

# BLOODY SUNDAY INQUIRY

WEEK 79

20 – 23 JANUARY 2003



## EVIDENCE HEARD

This week the Tribunal heard from three military witnesses present on Bloody Sunday, **Colonel Roy Jackson, INQ366** and **INQ1917**. Sir Edward Heath also continued his evidence before the Tribunal which will be dealt with upon its completion in Week 80.

A full transcript of the proceedings is available at <http://www.bloody-sunday-inquiry.org.uk>.

### 1. COLONEL ROY JACKSON'S EVIDENCE

Colonel (now General) Jackson was the Commanding Officer of the 1<sup>st</sup> Battalion of the Royal Anglian Regiment (1 R Anglian), one of the resident battalions in Derry. He was the longest-serving commanding officer in Derry at the time of Bloody Sunday, having been stationed there with his regiment for two years prior to Bloody Sunday. He spoke of the marked change in the attitude of the population of Derry towards the security forces in 1971, following the shootings of Seamus Cusack and Desmond Beattie, and of the increased level of shootings and rioting. However, it was still his belief in 1971 / 1972 that responsible moderate opinion in the Bogside could have prevailed in controlling the hooligan element, given support and time—contrary to the view of Generals Ford and Tuzo at the time who felt that the experiment had failed, the latter regarding the experiment of relying on moderate opinion in the area, rather than military means, to solve the rioting problem, as the worst mistake he made during his time in Northern Ireland.

Given the minimal role given to 1 R Anglian on the day, Colonel Jackson's evidence centred primarily on the lead-up to Bloody Sunday.

#### 1.1 Expectations of IRA action on Bloody Sunday

Colonel Jackson told the Inquiry that he had expected the march to be peaceful and had received no intelligence to suggest otherwise.

He said that he had never seen the 'David signal', purportedly sent by the Director of Intelligence to 8<sup>th</sup> Brigade HQ on 27<sup>th</sup> January, which stated: "source believes that the marchers will be armed with sticks and stones and he expects that the IRA will use the crowd as cover". It was his evidence that the general threat of the IRA using the crowd as cover was included as a precaution in all operational orders at the time, but that he had not been told about any specific intelligence relating to the IRA's plans for the day.

Furthermore, the David signal records that "the organisers are considering a possible diversion in the Brandywell area, using young hooligans whom they would prefer out of the way of the march". However, although the Brandywell was under the control of Colonel Jackson on Bloody Sunday, he was not informed of any such threat in his area.

## **1.2 Co-ordinating conference**

Colonel Jackson attended the co-ordinating conference held on 28<sup>th</sup> January 1972, dealing with the planned NICRA march, having not had any input into the Brigade Operational Order for the day. It was his belief that he should have been consulted about the plans for the day, given his position as the longest-serving commanding officer in Derry at the time—a suggestion disputed by General Ford who thought it presumptuous for a Colonel to suggest that he should have been consulted about plans determined at Army Headquarters Northern Ireland (HQNI).

### **1.2.1 Arrest operation**

It was Colonel Jackson's belief that those at the co-ordinating conference had been provided with an inadequate level of information concerning the proposed arrest operation. He also interpreted Colonel Wilford's silence at the meeting as meaning that the latter had received a private briefing prior to the co-ordinating conference.

He recalled a large number of arrests, in the region of 300 to 500, being proposed at the meeting, which had surprised the commanding officers present, given that nothing of this scale had ever been planned in Derry previously and given their impression that such figures were "pie in the sky". Such a large-scale operation, he said, suggested that anyone in the vicinity of rioting would be arrested and would have necessitated an enormous number of soldiers. However, he had not voiced his surprise at the numbers suggested at the meeting or in his purported subsequent meeting with the Brigadier.

## 1.2.2 Separation

The Colonel thought that the concept of separation between marchers and rioters had been discussed as the determining factor of the decision whether to launch the arrest operation, adding that it was a standard operating procedure used in all operations.

## 1.3 Use of 1 Para

### 1.3.1 Disagreement over the use of 1 Para

He had learned from the Brigade Operational Order, distributed the previous day, that 1 Para was to be the arresting force on the day and had been unhappy about the plans to deploy them in any capacity on the day, due to their reputation as a tough regiment and their actions at Magilligan the previous week when they used unnecessary force. He also felt affronted his regiment had not been allocated the role given to 1 Para, given their intimate knowledge of the geography of Derry and their familiarity with its residents and the Derry Young Hooligans. It was his belief that his soldiers would have been able to distinguish between rioters and mere onlookers on the day, thereby reducing the chances of erroneous arrests.

It was his evidence that he had spoken with Brigadier MacLellan immediately after the co-ordinating conference and had alerted him to his belief that 1 Para should not be used since they did not know the area and would 'go in blind'. It was also his recollection that he had told the Brigadier that the role of arrest force should not be given to a non-resident battalion such as the Paras, as they would just go in and "give someone a bloody nose" and then leave, whereas resident battalions would have been aware of the consequences of their actions upon future relations with the community. The Brigadier had responded that he 'had his orders' and that the decision to employ 1 Para had been made 'at the highest level'. The Colonel had understood this reference to mean that the decision to deploy 1 Para was ultimately a political one, made at the 'highest level' of Government, given his belief that no military commander would place a battalion in a situation where the soldiers did not know the ground or the local conditions.

Furthermore, it was his evidence that he had asked the Brigadier to convey his views to HQNI. He had, he said, taken this step due to his fears concerning what might transpire on the day and his belief that the decision to deploy 1 Para had ultimately been taken by people who were 'newcomers' and did not have the experience that he had of Derry (General Ford only having been in Northern Ireland for

approximately six months at the time, and the Brigadier in Derry for three).

### 1.3.2 Request to speak with Colonel Wilford

It was Colonel Jackson's evidence that he had also told Brigadier MacLellan that he would be willing to speak with Colonel Wilford to provide him with information specific to Derry and to familiarise him with the situation in the city. One of the things he would have discussed, had he had the opportunity of speaking with Colonel Wilford, was the problem of the 'Derry echo', caused by the geography of the city, which made it difficult for a soldier to correctly identify the location of gunfire or explosions unless he had actually seen the flash or smoke.

### 1.3.3 Occurrence of the conversation

Although Brigadier MacLellan has no recollection of this conversation and although the Colonel admitted that it would have been most unusual for him to question Brigade orders, he was adamant it had taken place—this despite evidence from his adjutant at the time, INQ1924, who has written in his statement to the Inquiry that the Colonel was pleased that 1 R Anglian was not the arresting force and voiced no concern about the use of 1 Para. Furthermore, it was Counsel for the soldiers' contention that Colonel Jackson made no mention of this conversation during his interview with researchers for the "Sunday" film regarding Bloody Sunday. However, he denied suggestions made by Counsel for the soldiers that this indicated that he had never had any such conversation, stating that the main remit of the conversation with the researchers was to provide background concerning the situation in Derry in the lead-up to January 1972, and that he had not spoken specifically about Bloody Sunday itself.

## 1.4 Role on Bloody Sunday

Colonel Jackson spent the afternoon of Bloody Sunday with his Rover group, remaining in constant communication with Brigade and 1 R Anglian's main HQ and tactical HQ on the day. He had no particular recollections of his specific actions on the day, but said that he would have spent the duration of the march at his tactical HQ near the Craigavon Bridge. He had no recollection of hearing any shots or explosions on the day.

### 1.4.1 Shots fired at the Army

Colonel Jackson was asked about a number of shots reportedly fired at soldiers under his command in the early stages of the afternoon. He

disagreed with the view of his intelligence officer, Captain Condor, who came to the conclusion that the "IRA had planned, organised and co-ordinated an attack on those responsible for law and order", believing rather that these shots "could have just been a couple of guys having a go", rather than any orchestrated plan against the Army.

However, from what he heard over the radio during the course of the day, he had assumed that there had been a fierce gun battle in the Rossville Street area, with both military and paramilitary casualties.

#### 1.4.2 Meeting at Ballykelly

Colonel Jackson told the Tribunal that he had returned to Ebrington Barracks on the evening of Bloody Sunday where he was informed by his adjutant that there was to be a meeting of senior officers that evening in Ballykelly. Although he had not been invited to the meeting or even officially informed of its taking place, he decided to attend, arriving at approximately 9:30pm, the meeting having already commenced.

He described there being a sombre atmosphere at the meeting, with discussion confined to the day's events and any necessary "follow-up action". He did not speak at the meeting, the main contributors being Brigadier MacLellan and General Ford. He said that there was a general sense that "something had gone wrong" on the day, although he could not recall this being expressed in specific terms, nor could he recall any discussions to determine why what had happened happened.

However, none of those he recalls as being present has given any evidence of such a meeting, leading Counsel for the soldiers to question whether the meeting ever took place.

#### 1.5 De-briefing at 8<sup>th</sup> Brigade HQ on 31<sup>st</sup> January

The Colonel attended a further meeting at 8<sup>th</sup> Brigade HQ on the morning after Bloody Sunday. It was his evidence that discussion had centred on the setting up of the Widgery Inquiry, which had been announced to 8<sup>th</sup> Brigade by that stage. He was taken through contemporaneous notes made by him during the course of the meeting and asked to provide further clarification where necessary. One such note which read "behaviour exemplary" was interpreted by the Colonel to mean that the behaviour of 1 R Anglian on the day was exemplary, rather than the behaviour of the Army as a whole, but he could not explain why his regiment had been singled out for praise on this occasion.

## **1.6 Radio communications**

### **1.6.1 Reporting incidents**

Colonel Jackson told the Inquiry that it was extremely important to immediately report incidents of both incoming and outgoing fire on the radio to other companies on the ground during a military operation so as to protect other soldiers from hostile fire and to enable them to correctly distinguish between incidents of Army and 'enemy' fire. He also agreed that it would have been imperative for Brigadier MacLellan, who was located at some distance from the action, to be aware of precisely what was occurring on the ground so as to enable him to remain in control of the operation. However, Army logs on the day indicate that the Parachute Regiment did not report incoming or outgoing fire during the height of the action on the day until some time after the shootings had occurred.

### **1.6.2 Secure communications**

There is some dispute over whether or not Brigade HQ was operating a secure communications network on Bloody Sunday, using a BID 150 device to encrypt communications, making it impossible for them to be intercepted by anyone other than the Army. The order to launch the arrest operation was purportedly given over such a secure net, thereby explaining why it does not feature in the civilian recordings of Army communications made on the day. Colonel Jackson's evidence was that there was no secure brigade net in operation on Bloody Sunday or at any time during his posting in Derry.

## **1.7 Yellow Card**

In his statement to the Inquiry, Colonel Jackson wrote that the Yellow Card, setting down the rules of engagement in Northern Ireland was "too restrictive when operating against bombers and stone throwers". He explained this by saying that the rules were unclear about the 'types' of bombers (e.g., nail-bomber, petrol-bombers, etc.) against whom action could be taken and made no reference at all to stone throwers. It was his belief that thought ought to have been given to the question of whether or not fire might be directed at rioters, as distinct from shooters.

## **1.8 Interview with researchers for "Sunday" film**

Colonel Jackson was taken through notes made by reporters when interviewing him for the Jimmy McGovern film "Sunday". He expressed his amazement and disappointment at having the notes put to him

during the Inquiry as, he said, he had been provided with assurances by Channel 4 that “nothing would go out”, including the film itself, until after the conclusion of the current Inquiry. Given the fact that he was only provided with the Channel 4 notes during his first day on the stand, the Colonel repeatedly expressed his concern at his lack of familiarity with the document, which he felt was an inaccurate record of what he had said and demonstrated journalistic licence.

## **2. INQ366’S EVIDENCE**

INQ366 was Colonel Wilford’s driver at the time of Bloody Sunday and a member of the Parachute Regiment.

### **2.1 Shots heard**

He recalled driving to Derry on Bloody Sunday and parking near the Presbyterian Church. It was his evidence that he heard a high velocity shot ring out and hit a drain pipe on the church building, at which Captain Michael Jackson had remarked: “that shot was meant for us”. He said that shortly after this, and prior to the Paras’ entry into the Bogside, he heard a further 15 to 20 high velocity shots, comprising both single rounds and rapid fire. He was adamant that this was not Army fire.

He told the Tribunal that Colonel Wilford, who was still in the vicinity of the Presbyterian Church, had signalled through to Brigade, reporting that the soldiers had come under fire and requesting that the arrest operation be launched. There ensued a long pause after which he heard the person on the other end respond “go in”, followed by further orders stating merely “go, go, go” which he presumed were issued either by Brigadier MacLellan or one of the Para company commanders. He also said that he heard a radio reporter from 1 Para reporting that acid bombs were being thrown from the Rossville Flats.

He then heard more firing, both in the distance and over the radio, comprising Army SLR fire, AK47 fire and pistol fire, lasting approximately 20 to 25 minutes, after which everything went quiet.

### **2.2 Arrests**

Having driven Colonel Wilford to a wasteground near Little James Street, he was asked to escort a prisoner across the wasteground to a police Land Rover nearby. He was directed to keep the prisoner to his left hand side as he ran across the wasteground, as there was a suspected sniper operating from that area and he could thereby use the prisoner as a human shield to protect himself.

### **2.3 Faulty recollection**

It was pointed out to INQ366 that there was a substantial body of evidence before the Tribunal to suggest that he was mistaken in his recollections of the day. He was told, for example, that Colonel Wilford and Captain Jackson could not have been with him throughout the afternoon as he recalled, given that they were in an observation post rather than on the ground. He was also informed that the Tribunal had received a large amount of evidence to suggest that the orders from Brigade to go in were given over a secure communications network which he could not have overheard. Lastly, the log of communications made on the day does not record Colonel Wilford reporting incoming fire prior to the Paras' entry into the Bogside.

Given the fact that INQ366 had made no previous written note of his experiences or recollections of Bloody Sunday prior to making a statement to the current Inquiry, it was suggested that his memory might be at fault. He acknowledged that he might be mistaken in his recollection of Colonel Wilford's movements on the day, and also accepted that he might have "muddled" his testimony by placing 15 to 20 shots prior to the Para's entry into the Bogside. However, he remained adamant that these shots were not fired from the standard Army weapon issued to Paratroopers on the day.

## **3. INQ1917'S EVIDENCE**

INQ1917 was a private in the Machine Gun Platoon of Support Company, 1 Para, on Bloody Sunday. He was twenty on the day and had only been with the regiment for four weeks prior to Bloody Sunday. He remained in the regiment for just over a year before buying himself out.

### **3.1 Briefing / familiarisation with Derry**

The only briefing that INQ1917 could recall in relation to Bloody Sunday was a short briefing given on the day of the march once the Paras had arrived in Derry, informing them that there was to be a civil rights march and that there was an expectation that civil disorder would ensue, with people attacking the Army barriers. His platoon was to act as snatch squads to arrest those rioting.

Although he had never previously been to Derry and was unfamiliar with the territory, he was not shown any maps or photographs of the area in which his platoon was to be deployed.

### 3.2 Derelict building in the Bogside

He was unclear where he was stationed during the early part of the march, but recalled that he had been in an Army vehicle behind a barrier which came under attack from rioters whom he had been unable to see. Once he had received the order to move forward, he passed through the barrier on foot and jogged down some side streets, prior to being ordered by Sergeant INQ441 to enter a derelict building. He said that he had no idea why he had been ordered into the building but presumed that it was to serve as the base from which to perform snatch operations. He had not realised at this stage that his platoon was the most forward part of Support Company, the other platoons having remained in the churchyard of the Presbyterian Church at this stage.

INQ1917 told the Inquiry that he had watched the march go by from the first storey of the building and had witnessed three incidents, namely shots being fired at the building, objects thrown at the building and further shots fired from within the building itself. He could not provide any indication of the timescale within which these incidents occurred but was certain of the sequence in which they had happened, despite having written in his statement that his "memory of the order in which events occurred is hazy".

#### 3.2.1 Shots fired at the building

It was INQ1917's evidence that he had been in the building no more than a few seconds when he heard the shots being fired. He did not see where any of the shots struck and did not feel that his life was in danger, but was ordered to take cover and assumed that his platoon was coming under fire.

Counsel for the Inquiry informed him that prior to Mortar Platoon's entry into the derelict building, between 200 and 250 baton rounds had been fired from Barrier 14, rising to a total of 324 discharged throughout the course of the afternoon. Having initially acknowledged that there was a possibility that he might have misidentified the sound of baton rounds as that of live rounds (it was his first ever experience of coming under fire), he rejected this theory, affirming that he was sure that the sound was that of live rounds. However, he had no recollection of having heard baton rounds fired on the day.

#### 3.2.2 Objects thrown at the building

From his cover position he could see out of the window and said that he saw a group of people, mostly males in their twenties and thirties, running in various directions and throwing objects, some in his direction.

He then heard the sound of two explosions, similar to the sound of grenades, which he identified from later experience as being nail bombs. None of the other soldiers in the building (of which there were a minimum of five) made any comment upon hearing the explosions.

Again, although he was unaware that 15 CS gas grenades and 65 CS canisters had been discharged by the Army and although he was unfamiliar with the sound of nail bombs at the time, he dismissed the possibility that this could have been the sound he later identified as that of nail bombs. He also rejected the suggestion that his identification of the explosions as nail bombs could have been in any way influenced by Corporal A and Private B's account of events to him later that evening.

### 3.2.3 Shots fired from within the building

He then heard between two and five shots fired from within the building and had a recollection of seeing two of the soldiers in his platoon in the firing position, pointing their weapons towards the open space where he had previously seen the group of people throwing objects. Although he did not see them firing, two soldiers, Corporal A and Private B, subsequently confirmed to him that they had indeed opened fire, saying that they had shot nail bombers. However, the two soldiers he saw were at ground level, whereas it is Corporal A's evidence that he fired from the first floor, placing him in very close proximity to INQ1917 at the time. Given that INQ1917 was adamant that he had never seen or heard Corporal A firing, Counsel for the families suggested that this demonstrated the extreme difficulties in identifying firing on the day.

He then saw a group of people on the wasteground approximately 100 yards from the derelict building, tending to somebody on the ground.

### 3.3 Shooting in the Bogside

INQ1917 then returned on foot with his platoon to their Army vehicles before being driven to approximately 100 yards from the Rossville Flats. He said that as he debussed from the vehicle, taking cover behind it, he was conscious of high-velocity sniper fire from the direction of the flats, but did not see any muzzle flashes, anyone firing or any bullets striking their target. It was his evidence that four or five such shots were fired from the flats over the space of a minute.

Although he could not confirm 100 per cent that the fire he heard was not Army fire, it was his recollection that he had not seen any soldiers firing on the day. He had, however, seen three bodies in the back of an Army vehicle upon his debussing in the Bogside and had seen

Colonel Wilford shouting a ceasefire order, reminding the soldiers not to shoot unless they had identified a target.

### **SUMMARY OF PROCEEDINGS**

Paragraph 1: Monday 20<sup>th</sup> to Wednesday 22<sup>nd</sup>

Paragraph 2: Thursday 23<sup>rd</sup>

Paragraph 3: Thursday 23<sup>rd</sup>