. First of all, its military staff have been of the highest quality since its formation. Had that not been the case it is difficult to see that it would have survived. Secondly, both branches have had the enormous advantage that the civilian administrative staff have not only been incredibly loyal but also of the highest quality.

Liaison with RMP

As prosecutors are now removed from divisional level, we decided in conjunction with the Provost Marshal that it would be very helpful for the smooth relationship between the APA and RMP/SIB, for a SIB Warrant Officer to be attached to each of the two APA offices. This has proved a very great success.

Software systems

At a cost of approximately £170,000, the APA have been provided with a tailor-made software system. Part of its aim was to enable us to monitor carefully the progress of each case once it arrives at the APA. We expect to receive about 1200 cases per year. As with all such systems, there are initial teething troubles. While it is intended to be all-singing and all-dancing, at the moment it is rather limited to the odd croak and totter but considerable time is being spent on the system's development and in the end it should make our lives easier.

Conclusions

Although only 4½ years old, according to the Adjutant-General the APA has well established itself as a "powerful authority". The prosecution function both inside the Army and outside though has become more and more complex and the centralisation of the Army's military prosecutors has undoubtedly helped in ensuring a settled policy through these complexities. The prosecution function is not part of the entertainment industry and, by its very nature, there are bound to be those who consider they should not have been prosecuted, victims who believe that prosecutions should have been brought when they have not been and commanding officers and higher authorities who disagree with decisions made. The prosecutor is paid to make the decision, however unpopular it may be, and, while no-one can guarantee to be right, it is the function of the APA to guarantee to try to be right applying the right tests for the right reasons. As long as we can continue to recruit and retain the quality of military lawyers who have staffed the APA since 1997, that guarantee should be honoured.

Annex 1

Military Deputies to the Judge Advocate General

Colonel Sir Henry MacGeagh KBE TD KC	1923-1934
Colonel H Scott-Barrett CBE TD	1934-1939
Brigadier H Shapcott CB CBE MC	1939-1948

Directors of Army Legal Services

Brigadier Sir Henry Shapcott KBE CB MC	1948-1955
Brigadier RC Halse CBE	1955-1962
Brigadier G Barratt OBE	1962-1964
Brigadier GA Whiteley OBE	1964-1967
Major-General GA Whiteley CB OBE	1967-1969
Major-General H Owen CB	1969-1971
Major-General RS Marshall CB TD	1971-1973
Major-General JC Robertson	1973-1976
Major-General DS Appleby CB MC TD	1976-1978
Major-General JA McIlvenna CB	1978-1980
Major-General Sir David Hughes-Morgan Bt CB CBE	1980-1984
Major-General JF Bowman CB	1984-1986
Major-General MT Fugard CB	1986-1989
Major-General DHD Selwood	1990-1992
Major-General MHF Clarke	1992-1994
Major-General APV Rogers OBE	1994-1997

Directors of Army Legal Services and The Army Prosecuting Authority

Major-General G Risius CB	1997-
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Colonels Commandant, Army Legal Corps

Brigadier (Retired) RC Halse CBE	1978-1982
Lieutenant-General Sir Paul Travers KCB	1982-1983
General Sir David Mostyn KCB CBE ADC Gen	1983-1988
General Sir Robert Pascoe KCB MBE ADC Gen	1988-1990
Major-General S Cowan CBE	1991-1992

Deputy Colonels Commandant, Adjutant General's Corps (Army Legal Services Branch)

Lieutenant-General Sir Sam Cowan KCB CBE	1992-1995
Major-General (Retired) His Honour Judge DHD Selwood	1996-

Military Deputies to the Judge Advocate General



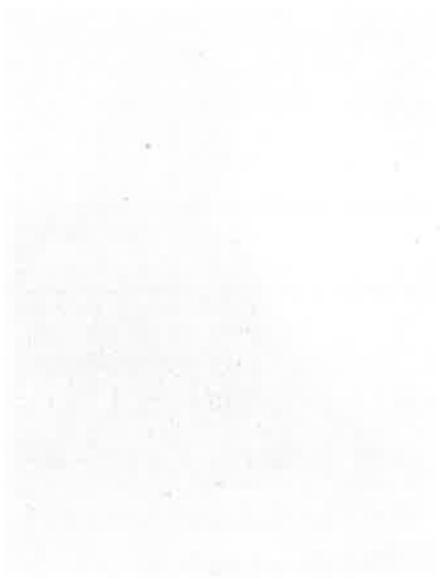
Colonel Sir Henry MacGeagh KBE TD KC
1923-1934



Colonel H Scott-Barrett CBE TD
1934-1939



Brigadier H Shapcott CB CBE MC
1939-1948



Directors of Army Legal Services



Brigadier Sir Henry Shapcott KBE CB MC
1948-1955



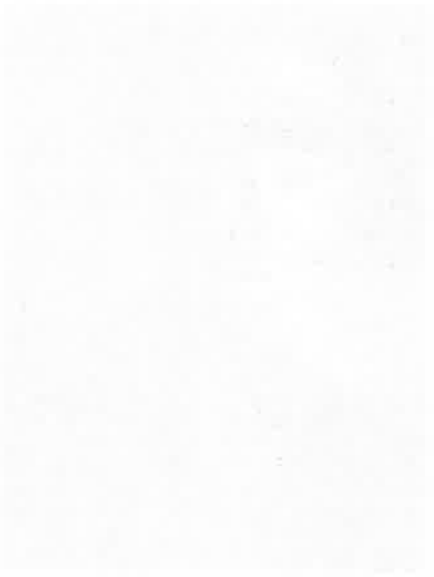
Brigadier RC Halse CBE
1955-1962



Brigadier G Barratt OBE
1962-1964



Major-General GA Whiteley CB OBE
1964-1969



Directors of Army Legal Services continued



Major-General H Owen CB
1969-1971



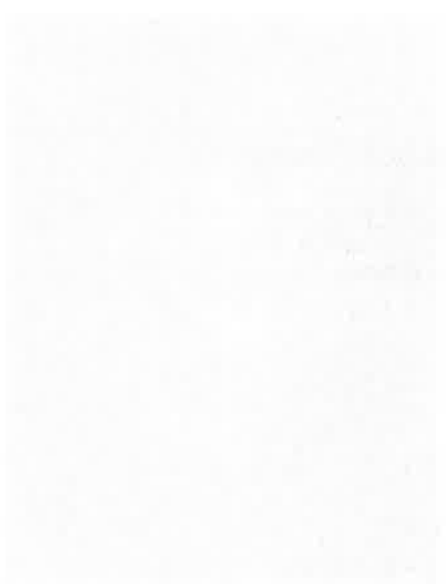
Major-General RS Marshall CB TD
1971-1973



Major-General JC Robertson
1973-1976



Major-General DS Appleby CB MC TD
1976-1978



Directors of Army Legal Services continued



*Major-General JA McIlvenna CB
1978-1980*



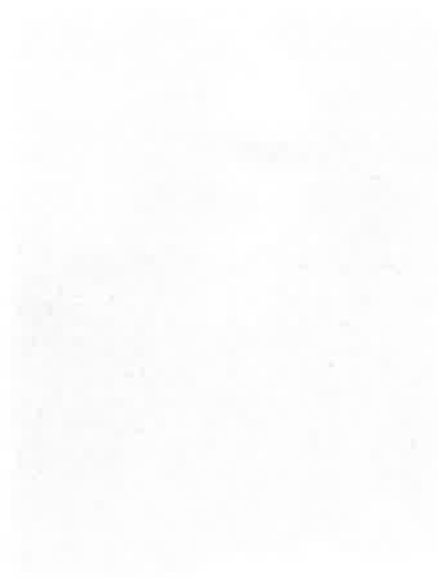
*Major-General Sir David Hughes-Morgan
Bt CB CBE 1980-1984*



*Major-General JF Bowman CB
1984-1986*



*Major-General MT Fugard CB
1986-1989*



Directors of Army Legal Services continued



Major-General DHD Selwood
1990-1992



Major-General MHF Clarke
1992-1994



Major-General APV Rogers OBE
1994-1997



Directors of Army Legal Services & The Army Prosecuting Authority



Major-General G Risius CB
1997-



Colonels Commandant, Army Legal Corps



*Brigadier (Retired) RC Halse CBE
1978-1982*



*Lieutenant-General Sir Paul Travers KCB
1982-1983*



*General Sir David Mostyn KCB CBE
ADC Gen
1983-1988*



*General Sir Robert Pascoe KCB MBE
ADC Gen
1988-1990*



Colonels Commandant, Army Legal Corps continued



Major-General S Cowan
1991-1992



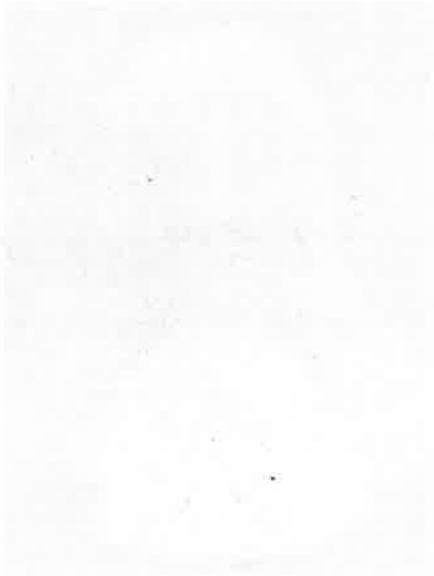
Deputy Colonels Commandant, Adjutant General Corps (ALS Branch)



*Lieutenant-General Sir Sam Cowan
1992-1995*



*Major-General (Retired)
His Honour Judge DHD Selwood
1996-*



1. Date of Commission includes date of transfer to ALS from other Corps where applicable.
2. Date of Retirement includes date of termination of Short Service Commission and date of transfer to other Corps.
3. Highest ran in ALS to date includes acting rank attained.
4. Any errors should be notified to ALS1 for correction.

**Officers commissioned or transferred into the Army Legal Services Staff List/ Army Legal Corps/
Adjutant General's Corps (Army Legal Services)**

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
011048	Brig	SHAPCOTT	H	M	Solicitor	KBE CB MC	110855	
011048	Brig	HALSE	RC	M	Solicitor	CBE	100362	Col Comdt 1978-82
011048	Col	ROGERS	MH	M	Barrister		090954	
011048	Brig	BARRATT	G	M	Barrister	OBE	020464	
011048	Col	HAMILTON	JC	M	Solicitor		040960	
011048	Col	CAMPBELL	AHK	M	Solicitor		120960	
011048	Hon Col	DRAPER	GID	M	Solicitor	OBE	161156	
011048	Maj Gen	WHITELEY	GA	M	Solicitor	CB OBE	100869	
011048	Lt Col	LANDER	HNH	M	Barrister		111055	
011048	Lt Col	COWELL-PARKER	RH	M	Solicitor		310355	
011048	Lt Col	BURNETT	A	M	Solicitor		080858	
011048	Hon Col	GULLIVER	RFL	M	Solicitor		270762	
011048	Col	McCULLOCH	GK	M	Barrister		011062	
011048	Maj Gen	OWEN	H	M	Solicitor	CB	160871	
011048	Brig	CUMBERLEGE	JG	M	Solicitor	OBE	240371	
011048	Maj Gen	MARSHALL	RS	M	Solicitor	CB TD	270373	
011048	Maj	TAFFE-WILLIAMS	FJ	M	Solicitor		010756	
011048	Col	KNIGHT	CPB	M	Solicitor		061263	
011048	Maj	BUTTERWORTH	FC	M	Solicitor		160661	
011048	Lt Col	LIPSON	LD	M	Solicitor		070663	
011048	Col	SMITH	SJ	M	Solicitor		061175	
011048	Col	BONELLA	FG	M	Barrister		201069	Died in service
011048	Maj	HICKS	AN	M	Solicitor		010458	
011048	Lt Col	ANDERSON	RJB	M	Barrister		140476	
011048	Col	CLEAVER	HWE	M	Barrister		010178	
011048	Lt Col	SYMONS	KT	M	Barrister		110468	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
011048	Maj Gen	ROBERTSON	J C	M	Barrister		300776	
011048	Maj	THOMPSON	F W G	M	Barrister		281155	
011048	Maj Gen	APPLEBY	D S	M	Barrister	CB MC TD	041178	
190449	Hon Maj	WHEATER	J D	M	Solicitor		050955	
170549	Hon/Lt Col	CHESEMAM	J W	M	Barrister		010564	
270649	Capt	JUDGE	R M	M	Non-Legal		150465	
040749	Maj	CAUFIELD	C A B	M	Barrister		050762	
010350	Maj	LOMER	R G	M	Solicitor		250755	
010350	Capt	WILLIAMS	J K	M	Solicitor		010153	
270350	Brig	ODELL	B A	M	Solicitor		061175	
110450	Maj Gen	McLIVENNA	J A	M	Solicitor	CB	011180	
180550	Maj	McDOWELL	T B	M	Barrister		260255	
061150	Maj	SMITH-HUGHES	J	M	Barrister	OBE (Civ)	040258	
131150	Maj	MOORE	A W	M	Solicitor		260857	
101250	Maj	DAVIES	E	M	Solicitor		301157	
011250	Hon Maj	HOCKING	F W	M	Solicitor		010759	
051250	Maj	LILLIE	A P	M	Solicitor		101053	
071250	Capt	GILBERT	W G L	M	Solicitor		280453	
111250	Capt	LEESE	V K	M	Solicitor		051057	
010151	Hon Maj	FISHER-BROWNE	F W G	M	Solicitor		100953	
010251	Hon/Lt Col	DAVISON	G E	M	Solicitor		011254	
120352	Maj	FRAZER	K	M	Solicitor		011156	
080452	Lt Col	HASWELL	A J D	M	Solicitor	OBE (Civ)	090481	
080452	Capt	EMFSON	G E	M	Barrister		141057	
300852	Capt	SIMS	D A	M	Solicitor		170156	
011152	Capt	JARVIS	B H	M	Solicitor		301058	
010654	Capt	NORTON	P P	M	Solicitor		310556	
010654	Capt	LENNON	A A	M	Barrister		300561	
021054	Capt	GRIFFLE	J R	M	Barrister		011056	
010355	Maj Gen	HUGHES-MORGAN	Sir D J	M	Solicitor	Bt CB CBE	230384	
250455	Capt	GUNN	A C	M	Barrister		050957	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
010655	Capt	LAVERY	J C	M	Solicitor		281155	
130655	Capt	JONES	F T M	M	Solicitor		130660	
120955	Lt Col	BRAYDEN	D W H	M	Solicitor		141077	
120955	Lt Col	PARRY	R W	M	Solicitor		130371	
190955	Lt Col	OVERBURY	H C B	M	Solicitor	CBE (Civ)	030474	
						OBE (Mil)		
190955	Hon Maj	HALL	J V C	M	Non-legal		090660	
101055	Brig	WESTON	G L	M	Barrister	DSC	060481	
311055	Maj	SMYTH	J C F	M	Barrister		151171	
010356	Capt	BINNS	N L	M	Solicitor		220958	
280356	Maj	CANHAM	B J	M	Barrister		010265	
040456	Capt	DOWNS	J L	M	Solicitor		040459	
070856	Maj Gen	BOWMAN	J F	M	Barrister	CB	311286	
170856	Brig	BOYLE	D A	M	Solicitor		070787	
310856	Col	PATERSON	A J H	M	Solicitor		300483	
151056	Col	PUTT	P E	M	Solicitor		061278	
191156	Capt	LONG	J M	M	Barrister		301259	
281156	Capt	MANION	J	M	Barrister		180358	
011157	Maj	RILEY	A C	M	Solicitor		170667	
010158	Maj Gen	FUGARD	M T	M	Solicitor	CB	050290	
010158	Capt	MURRAY	M M	M	Barrister		290758	
240458	Maj	JONAS	D A	M	Solicitor		190462	
020858	Lt Col	PTTS	A P	M	Barrister		080275	
110858	Capt	LINDOP	D	M	Barrister		100860	
060958	Capt	COX	G L	M	Barrister		050961	
031058	Capt	MIDDLETON	J G	M	Solicitor		210764	
210259	Maj	LEWIS	R S	M	Solicitor		300964	
101059	Capt	DAVIES	A C	M	Solicitor		091061	
071159	Maj	BLOOD	J B C	M	Solicitor		311064	
060260	Maj	THOMAS	W J	M	Barrister		060263	
230760	Capt	BURKE	M J	M	Solicitor		240862	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
150860	Lt Col	WAKERLEY	J C	M	Barrister	OBE	280974	
190860	Maj	LESLIE	A E	M	Solicitor		130364	
180960	Maj	TURNER	R L	M	Barrister		261266	
171060	Maj	SPENCER	P G	M	Barrister		050967	
290561	Capt	ODONOVAN	D V	M	Barrister		230762	
100861	Maj Gen	CLARKE	M H F	M	Barrister		160694	
050262	Capt	JONES	N L R	M	Barrister		050264	
120262	Capt	NILSSON	P C	M	Barrister		120264	
140362	Maj	DRIFIELD	J B	M	Solicitor		021265	
090462	Maj	WATERS	V L B	M	Solicitor		260665	
150562	Maj Gen	SELWOOD	D H D	M	Solicitor		010692	Dep Col Comdt 1996
010862	Capt	WILCOX	D J R	M	Barrister		030365	
011062	Brig	TAYLOR	J	M	Solicitor		011192	
011062	Col	PUGH	O L	M	Solicitor		060195	
230763	Lt Col	PORTER	G J	M	Barrister		160184	
020963	Capt	EDWARDS	G O	M	Barrister		010965	
030264	Col	BARCLAY	J N	M	Solicitor		180798	
110564	Capt	BURRETT	B E E	M	Solicitor		100566	
010764	Capt	HARLEY	D C	M	Barrister		071065	
301164	Capt	DAVIS	T F T	M	Barrister		291166	
220265	Lt Col	JOHNSTON	G	M	Non-legal		230383	
221165	Capt	DANIELL	H S	M	Barrister		010366	
180266	Maj	BAILEY	J N	M	Barrister			
200566	Capt	BRUCE	J M C	M	Barrister		210167	
230867	Lt Col	MURRAY	J	M	Solicitor	OBE	020787	
290468	Maj Gen	ROGERS	A P V	M	Solicitor		040697	
060568	Lt Col	HAWLEY	D C	M	Solicitor		010394	
150768	Capt	LAVERICK	P M	M	Solicitor		140771	
031268	Capt	FRAZER	I K	M	Solicitor		021270	
010170	Capt	GRIPTON	D J	M	Barrister		190174	
020270	Capt	GREEN	R N	M	Barrister		020272	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
010470	Col	WRIGHT	T B	M	Solicitor		011096	
010470	Brig	GLYNN	T	M	Solicitor		010699	
010970	Capt	WILD	F J	M	Solicitor		100674	
140970	Brig	NORRIS	A P	M	Solicitor	OBE	140795	
010671	Lt Col	DAVIES	T J	M	Solicitor		050298	Died in service
041071	Capt	CLARKE	IDH		Solicitor		041074	
170172	Capt	MANISON	D C	M	Barrister		160175	
070272	Capt	YOUNG	C G	M	Barrister		070275	
010472	Maj	POTTS	W L	M	Barrister		070383	091063 (Lan Regt)
030772	Capt	KING	P D	M	Barrister		160177	
110972	Maj	VENN	J K	M	Barrister		011189	
070373	Lt Col	MITCHELL	J H	M	Barrister		010394	
160473	Capt	HALL-JONES	S D	M	Barrister		010677	
280873	Maj Gen	RISUS	G	M	Solicitor	CB		
060973	Brig	BRYANT	P J	M	Solicitor	OBE	010501	
060973	Capt	MROBERTS	J C	M	Solicitor		060975	
031273	Capt	FOTHERBY	G	M	Barrister		021277	
170474	Capt	LLOYD-MOSTYN	L R	M	Barrister		290974	
200574	Col	GARRAWAY	C H B	M	Barrister			
141074	Maj	NICHOLLS	M J G	M	Barrister		010680	
170275	Capt	CHRISTMAS	I M	M	Solicitor		180577	
090675	Brig	HOWELL	D M	M	Barrister	OBE		
080875	Maj	OUULTON	H C N M	M	Barrister	MC	160681	Died in service
101175	Capt	TURRAL-CLARKE	R T F	M	Solicitor		261177	
290176	Capt	McPHERSON	I	M	Solicitor		280178	
170576	Capt	MURISON	C F	M	Solicitor		160578	
050776	Capt	MILLER	J W	M	Barrister		120479	
120776	Capt	BRADLEY	J C	M	Solicitor		120778	
130776	Capt	STEVENS	B R	M	Solicitor		120778	
060876	Capt	HANTOM	D C	M	Solicitor		050880	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
101057	Maj	HUCKER	M	M	Barrister		311276	RE, but att: ALS May 75 - Dec 76, then ALS RARO 010177 - 311292
210277	Capt	WOOLLAM	SE	F	Barrister		210279	
270677	Capt	HURFORD	J	M	Solicitor		090977	
270677	Capt	JONES	PH	M	Solicitor		280679	
251077	Capt	GILLANDERS	R	M	Barrister		241081	
021177	Lt Col	MOON	JJEG	M	Solicitor	MBE	031189	
161277	Capt	LORESE	VA	F	Barrister		250685	
031078	Capt	WITTS	IF	M	Barrister		030182	
120178	Col	MISKELLY (JEFFERSON)	C	F	Solicitor			
080578	Capt	CAMP	JP	M	Barrister		070582	
250778	Capt	BOLLAND	A	M	Barrister		140979	
301078	Capt	STYLES	GH	M	Barrister		291081	
111278	Lt Col	SWABEY	JCM	M	Barrister		011194	
210179	Capt	PERRETT	JE	F	Barrister		280180	
190379	Maj	HOWELL	DV	M	Barrister		060496	
020479	Maj	LAMPITT	DJ	M	Solicitor		010487	
230479	Lt Col	SPENCER	REP	M	Solicitor		010395	
300479	Capt	HIGNETT	AR	M	Solicitor		291080	
030979	Capt	McKAY	EA	F	Solicitor		130884	Transferred to WRAC
030979	Capt	WITTS (PRITCHARD)	DMH	F	Barrister		020182	
151079	Maj	COLLINS	RU	M	Barrister		010685	
110280	Capt	WATSON	FP	M	Barrister		011185	
250280	Capt	RUSSELL (PHILLIPS)	AL	F	Solicitor	OBE	160781	
100380	Lt Col	LEWIS	RD	M	Barrister		190999	
140480	Capt	REACHER	PA	M	Solicitor		130484	
090680	Maj	LEVER	J	M	Barrister		011089	
040880	Lt Col	ADAMS	GAR	M	Solicitor		031101	
081280	Capt	WHITE	G	M	Solicitor		071284	
120181	Capt	WILLIAMS	JD	M	Solicitor		090182	
010481	Capt	MARZELLA	EM	F	Solicitor		010284	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
190860	Maj	LESLIE	AE	M	Solicitor		130364	
050977	Lt Col	LEVER	A	M	Non-legal		210895	
090680	Maj	LEVER	J	M	Barrister		011089	
100380	Lt Col	LEWIS	RD	M	Barrister	OBE	190999	
210259	Maj	LEWIS	RS	M	Solicitor		300964	
120998	Capt	LEWIS	SJ	F	Solicitor			
051250	Maj	LILLIE	AP	M	Solicitor		101053	
110858	Capt	LINDOP	D	M	Barrister		100860	
011048	Lt Col	LIPSON	LD	M	Solicitor		070663	
140485	Lt Col	LLOYD	RA	M	Solicitor			
170474	Capt	LLOYD-MOSTYN	LR	M	Barrister		290974	
161277	Capt	LORESE	VA	F	Barrister		250685	
010350	Maj	LOMER	RG	M	Solicitor		250755	
190398	Capt	LONDON	JFJ	M	Solicitor			ALS TA
191156	Capt	LONG	JM	M	Barrister		301259	
161083	Maj	LOZYNSKI	PM	M	Barrister		010389	
090293	Lt Col	LYTHGOE	SGS	M	Barrister			
260292	Capt	MACAULEY	ND	M	Barrister		250296	
260292	Capt	MACFAYDEN	NAI	M	Solicitor		260293	
281156	Capt	MANION	J	M	Barrister		180358	
170172	Capt	MANISON	DC	M	Barrister		160175	
300991	Lt Col	MARLER	LG	M	Barrister		220400	
180782	Capt	MARRAY	JP	M	Barrister		300684	
011048	Maj Gen	MARSHALL	RS	M	Solicitor	CB TD	270373	
010481	Capt	MARZELLA	EM	F	Solicitor		010284	
091181	Capt	MASON	PDA	M	Solicitor		030586	
291097	Maj	McAVOCK	SG	F	Barrister		281001	
030989	Lt Col	McCLELLAND	J	M	Barrister	MBE		
011048	Col	McCULLOCH	GK	M	Barrister		011062	
010297	Maj	McDONNELL	S	M	Barrister			
180550	Maj	McDOWELL	TB	M	Barrister		260255	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
251185	Maj	PETERS	W J S C	M	Solicitor		060293	
251185	Capt	WEBSTER	L	M	Barrister		241189	
091285	Maj	TILBURY	N M	F	Solicitor		081291	
080986	Capt	BURN	C R	M	Barrister		070990	
050187	Capt	BINKS	J S	M	Solicitor		040191	
010987	Capt	JAMES	A C	M	Solicitor		310891	
010987	Capt	JOHNSON	J A	M	Barrister		310891	
010987	Capt	RICE	P M	M	Solicitor		010990	
010987	Capt	WATTS	C L	F	Solicitor		010988	
010987	Capt	WAUGH	T M	F	Solicitor		100590	
300987	Capt	CLEMENT	P J	M	Barrister		020192	
300987	Lt Col	BARTLETT (FOSTER)	J K	F	Barrister			Retired 011097, Rejoined 020701
270188	Capt	AUBREY	D E	F	Solicitor		260192	
270188	Capt	STANSFIELD	J	F	Barrister		260192	
120988	Capt	MURRAY	S	F	Solicitor		041091	
160189	Capt	KELLEHER	K R	M	Barrister		160190	
160189	Lt Col	ARMSTRONG	C A	M	Barrister		010901	
160189	Lt Col	EYTON-JONES	J A	F	Solicitor			
160189	Lt Col	MCGARR (JACKSON)	L M	F	Barrister			
160189	Capt	ORME	S T	M	Barrister	MBE	150194	
160189	Lt Col	YATES	D N	M	Solicitor			
030989	Lt Col	PETERS (GILLESPIE)	E K	F	Barrister			
030989	2Lt	HICKS	L M	F	Barrister		220892	
030989	Lt Col	McCLELLAND	J	M	Barrister	MBE		
250989	Capt	FORBES (HOARE)	E J	F	Solicitor		300892	
010990	Lt Col	PIERCE	R J	M	Solicitor			
011090	Capt	GUEST	S	F	Solicitor		300991	
011090	Lt Col	MOORE	A G	M	Solicitor			
180291	Capt	MOORE (JOHNSON)	C S	F	Solicitor		180295	
010391	Lt Col	CAYLEY	A T	M	Solicitor		170698	
010491	Capt	RAYNOR	K H	M	Solicitor		310894	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
300991	Lt Col	CLAPHAM	NWJ	M	Solicitor			
300991	Lt Col	JONES	NF	M	Solicitor			
300991	Lt Col	MARLER	LG	M	Barrister		220400	
300991	Lt Col	MERCER	NJ	M	Solicitor			
260292	Capt	MACFAVDEN	NAI	M	Solicitor		260293	
260292	Capt	MACCAULEY	ND	M	Barrister		250296	
260292	Maj	RICHARDS	DJM	M	Barrister		010896	
260292	Lt Col	RIDGE	SK	F	Solicitor			
090293	Lt Col	BATTY	RJ	M	Solicitor	MBE		
090293	Lt Col	LYTHGOE	SGS	M	Barrister			
140394	Capt	COOPER	JCG	M	Barrister		310896	
140394	Maj	GIRLING	RA	M	Solicitor		130398	Transferred to ALS, TA 140398
250994	Capt	TREGILGAS-DAVEY	M1	M	Barrister		240998	
250994	Lt Col	MORELAND	NF	M	Solicitor			
250994	Maj	MCGEIL	L	F	Solicitor			
050395	Maj	HARDY	JB	M	Solicitor			
050395	Maj	COOMBES	GD	M	Solicitor			
050395	Maj	PEGG	JG	M	Barrister			
130895	Maj	DAKERS	MB	M	Solicitor			
011095	Lt Col	BARNETT	CMJ	M	Solicitor			
280196	Maj	JOHNSTON	JA E	M	Solicitor			
180296	Lt Col	WHITTHAM	C	M	Solicitor			
300696	Maj	BOWEN	JL	F	Solicitor			
300696	Maj	EBLE	KJ	M	Barrister			
290996	Maj	CULVER	MJ	M	Barrister			
290996	Maj	WAKEFIELD	DC	M	Solicitor			
010297	Maj	MCDONNELL	S	M	Barrister			
010297	Maj	BRADDICK-HUGHES (BELI)	CE	F	Solicitor			
010297	Maj	GLOVER	EF	M	Solicitor			
010297	Maj	FREND	DP	M	Barrister			
060997	Maj	TAYLOR	A	M	Solicitor			

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
060997	Maj	SADLER	DJW	M	Solicitor			
060997	Maj	JONES	VA	F	Solicitor		311201	
280997	Maj	WOODMAN	JJ	M	Solicitor			
291097	Maj	McAVOCK	SG	F	Barrister		281001	
050198	Maj	COOK	ES	F	Solicitor			
010398	Maj	SIMPSON	NJ	M	Solicitor			
010398	Maj	WHEATLEY	AER	M	Solicitor			
010398	Maj	FRYATT	AG	M	Solicitor			
190398	Capt	LONDON	JFJ	M	Solicitor			ALST A
010498	Maj	HOLMES	CS	M	Barrister			ALST A
020498	Capt	QURESHI	SA	M	Barrister		020401	
070498	Lt Col	STEWART	DM	M	Solicitor			
180498	Maj	COLES	RMF	M	Solicitor			ALST A
180898	Capt	PHELPS	M	M	Barrister		310101	ALST A
120998	Capt	HAROLD	FD	M	Barrister			
120998	Maj	COLE	MPJ	M	Solicitor			
120998	Maj	HEPPENSTALL	NGG	M	Solicitor			
120998	Maj	DAVIES	GE	M	Solicitor			
120998	Maj	GRAY	BA	M	Solicitor			
120998	Maj	HOCKLEY	PI	M	Solicitor			
120998	Maj	DAVIES	PJ	F	Solicitor			
120998	Maj	DAVIES	GR	M	Solicitor			
120998	Maj	CLIFTON	RH	M	Barrister			
120998	Maj	ALLEN	RA	M	Solicitor			
120998	Capt	LEWIS	SJ	F	Solicitor			
280299	Capt	BUCKHAM	AP	M	Solicitor			
280299	Capt	SIDDIQUE	BM	M	Barrister			
280299	Maj	DREELAN	ICJ	M	Solicitor			
280299	Capt	CHRISTIE	DG	M	Solicitor			
120999	Capt	CRESSWELL	K	F	Solicitor			
120999	Capt	ROBBINS	PJ	M	Solicitor			

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
120999	Capt	WADE	MR	M	Solicitor			
120999	Capt	VENN (AUSTIN)	KJ	F	Solicitor		110900	
120999	Capt	PILCHER	SK	F	Barrister		290301	
130200	Capt	COWX	C	M	Solicitor			
130200	Capt	FINLAYSON	AGW	M	Solicitor			
130200	Capt	BANGA	BS	M	Barrister			
130200	Capt	BLATCHFORD	C	M	Solicitor			
130200	Capt	BROWN	AC	F	Solicitor			
130200	Capt	HORNSBY	NC	F	Solicitor			
130200	Capt	READ	R	M	Solicitor			
130200	Capt	GRAY	R	M	Barrister			
130200	Maj	BARTLETT	AT	M	Solicitor			
130200	Capt	DAVIES	PM	F	Barrister			
130200	Capt	BOWMAN	HE	F	Solicitor			
200300	Capt	PHILLIPS	DW	M	Solicitor			
170900	Capt	HAMNETT	RT	M	Solicitor			
170900	Capt	AMBROSE	WAR	F	Solicitor			
170900	Capt	CHARLTON	KE	F	Solicitor			
170900	Capt	HERON	CP	M	Solicitor			
170900	Capt	HAMLET	CTP	M	Solicitor			
170900	Capt	DUNN	CF	F	Solicitor			
170900	Capt	GOULD	CA	M	Solicitor			
190201	Capt	CHURCHYARD	AC	M	Solicitor			
190201	Capt	O'CONNOR	SM	M	Barrister			
190201	Capt	MOGRIDGE	FM	M	Barrister			
190201	Capt	STOTT	GM	M	Solicitor		011201	
040401	Capt	ALLWOOD	RJ	M	Solicitor			ALS TA
040401	Capt	BARKLEY	AR	M	Barrister			ALS TA
040401	Capt	BASHIR	N	M	Barrister			ALS TA
040401	Capt	BURGER	R	M	Solicitor			ALS TA
040401	Capt	BURNS	SH	M	Barrister			ALS TA

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
190449	Hon Maj	WHEATER	JD	M	Solicitor		050955	
010398	Maj	WHEATLEY	AER	M	Solicitor			
081280	Capt	WHITE	G	M	Solicitor		071284	
270682	Capt	WHITE	JRC	M	Solicitor		180186	
011048	Maj Gen	WHITELEY	GA	M	Solicitor	CB OBE	100869	
180296	Lt Col	WHITTHAM	C	M	Solicitor			
010862	Capt	WILCOX	DJR	M	Barrister		030365	
010970	Capt	WILD	FJ	M	Solicitor		100674	
160783	Capt	WILLIAMS	DH	M	Solicitor		010286	
120181	Capt	WILLIAMS	JD	M	Solicitor		090182	
010350	Capt	WILLIAMS	JK	M	Solicitor		010153	
031078	Capt	WITTS	IF	M	Barrister		030182	
030979	Capt	WITTS (PRITCHARD)	DMH	F	Barrister		020182	
280997	Maj	WOODMAN	JJ	M	Solicitor			
210277	Capt	WOOLLAM	SE	F	Barrister		210279	
010470	Col	WRIGHT	TB	M	Solicitor		011096	
160189	Lt Col	YATES	DN	M	Solicitor	ME		
070272	Capt	YOUNG	CG	M	Barrister		070275	

1. Date of Commission includes date of transfer to ALS from other Corps where applicable.
2. Date of Retirement includes date of termination of Short Service Commission and date of transfer to other Corps.
3. Highest ran in ALS to date includes acting rank attained.
4. Any errors should be notified to ALS1 for correction.

**Officers commissioned or transferred into the Army Legal Services Staff List / Army Legal Corps /
Adjutant General's Corps (Army Legal Services)**

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
040880	Lt Col	ADAMS	G A R	M	Solicitor		031101	
120998	Maj	ALLEN	R A	M	Solicitor			
040401	Capt	ALLWOOD	R J	M	Solicitor			ALS TA
170900	Capt	AMBROSE	W A R	F	Solicitor			
011048	Lt Col	ANDERSON	R J B	M	Barrister		140476	
011048	Maj Gen	APPLEBY	D S	M	Barrister	CB MC TD	041178	
160189	Lt Col	ARMSTRONG	C A	M	Barrister		010901	
270188	Capt	AUBREY	D E	F	Solicitor		260192	
260584	Col	AUSTIN	R P M	M	Barrister			
180266	Maj	BAILEY	J N	M	Barrister			
130200	Capt	BANGA	B S	M	Barrister			
030264	Col	BARCLAY	J N	M	Solicitor		180798	
040401	Capt	BARKLEY	A R	M	Barrister			ALS TA
011095	Lt Col	BARNETT	C M J	M	Solicitor			
011048	Brig	BARRETT	G	M	Barrister	OBE	020464	
130200	Maj	BARLETT	A T	M	Solicitor			
300987	Lt Col	BARLETT (FOSTER)	J K	F	Barrister			Retired 011097. Rejoined 020701.
040401	Capt	BAHIR	N	M	Barrister			ALS TA
090293	Lt Col	BATTY	R J	M	Solicitor	MBE		
050187	Capt	BINKS	J S	M	Solicitor		040191	
010356	Capt	BINNS	N L	M	Solicitor		220958	
130200	Capt	BLATCHFORD	C	M	Solicitor			
071159	Maj	BLOOD	J B C	M	Solicitor		311064	
250778	Capt	BOLLAND	A	M	Barrister		140979	
011048	Col	BONELLA	F G	M	Barrister		201069	Died in service
060382	Capt	BOULTER	B F	M	Solicitor		091185	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
300696	Maj	BOWEN	JL	F	Solicitor			
130200	Capt	BOWMAN	HE	F	Solicitor			
300985	Lt Col	BOWMAN	JC	M	Solicitor			
070856	Maj Gen	BOWMAN	JF	M	Barrister	CB	311286	
170856	Brig	BOYLE	DA	M	Solicitor		070787	
010297	Maj	BRADDICK-HUGHES (BELL)	CE	F	Solicitor			
120776	Capt	BRADLEY	JC	M	Solicitor		120778	
120955	Lt Col	BRAYDEN	DWH	M	Solicitor		141077	
130200	Capt	BROWN	AC	F	Solicitor			
200566	Capt	BRUCE	JMC	M	Barrister		210167	
060973	Brig	BRYANT	PJ	M	Solicitor	OBE	010501	
280299	Capt	BUCKHAM	AP	M	Solicitor			
300385	Lt Col	BULLOUGH	CGJ	M	Barrister			
040401	Capt	BURGER	R	M	Solicitor			ALS TA
230760	Capt	BURKE	MJ	M	Solicitor		240862	
080986	Capt	BURN	CR	M	Barrister		070990	
011048	Lt Col	BURNETT	A	M	Solicitor		080858	
040401	Capt	BURNS	SH	M	Barrister			ALS TA
110564	Capt	BURRETT	BEE	M	Solicitor		100566	
011048	Maj	BUTTERWORTH	FC	M	Solicitor		160661	
080578	Capt	CAMP	JP	M	Barrister		070582	
011048	Col	CAMPBELL	AHK	M	Solicitor		120960	
280356	Maj	CANHAM	BJ	M	Barrister		010265	
040749	Maj	CAULFIELD	CAB	M	Barrister		050762	
010391	Maj	CAYLEY	AT	M	Solicitor		170698	
170900	Capt	CHARLTON	KE	F	Solicitor			
170549	Hon/Lt Col	CHESEMAM	JW	M	Barrister		010564	
170202	Capt	CHILD	TCS	M	Solicitor			
280299	Capt	CHRISTIE	DG	M	Solicitor			
170275	Capt	CHRISTMAS	IM	M	Solicitor		180577	
190201	Capt	CHURCHYARD	AC	M	Solicitor			

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
300991	Lt Col	CLAPHAM	NWJ	M	Solicitor			
041071	Capt	CLARKE	IDH	M	Solicitor		041074	
100861	Maj Gen	CLARKE	MHF	M	Barrister		160694	
011048	Col	CLEAVER	HWE	M	Barrister		010178	
300987	Capt	CLEMENT	PJ	M	Barrister		020192	
120998	Maj	CLIFTON	RH	M	Barrister			
120998	Maj	COLE	MPJ	M	Solicitor			
180498	Maj	COLES	RMF	M	Solicitor			ALSTA
151079	Maj	COLLINS	RU	M	Barrister		010685	
021084	Lt Col	CONWAY	MD	M	Barrister			
050198	Maj	COOK	ES	F	Solicitor			
050395	Maj	COOMBES	GD	M	Solicitor			
140394	Capt	COOPER	JCG	M	Barrister		310896	
011048	Lt Col	COWELL-PARKER	RH	M	Solicitor		310355	
130200	Capt	COWX	C	M	Solicitor			
060958	Capt	COX	GL	M	Barrister		050961	
120999	Capt	CRESSWELL	K	F	Solicitor			
290996	Maj	CULVER	MJ	M	Barrister			
011048	Brig	CUMBERLEDGE	JG	M	Solicitor	OBE	240371	
130895	Maj	DAKERS	MB	M	Solicitor			
270581	Capt	DALY	D	M	Barrister		050982	
221165	Capt	DANIELL	HS	M	Barrister		010366	
101059	Capt	DAVIES	AC	M	Solicitor		091061	
101250	Maj	DAVIES	E	M	Solicitor		301157	
120998	Maj	DAVIES	GE	M	Solicitor			
120998	Maj	DAVIES	GR	M	Solicitor			
120998	Maj	DAVIES	PJ	F	Solicitor			
130200	Capt	DAVIES	PM	F	Barrister			
010671	Lt Col	DAVIES	TJ	M	Solicitor		050298	Died in service
301164	Capt	DAVIS	TFT	M	Barrister		291166	
010251	Hon/Lt Col	DAVISON	GE	M	Solicitor		011254	

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
040456	Capt	DOWNS	JL	M	Solicitor		040459	
011048	Hon Col	DRAPER	GID	M	Solicitor	OBE	161156	
280299	Maj	DREELAN	ICJ	M	Solicitor			
140362	Maj	DRIFIELD	JB	M	Solicitor		021265	
170900	Capt	DUNN	CF	F	Solicitor			
300696	Maj	EBLE	KJ	M	Barrister			
020963	Capt	EDWARDS	GO	M	Barrister		010965	
230901	Capt	ELLS-DAVIES	S	F	Solicitor			
080452	Capt	EMPFSON	GE	M	Barrister		141057	
170202	Capt	ENGLAND	JC	F	Solicitor			
230901	Capt	EVANS	JM	M	Solicitor			
160189	Lt Col	EYTON-JONES	JA	F	Solicitor			
130200	Capt	FINLAYSON	AGW	M	Solicitor			
010151	Hon Maj	FISHER-BROWNE	FWG	M	Solicitor		100953	
250989	Capt	FORBES (HOARE)	EJ	F	Solicitor		300892	
031273	Capt	FOTHERBY	G	M	Barrister		021277	
031268	Capt	FRAZER	IK	M	Solicitor		021270	
120352	Maj	FRAZER	K	M	Solicitor		011156	
010297	Maj	FREND	DP	M	Barrister			
010398	Maj	FRYATT	AG	M	Solicitor			
010158	Maj Gen	FUGARD	MT	M	Solicitor	CB	050290	
200574	Col	GARRAWAY	CHB	M	Barrister			
071250	Capt	GILBERT	WGL	M	Solicitor		280453	
251077	Capt	GILLANDERS	R	M	Barrister		241081	
140394	Maj	GIRLING	RA	M	Solicitor		130398	Transferred to ALS TA 140398
010297	Maj	GLOVER	EF	M	Solicitor			
010470	Brig	GLYNN	T	M	Solicitor		010699	
170202	Capt	GOOD	NRS	M	Solicitor			
170900	Capt	GOULD	CA	M	Solicitor			
170202	Capt	GRANT	E-P	M	Solicitor			
120998	Maj	GRAY	BA	M	Solicitor			

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
130200	Capt	GRAY	R	M	Barrister			
210584	A/Col	GREASLEY	C	M	Barrister			
020270	Capt	GREEN	RN	M	Barrister		020272	
021054	Capt	GRIBBLE	JR	M	Barrister		011056	
010170	Capt	GRIPTON	DJ	M	Barrister		190174	
011090	Capt	GUEST	S	F	Solicitor		300991	
011048	Hon Col	GULLIVER	RFL	M	Solicitor		270762	
250455	Capt	GUNN	AC	M	Barrister		050957	
230901	Capt	HALPENNY	B	M	Solicitor			
190955	Hon Maj	HALL	JVC	M	Non-legal		090660	
160473	Capt	HALL-JONES	SD	M	Barrister		010677	
011048	Brg	HALSE	RC	M	Solicitor	CBE	100362	Col Comdt 1978-82
011048	Col	HAMILTON	JC	M	Solicitor		040960	
170900	Capt	HAMLET	CTP	M	Solicitor			
170900	Capt	HAMNETT	RT	M	Solicitor			
060876	Capt	HANTOM	DC	M	Solicitor		050880	
050395	Maj	HARDY	JB	M	Solicitor			
010764	Capt	HARLEY	DC	M	Barrister		071065	
120998	Capt	HAROLD	FD	M	Barrister			
080452	Lt Col	HASWELL	AJD	M	Solicitor	OBE (Civ)	090481	
060568	Lt Col	HAWLEY	DC	M	Solicitor		010394	
120998	Maj	HEPPENSTALL	NGG	M	Solicitor			
170900	Capt	HERON	CP	M	Solicitor			
011048	Maj	HICKS	AN	M	Solicitor		010458	
030989	2Lt	HICKS	LM	F	Barrister		220892	
300479	Capt	HIGNETT	AR	M	Solicitor		291080	
040401	Capt	HOBBS	JE	M	Solicitor			ALS TA - Subject to sy clearance
011250	Hon Maj	HOCKING	FW	M	Solicitor		010759	
120998	Maj	HOCKLEY	PI	M	Solicitor			
010498	Maj	HOLMES	CS	M	Barrister			ALS TA
130200	Capt	HORNSBY	NC	F	Solicitor			

Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
090675	Brig	HOWELL	D M	M	Barrister	OBE		
190379	Maj	HOWELL	D V	M	Barrister		060496	
101057	Maj	HUCKER	M	M	Barrister		311276	RE, but att. ALS May 75 to Dec 76 then ALS RARO 010177 to 311292
010355	Maj Gen	HUGHES-MORGAN	Sir D J	M	Solicitor	Bt CB CBE	230384	
270677	Capt	HURFORD	J	M	Solicitor		090977	
091082	Capt	HYDEN	J S	M	Solicitor		280286	
010987	Capt	JAMES	A C	M	Solicitor		310891	
030183	Capt	JAMES	M A C	M	Solicitor		190484	
011152	Capt	JARVIS	B H	M	Solicitor		301058	
010987	Capt	JOHNSON	J A	M	Barrister		310891	
220265	Lt Col	JOHNSTON	G	M	Non-legal		230383	
280196	Maj	JOHNSTON	J A E	M	Solicitor			
240158	Maj	JONAS	D A	M	Solicitor		190462	
130655	Capt	JONES	F T M	M	Solicitor		130660	
300991	Lt Col	JONES	N F	M	Solicitor			
210981	Lt Col	JONES	N J H	M	Barrister			
050262	Capt	JONES	N L R	M	Barrister		050264	
270677	Capt	JONES	P H	M	Solicitor		280679	
060997	Maj	JONES	V A	F	Solicitor		311201	
270649	Capt	JUDGE	R M	M	Non-legal		150465	
160189	Capt	KELEHER	K R	M	Barrister		160190	
210584	Maj	KERCE	J A	M	Solicitor		010288	Transferred to RE (PCS) now RLC
030772	Capt	KING	P D	M	Barrister		160177	
011048	Col	KNIGHT	C P B	M	Solicitor		061263	
020479	Maj	LAMPITT	D J	M	Solicitor		010487	
011048	Lt Col	LANDER	H N H	M	Barrister		111055	
150768	Capt	LAVERICK	P M	M	Solicitor		140771	
010655	Capt	LAVERY	J C	M	Solicitor		281155	
111250	Capt	LEESE	V K	M	Solicitor		051057	
010654	Capt	LENNON	A A	M	Barrister		300561	



Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
190860	Maj	LESLIE	AE	M	Solicitor		130364	
050977	Lt Col	LEVER	A	M	Non-legal		210895	
090680	Maj	LEVER	J	M	Barrister		011089	
100380	Lt Col	LEWIS	RD	M	Barrister	OBE	190999	
210259	Maj	LEWIS	RS	M	Solicitor		300964	
120998	Capt	LEWIS	SJ	F	Solicitor			
051250	Maj	LILLIE	AP	M	Solicitor		101053	
110858	Capt	LINDOP	D	M	Barrister		100860	
011048	Lt Col	LIPSON	LD	M	Solicitor		070663	
140485	Lt Col	LLOYD	RA	M	Solicitor			
170474	Capt	LLOYD-MOSTYN	LR	M	Barrister		290974	
161277	Capt	LORESE	VA	F	Barrister		250685	
010350	Maj	LOMER	RG	M	Solicitor		250755	
190398	Capt	LONDON	JFJ	M	Solicitor			ALS TA
191156	Capt	LONG	JM	M	Barrister		301259	
161083	Maj	LOZYNSKI	PM	M	Barrister		010389	
090293	Lt Col	LYTHGOE	SGS	M	Barrister			
260292	Capt	MACAULEY	ND	M	Barrister		250296	
260292	Capt	MACFAYDEN	NAI	M	Solicitor		260293	
281156	Capt	MANION	J	M	Barrister		180358	
170172	Capt	MANISON	DC	M	Barrister		160175	
300991	Lt Col	MARLER	LG	M	Barrister		220400	
180782	Capt	MARRAY	JP	M	Barrister		300684	
011048	Maj Gen	MARSHALL	RS	M	Solicitor	CB TTD	270373	
010481	Capt	MARZELLA	EM	F	Solicitor		010284	
091181	Capt	MASON	PDA	M	Solicitor		030586	
291097	Maj	McAVOCK	SG	F	Barrister		281001	
030989	Lt Col	McCEMLAND	J	M	Barrister	MBE		
011048	Col	McCULLOCH	GK	M	Barrister		011062	
010297	Maj	MCDONNELL	S	M	Barrister			
180550	Maj	MCDOWELL	TB	M	Barrister		260255	

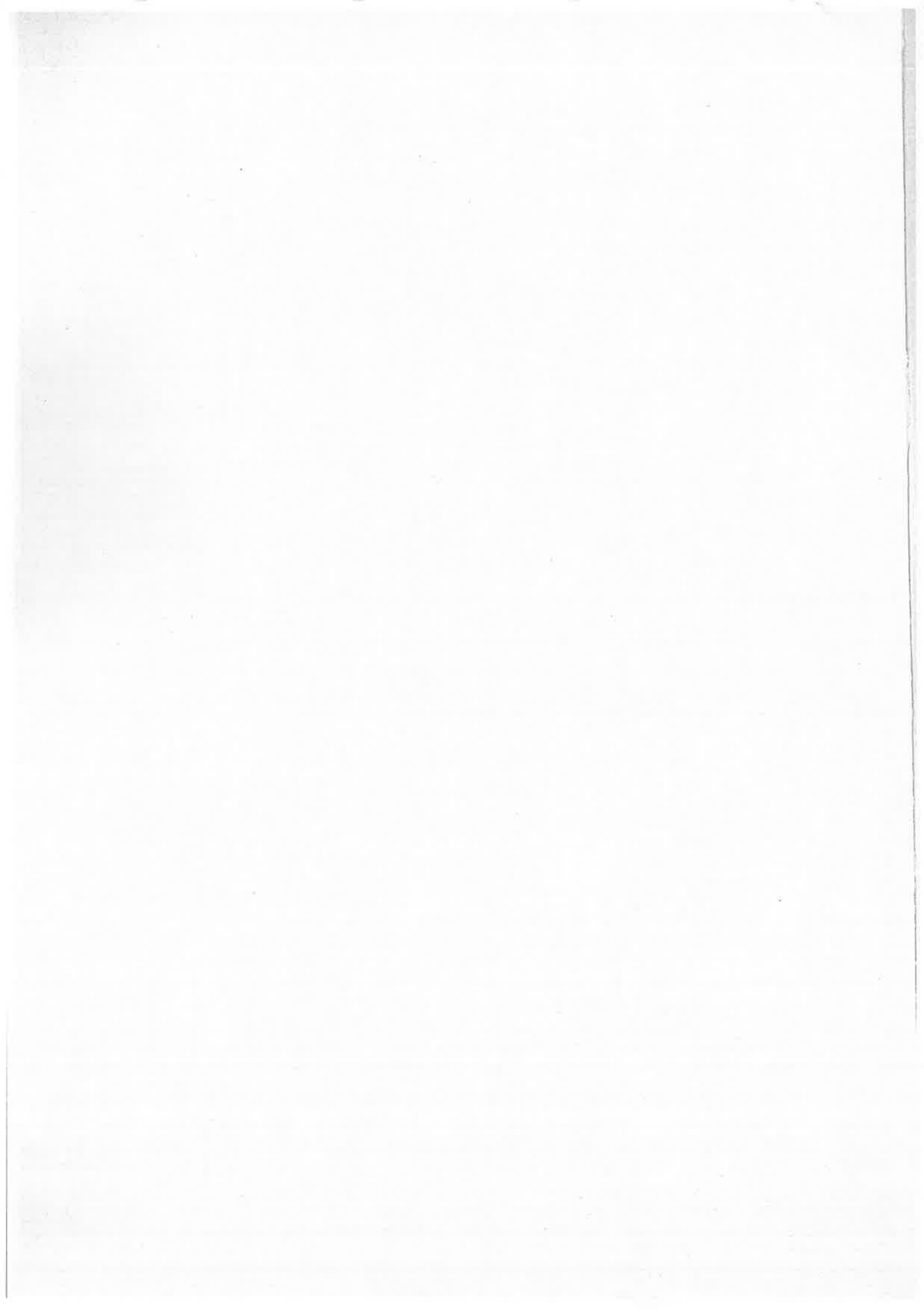
Date of Commission	Highest rank in ALS to date	Surname (Maiden name in Brackets)	Initials	Male/ Female	Solicitor/ Barrister	Awards	Date of Retirement	Remarks
070280	Col	MEVOY	PD	M	Solicitor			
160189	Lt Col	MCGARR (JACKSON)	LM	M	Barrister			
110450	Maj Gen	MILYENNA	JA	M	Solicitor	CB	011180	
030979	Capt	MCKAY	EA	F	Solicitor		130884	Transferred to WRAC
250994	Maj	MENIEL	L	F	Solicitor			
290176	Capt	MCPHERSON	I	M	Solicitor		280178	
060973	Capt	MROBERTS	JC	M	Solicitor		060975	
300991	Lt Col	MERCER	NJ	M	Solicitor			
170202	Capt	MEREDITH	C	F	Barrister			
031058	Capt	MIDDLETON	JG	M	Solicitor		210764	
050776	Capt	MILLER	JW	M	Barrister		120479	
120178	Col	MISKELLY (JEFFERSON)	C	F	Solicitor			
070373	Lt Col	MITCHELL	JH	M	Barrister		010394	
190201	Capt	MOGRIDGE	FM	M	Barrister			
021177	Lt Col	MOON	JJEG	M	Solicitor	MBE	031189	
011090	Lt Col	MOORE	AG	M	Solicitor			
131150	Maj	MOORE	AW	M	Solicitor		260857	
180291	Capt	MOORE (JOHNSON)	CS	F	Solicitor		180295	
250994	Lt Col	MORELAND	NF	M	Solicitor			
170202	Capt	MORGAN	EJ	F	Solicitor			
300385	Lt Col	MORRISON	AM	M	Solicitor			
040401	Capt	MOSS	AM	M	Solicitor			ALS TA
040401	Capt	MUMFORD	SAR	M	Solicitor			ALS TA
170576	Capt	MURISON	CF	M	Solicitor		160578	
230901	Capt	MURRAY	AM	M	Solicitor			
230867	Lt Col	MURRAY	J	M	Solicitor		020787	
010158	Capt	MURRAY	MM	M	Barrister		290758	
120988	Capt	MURRAY	S	F	Solicitor		041091	
170202	Capt	NICHOLIS	MJG	M	Barrister		010680	
141074	Maj	MYNORS	HRB	M	Solicitor			
120262	Capt	NILSSON	PC	M	Barrister		120264	

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140970	Brig	NORRIS	A P	M	Solicitor	OBE	140795	
010654	Capt	NORTON	P P	M	Solicitor		310556	
290561	Capt	O'DONOVAN	D V	M	Barrister		230762	
190201	Capt	O'CONNOR	S M	M	Barrister			
270350	Brig	O'DELL	B A	M	Solicitor		061175	
160189	Capt	ORME	S T	M	Barrister		150194	
080875	Maj	OULTON	H C N M	M	Barrister	M C	160681	Died in service
190955	Lt Col	OVERBURY	H C B	M	Solicitor	CBE (Civ) OBE (Mil)	030474	
011048	Maj Gen	OWEN	H	M	Solicitor	CB	160871	
180681	Brig	PAPHITI	A S	M	Barrister			
020185	Capt	PARKER	M L	M	Barrister		010186	
120955	Lt Col	PARRY	R W	M	Solicitor		130371	
310856	Col	PATERSON	A J H	M	Solicitor		300483	
050395	Maj	PEGG	J G	M	Barrister			
180782	Capt	PERKS	R H	M	Barrister		040483	
210179	Capt	PERRETT	J E	F	Barrister		280180	
251185	Maj	PETERS	W J S C	M	Solicitor		060293	
030989	Lt Col	PETERS (GILLESPIE)	E K	F	Barrister			
180898	Capt	PHELPS	M	M	Barrister		310101	ALS TA
200300	Capt	PHILLIPS	D W	M	Solicitor			
010990	Lt Col	PIERCE	R J	M	Solicitor			
120999	Capt	PILCHER	S K	F	Barrister		290301	
020858	Lt Col	PITTS	A P	M	Barrister		080275	
230763	Lt Col	PORTER	G J	M	Barrister		160184	
010472	Maj	POTTS	W L	M	Barrister		070383	091063 (Lan Regt)
090582	Lt Col	PRICE	C P	M	Solicitor		131288	
011062	Col	PUGH	O L	M	Solicitor		060195	
151056	Col	PUTT	P E	M	Solicitor		061278	
020498	Capt	QURESHI	S A	M	Barrister		020401	
010491	Capt	RAYNOR	K H	M	Solicitor		310894	

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140480	Capt	REACHER	PA	M	Solicitor		130484	
130200	Capt	READ	R	M	Solicitor			
250684	Lt Col	REDDIN	DG	M	Barrister	MBE		
010987	Capt	RICE	PM	M	Solicitor		010990	
260292	Maj	RICHARDS	DJM	M	Barrister		010896	
260292	Lt Col	RIDGE	SK	F	Solicitor			
011157	Maj	RILEY	AC	M	Solicitor		170667	
280873	Maj Gen	RISUS	G	M	Solicitor	CB		
120999	Capt	ROBBINS	PJ	M	Solicitor			
011048	Maj Gen	ROBERTSON	JC	M	Barrister		300776	
290468	Maj Gen	ROGERS	APV	M	Solicitor	OBE	040697	
011048	Col	ROGERS	MH	M	Barrister		090954	
250280	Capt	RUSSELL (PHILLIPS)	AL	F	Solicitor		160781	
060997	Maj	SADLER	DJW	M	Solicitor			
201182	Capt	SCOTT	AR	M	Solicitor		010389	
150562	Maj Gen	SELWOOD	DHD	M	Solicitor		010692	Dep Col Comdt 1996
040401	Capt	SHACKEL	C	M	Solicitor			ALS TA
011048	Brig	SHAPCOTT	H	M	Solicitor	KBE CB MC	110855	
181081	Capt	SHIELS	RS	M	Solicitor		171085	
280299	Capt	SIDDIQUE	BM	M	Barrister			
230901	Capt	SIDDIQUE	R	F	Solicitor			
010398	Maj	SIMPSON	NJ	M	Solicitor			
300852	Capt	SIMS	DA	M	Solicitor		170156	
011048	Col	SMITH	SJ	M	Solicitor		061175	
061150	Maj	SMITH-HUGHES	J	M	Barrister	OBE (Civ)	040258	
311055	Maj	SMYTH	JCF	M	Barrister		151171	
171060	Maj	SPENCER	PG	M	Barrister		050967	
230479	Lt Col	SPENCER	REP	M	Solicitor		010395	
270188	Capt	STANSFIELD	J	F	Barrister		260192	
170202	Capt	START	VL	F	Barrister			
130776	Capt	STEVENS	BR	M	Solicitor		120778	

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070498	Lt Col	STEWART	DM	M	Solicitor			
190201	Capt	STOTT	GM	M	Solicitor		011201	
301078	Capt	STYLES	GH	M	Barrister		291081	
070282	Col	STYTHE	JN	M	Solicitor			Retired 060286. Rejoined 011086. Retired 041191. Rejoined 081096.
100784	Lt Col	SULLIVAN	R	F	Solicitor			
111278	Lt Col	SWABEY	JCM	M	Barrister		011194	
011048	Lt Col	SYMONS	KT	M	Barrister		110468	
011048	Maj	TAFEE-WILLIAMS	FJ	M	Solicitor		010756	
060997	Maj	TAYLOR	A	M	Solicitor			
011062	Brig	TAYLOR	J	M	Solicitor		011192	
060260	Maj	THOMAS	WJ	M	Barrister		060263	
011048	Maj	THOMPSON	FWG	M	Barrister		281155	
170202	Capt	THOMPSON	JAB	M	Solicitor			
091285	Maj	TILBURY	NM	F	Solicitor		081291	
250994	Capt	TREGLGAS-DAVEY	M1	M	Barrister		240998	
180960	Maj	TURNER	RL	M	Barrister		261266	
101175	Capt	TURRAL-CLARKE	RTF	M	Solicitor		261177	
110972	Maj	VENN	JK	M	Barrister		011189	
120999	Capt	VENN (AUSTIN)	KJ	F	Solicitor		110900	
051281	Col	VOWLES	SG	M	Solicitor			
120999	Capt	WADE	MR	M	Solicitor			
290996	Maj	WAKEFIELD	DC	M	Solicitor			
150860	Lt Col	WAKERLEY	JC	M	Barrister	OBE	280974	
230901	Capt	WALTON	CEA	M	Solicitor			
090462	Maj	WATERS	VLB	M	Solicitor		260665	
110280	Capt	WATSON	FP	M	Barrister		011185	
010987	Capt	WATTS	CL	F	Solicitor		010988	
010987	Capt	WAUGH	TM	F	Solicitor		100590	
251185	Capt	WEBSTER	L	M	Barrister		241189	
101055	Brig	WESTON	GL	M	Barrister	DSC	060481	

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190449	Hon Maj	WHEATER	JD	M	Solicitor		050955	
010398	Maj	WHEATLEY	AER	M	Solicitor			
081280	Capt	WHITE	G	M	Solicitor		071284	
270682	Capt	WHITE	JRC	M	Solicitor		180186	
011048	Maj Gen	WHITELEY	GA	M	Solicitor	CB OBE	100869	
180296	Lt Col	WHITTHAM	C	M	Solicitor			
010862	Capt	WILCOX	DJR	M	Barrister		030365	
010970	Capt	WILD	FJ	M	Solicitor		100674	
160783	Capt	WILLIAMS	DH	M	Solicitor		010286	
120181	Capt	WILLIAMS	JD	M	Solicitor		090182	
010350	Capt	WILLIAMS	JK	M	Solicitor		010153	
031078	Capt	WITTS	IF	M	Barrister		030182	
030979	Capt	WITTS (PRITCHARD)	DMH	F	Barrister		020182	
280997	Maj	WOODMAN	JJ	M	Solicitor			
210277	Capt	WOOLIAM	SE	F	Barrister		210279	
010470	Col	WRICHT	TB	M	Solicitor		011096	
160189	Lt Col	YATES	DN	M	Solicitor	ME		
070272	Capt	YOUNG	CG	M	Barrister		070275	



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