

Wednesday, 16 May 2018

1

2 (10.15 am)

3

(Delayed start)

4

(10.24 am)

5

Housekeeping

6

MR HOLT: Sir, we have had a message that three of the

7

witnesses, SO38, 39 and 42, got into a taxi at 9 am to

8

travel from Westminster and are stuck still in that

9

taxi.

10

SIR GEORGE NEWMAN: From Westminster here in London?

11

MR HOLT: Yes. The taxi is stuck in some sort of incident

12

near Buckingham Palace, which we are guessing may be the

13

preparations for the Royal wedding, and two of them, as

14

you may know, are people who require sticks to walk.

15

SIR GEORGE NEWMAN: Sticks.

16

MR HOLT: So I apologise they are not here and there is

17

a delay.

18

SIR GEORGE NEWMAN: We have no idea when they are likely to

19

arrive?

20

MR HOLT: I've asked SO38 to keep me informed. In the

21

meantime the suggestion is that perhaps we deal with one

22

of the witnesses later on the list.

23

MR HENDERSON: SO40, sir. He deals mainly with the other

24

incident towards the front of the aircraft, with the

25

prisoner with the prosthetic limbs.

1 SIR GEORGE NEWMAN: All right.

2 MR HENDERSON: So perhaps it may be appropriate to take him  
3 out of what may be the natural sequence.

4 SIR GEORGE NEWMAN: Thank you. So it's S038, 39 and the  
5 other one who is with them, 42?

6 MR HOLT: Sir, yes.

7 SIR GEORGE NEWMAN: Tell me again, what time did they leave?

8 MR HOLT: 9 am. The taxi driver I'm told is trying to get  
9 round all sorts of detours but just now has come to  
10 a halt. They describe police being everywhere and the  
11 whole place has come to a standstill.

12 SIR GEORGE NEWMAN: Okay. We will do our best we can to use  
13 time.

14 MR HOLT: I am grateful sir.

15 SIR GEORGE NEWMAN: Before you sit down, Mr Holt, there is  
16 something else I want to mention. I'm going to mention  
17 it lightly to begin with because I'm not quite sure  
18 where it leads to, but it concerns a particular  
19 newspaper and it may or may not concern your clients.  
20 I think I need to know what the position is from your  
21 clients' point of view. It may be that S038 and S039  
22 are the critical people, I know not, but as you know  
23 I have granted anonymity and I must see that the grant  
24 of anonymity is ...

25 MR HOLT: Is appropriate.

1 SIR GEORGE NEWMAN: And to consider whether or not what  
2 I have done is being undermined by things going on  
3 which --

4 MR HOLT: I understand.

5 SIR GEORGE NEWMAN: -- shouldn't be going on.

6 MR HOLT: I will make the appropriate inquiries.

7 SIR GEORGE NEWMAN: Could you make the appropriate  
8 inquiries.

9 MR HOLT: I'd be surprised, but I will.

10 SIR GEORGE NEWMAN: As I've thought it through, having  
11 received the information and discussed it with my team,  
12 obviously anonymity, as long as it is anonymity across  
13 the board --

14 MR HOLT: Sir, I understand.

15 SIR GEORGE NEWMAN: -- is fine. But we can't have anonymity  
16 here but not anonymity elsewhere. All right?

17 MR HOLT: Sir, you need say no more.

18 SIR GEORGE NEWMAN: Thank you very much indeed.

19 SO40 I believe is here.

20 SO40

21 Examination by SIR GEORGE NEWMAN

22 SIR GEORGE NEWMAN: Yes. Do sit down. SO40, good morning.

23 A. Good morning sir.

24 SIR GEORGE NEWMAN: You were here yesterday weren't you?

25 A. I was sir, yes.

1 SIR GEORGE NEWMAN: So you heard in particular what I had to  
2 say at the beginning of the day.

3 I am just looking at your statement. Just make sure  
4 you have everything that you need in front of you. Have  
5 you got the statement you have made to this  
6 investigation?

7 A. I have, sir, yes. I have the cipher guide and the  
8 gisting guide as well.

9 SIR GEORGE NEWMAN: Thank you very much. And attached to  
10 your statement you made to the investigation -- well,  
11 indeed are the statements that you made to the P&SS  
12 investigation, exhibit NAH/1, for example, the statement  
13 of the 22 July 2003; right?

14 A. Yes.

15 SIR GEORGE NEWMAN: You have all that?

16 A. Yes.

17 SIR GEORGE NEWMAN: And conveniently you have attached to  
18 your statement a sketch of the Chinook?

19 A. Yes, sir.

20 SIR GEORGE NEWMAN: And the first question therefore is, if  
21 you go to the end of your statement, at paragraph 35, is  
22 that your signature underneath the statement of truth?

23 A. It is, sir.

24 SIR GEORGE NEWMAN: And you are content that it is the truth  
25 so far as you can tell us about these events?

1 A. Yes.

2 SIR GEORGE NEWMAN: Are you satisfied that the statements  
3 that you have exhibited, namely the ones you made back  
4 in 2003, and another I think in 2012, are statements  
5 which I can take as accurate?

6 A. Yes, sir, they are.

7 SIR GEORGE NEWMAN: They are truthful accounts of what you  
8 recollect?

9 A. Yes.

10 SIR GEORGE NEWMAN: Thank you. Now you have seen the format  
11 of what we are trying to do here. Much of it might be  
12 assisted if you were -- ah, good news?

13 S042: There's three of us here, sir, two on the way with  
14 sticks.

15 SIR GEORGE NEWMAN: Two on the way still, excellent.  
16 Having heard me yesterday and having heard the  
17 evidence, if you felt able to respond by saying, "Well,  
18 I'll tell you in my own words what I can remember about  
19 all this", is that putting too big a burden on you?  
20 Namely, if taking a moment, were you party to the  
21 training session, for example?

22 A. I would have been, sir, yes.

23 SIR GEORGE NEWMAN: As I was saying yesterday, as a judge  
24 I hate the answer "I would have been" because it tells  
25 me, yes, you were but also it says "well maybe

1 I wasn't"?

2 A. I would have been.

3 SIR GEORGE NEWMAN: You would have been?

4 A. I would have been part of the training session.

5 SIR GEORGE NEWMAN: You mean "I was"?

6 A. I was, but I can't remember it.

7 SIR GEORGE NEWMAN: Ah. You can't remember it at all?

8 A. No, it wasn't significant at the time.

9 SIR GEORGE NEWMAN: Let's try it this way because I like to  
10 get a feel of events. I'd like to get a feel  
11 an understanding of where you all were. What do you  
12 remember about being at H-1 on this day when you went  
13 off in the helicopters? What do you remember?

14 A. The actual day in itself? Not a lot, to be honest, sir  
15 because it was a lot of it was uneventful. There was  
16 not a lot happening, as I recall myself. I remember  
17 getting a warning order later on in the evening, which  
18 we discussed yesterday, about that possible mission.

19 SIR GEORGE NEWMAN: At H-1 you were living in tents, is that  
20 right?

21 A. Yes, sir.

22 SIR GEORGE NEWMAN: Were all the ARF people living in one  
23 sector of a group of tents all in one place, is that how  
24 it was? And you were socialising and waiting for  
25 orders, or what? Just give me a feel for it.

1 A. Yes, that's pretty much how it was, sir, yes. I was  
2 attached to the section I was with. And, to be fair,  
3 until yesterday I couldn't remember really the guys  
4 I was with because I was newly attached to the squadron  
5 at the time.

6 SIR GEORGE NEWMAN: Right. And was it your first time  
7 obviously into any form of armed conflict?

8 A. It was sir, yes.

9 SIR GEORGE NEWMAN: How long had you been signed up?

10 A. May 1996.

11 SIR GEORGE NEWMAN: Well, it was a few years you --

12 A. It was, but I was a reservist at the time.

13 SIR GEORGE NEWMAN: Right. So you didn't really know your  
14 colleagues, your fellow soldiers, particularly well; is  
15 that it?

16 A. Yes.

17 SIR GEORGE NEWMAN: Anyway, the moment came when you were  
18 given a tasking instruction. Do you remember where that  
19 came from or who it came from?

20 A. I don't sir, no.

21 SIR GEORGE NEWMAN: Do you remember the nature of the  
22 instruction the gist of it, when you were told about it?  
23 What did you understand you were going to have to do?

24 A. Yes, I understood that we were going to collect a number  
25 of enemy prisoners of war from a location which -- at

1 the time I wasn't aware of where that was.

2 SIR GEORGE NEWMAN: And were you told anything about these  
3 EPWs?

4 A. They were extremely dangerous, we were told that. They  
5 were extremely dangerous individuals.

6 SIR GEORGE NEWMAN: How were you told or instructed to  
7 approach the exercise? As a result of being told that  
8 they were extremely dangerous, were you -- did you feel  
9 that you needed to have some instruction as to how to  
10 handle them?

11 A. No, not really, because, you know, we -- previous to  
12 that we'd trained about handling --

13 S038: Sorry, your Honour.

14 SIR GEORGE NEWMAN: Not at all, come in.

15 A. -- POWs. But what did stand out of context at the time  
16 is I do remember that the majority of the Iraqi forces  
17 were to capitulate, which they were just put down their  
18 arms and, you know, there was going to be no problem.  
19 But when we got told they were extremely dangerous  
20 people that was slightly out of context on what we had  
21 already.

22 SIR GEORGE NEWMAN: Had you any idea before you had any  
23 training -- which you say you had but you can't  
24 remember. Do you have any idea how you were going to  
25 deal with it, how you were going to handle them and how

1           it was going to work?

2   A.   Yes, sir.   Yes.

3   SIR GEORGE NEWMAN:   Tell me about it then.

4   A.   So each individual, you know, was going to be taken

5       prisoner -- you know, we got off the back of the

6       helicopter.   He was going to have a cover man covering

7       the prisoner and an individual then escorted the

8       prisoner on to the helicopter.

9   SIR GEORGE NEWMAN:   And how were you going to travel with

10       the prisoners?   You knew in advance once you picked up

11       a prisoner how he was going to travel, what, he was

12       going to lie down or --

13   A.   Yes, yes.

14   SIR GEORGE NEWMAN:   You knew all that?

15   A.   Yes, yes.

16   SIR GEORGE NEWMAN:   Was it head to toe, head to toe?   Is

17       that how it was?

18   A.   I can't remember the specifics of what I got told but my

19       prisoner was laid head towards the outside of the

20       helicopter, looking outwards not inwards.

21   SIR GEORGE NEWMAN:   Right.   I get it.   And what number was

22       he roughly of the -- he was in Lifter2 because we are

23       only dealing with Lifter2 at the moment.   What number

24       was he in the loading process, do you remember?

25   A.   I don't, sir, no, no, but I do remember whereabouts

1 I was on the actual helicopter itself.

2 SIR GEORGE NEWMAN: Yes, tell me where you were.

3 A. So inside the helicopter there is a large fuel tank,  
4 an extended sort of range fuel tank I believe. Now  
5 between that there is a gap where the air crew can get  
6 through to the front of the helicopter. I was right  
7 there, right near that gap.

8 SIR GEORGE NEWMAN: So I am standing on the ramp, looking  
9 down inside the helicopter?

10 A. Yes.

11 SIR GEORGE NEWMAN: The fuel tank, I've got an image is on  
12 the left; is that right?

13 A. Yes, the extended range fuel tank I believe is on the  
14 left. I was on the right.

15 SIR GEORGE NEWMAN: And there is a vehicle bar again --  
16 I may be wrong, but I've got an image of the vehicle bar  
17 being on the right; is that right? Or is it --

18 A. I believe that is correct, yes. At the time I didn't  
19 know what that was. It was a hindrance to me, I always  
20 kept tripping over it.

21 SIR GEORGE NEWMAN: Mm-hmm?

22 A. I always kept tripping over it.

23 SIR GEORGE NEWMAN: It is quite a solid item?

24 A. Yes.

25 SIR GEORGE NEWMAN: And stands reasonably high off the

1 ground?

2 A. I believe it's -- from memory is of, I don't know, maybe  
3 12 inches.

4 SIR GEORGE NEWMAN: 18 inches, 12 to 18 inches, yes?

5 A. Yes, maybe so.

6 SIR GEORGE NEWMAN: And quite solid as I remember the  
7 pictures I've seen.

8 MR HENDERSON: Sir, I just wonder if it might assist at this  
9 point if the witness were to show you where the extended  
10 range fuel tank is and the gap he's talking about.

11 SIR GEORGE NEWMAN: It's on his --

12 MR HENDERSON: It's on the sketch plan, sir. It's the large  
13 square labelled ERT.

14 SIR GEORGE NEWMAN: Am I right in my recollection? Is it on  
15 the left as you're looking down the aircraft?

16 MR HENDERSON: Is on the left, sir, yes.

17 SIR GEORGE NEWMAN: Good.

18 MR HENDERSON: The vehicle guidance rail, sir, there will be  
19 something of an expert witness on this in witness S043.  
20 But if I can assist you at this point, it is on the  
21 right-hand side of the aircraft.

22 SIR GEORGE NEWMAN: Excellent, excellent. Good, thank you.

23 I like to get the tale in your own words as you  
24 remember it rather than dodging being back and forth  
25 between statements and things like that, and you're

1           doing very well if I may say so.

2           So we've got you at the pick up point?

3    A.   (The witness nodded).

4    SIR GEORGE NEWMAN:  You've had training but you can't

5           remember the detail of it now?

6    A.   (The witness nodded).

7    SIR GEORGE NEWMAN:  You have it in your mind that you are

8           dealing with extremely dangerous people?

9    A.   (The witness nodded).

10   SIR GEORGE NEWMAN:  And at the pick up point do you leave

11           the helicopter in order to meet with the EPW you are

12           going to take control of and bring him to the

13           helicopter?  Is that how it worked?

14   A.   Yes, it is sir, yes.  We got off the helicopter and got

15           into a formation.  I can't remember the distance out of

16           the rear of the helicopter.  And basically we were just

17           waiting to go forward and each one was to collect

18           an individual prisoner and then escort him on to the

19           helicopter.

20   SIR GEORGE NEWMAN:  At this time was it two of you, two to

21           one, two to each prisoner, or had you been reduced to

22           one to one?

23   A.   It was one guide per prisoner.

24   SIR GEORGE NEWMAN:  Putting aside the flight crew, in terms

25           of the ARF members on Heli2 we are talking about

1 a dozen, are we, ARF members?

2 A. I can't remember the numbers, sir.

3 SIR GEORGE NEWMAN: You can't remember. We'll pick up on  
4 these points as and when as we go on.

5 Do you remember walking across to where the EPWs  
6 were in order to collect your EPW?

7 A. Vaguely.

8 SIR GEORGE NEWMAN: Good.

9 A. Vaguely.

10 SIR GEORGE NEWMAN: What do you vaguely remember?

11 A. I vaguely remember there being a coach some distance  
12 away and I vaguely remember a line of prisoners.

13 SIR GEORGE NEWMAN: Were you in company then with anybody  
14 that you can identify? Necessarily you might have to do  
15 it by reference to the cipher guide, but did you have  
16 a colleague with you at this stage?

17 A. I believe my colleague at the time was SO42. He was my  
18 cover man.

19 SIR GEORGE NEWMAN: Right. And SO42 is here today, isn't  
20 he?

21 A. He is, sir.

22 SIR GEORGE NEWMAN: Tell me what you remember. I mean, had  
23 you ever seen a EPW before in your life?

24 A. No, sir, I hadn't.

25 SIR GEORGE NEWMAN: Then does it stick in your mind that

1           there you are, in the middle of the night, or at least  
2           in darkness, and you are having to take under escort  
3           an EPW -- and you have never done this before and never  
4           seen one before. Tell me, what went on? What did you  
5           do? Did you walk up to the Australians and say "good  
6           evening" or what? You know, just give me some feeling  
7           about it.

8    A. You know from what I can recollect, I got called  
9           forward.

10   SIR GEORGE NEWMAN: Who called you forward? You don't  
11           remember, okay.

12   A. I can't remember. I collected my prisoner of war.

13   SIR GEORGE NEWMAN: What was he -- how was he -- was he  
14           hooded by this time or not?

15   A. I believe he was, sir, and I believe he was also  
16           plasticuffed to -- to the front.

17   SIR GEORGE NEWMAN: To the front?

18   A. Yeah, I believe he was, yes.

19   SIR GEORGE NEWMAN: And then how did you take hold of him?

20   A. I guided him. From what I remember, I guided him by the  
21           hands and walked him --

22   SIR GEORGE NEWMAN: So you held his plasticuffed hands, did  
23           you?

24   A. I believe I did, and escorted him and walked him --  
25           there was no -- I wasn't under any rush, there was no

1           pressure. You know, it was just on to the helicopter.

2   SIR GEORGE NEWMAN: And so you walked him but you had S042

3           nearby, is that right?

4   A. I believe so, but, you know, it's all a bit of a blur.

5   SIR GEORGE NEWMAN: Yes, all right. I understand, we're

6           remembering events 15 years ago.

7           Do you remember, when you got to the heli you

8           obviously had to go up the ramp?

9   A. (The witness nodded).

10   SIR GEORGE NEWMAN: Who was in charge of loading, do you

11          remember?

12   A. I can't remember, sir. I can't remember that.

13   SIR GEORGE NEWMAN: But there was somebody in charge of

14          loading?

15   A. There probably was. But I remember just going on.

16          Whether the left-hand side as you looked at it was full,

17          but I just went down the helicopter and positioned

18          myself right at the front.

19   SIR GEORGE NEWMAN: And had you by this time spoken to your

20          EPW?

21   A. No, sir.

22   SIR GEORGE NEWMAN: Had you done anything to him? Had you

23          patted him or?

24   A. No, apart from put him in the position on the floor of

25          the helicopter, that's all I'd done.

1 SIR GEORGE NEWMAN: Had you had any occasion to show any  
2 form of physical action to him as you walked him to the  
3 helicopter?  
4 A. None whatsoever, no. They -- he was very compliant.  
5 SIR GEORGE NEWMAN: And the rotary blades of the helicopter  
6 were going, were they?  
7 A. Yes, it's all going, yes, yes.  
8 SIR GEORGE NEWMAN: So it was hot?  
9 A. Hot, dusty.  
10 SIR GEORGE NEWMAN: Noisy?  
11 A. Noisy.  
12 SIR GEORGE NEWMAN: And so you take him on, but you don't  
13 remember now how far in you were, into the helicopter,  
14 to get him to the ground?  
15 A. I got him to the position where he was and then put him  
16 to the ground.  
17 SIR GEORGE NEWMAN: How did you put him down?  
18 A. I think I just pressed down on his shoulders.  
19 SIR GEORGE NEWMAN: How did he know what to do?  
20 A. Because of the --  
21 SIR GEORGE NEWMAN: So he went down on to his knees first of  
22 all, did he?  
23 A. I can't remember the exact --  
24 SIR GEORGE NEWMAN: Well if you're pushing him down --  
25 A. I went -- you know, he may have gone on to one knee and

1           then two knees. I can't remember the exact. But he  
2           went down quite compliant and then laid on the floor.

3   SIR GEORGE NEWMAN: You had his head to the left?

4   A. Yes, looking --

5   SIR GEORGE NEWMAN: Looking down?

6   A. Out of the aircraft, yes.

7   SIR GEORGE NEWMAN: But you can't remember whether there is  
8           anybody else already lying -- another EPW already lying  
9           on the floor of the heli at that time?

10  A. No, sir, no, because there is probably a lot going on  
11          and I'm just concentrating on my prisoner.

12  SIR GEORGE NEWMAN: Right. So you get him on to the floor  
13          and what do you do then?

14  A. Nothing. Just guarding him, that's all.

15  SIR GEORGE NEWMAN: Where are you -- where have you got room  
16          to be in order to guard him?

17  A. I had probably a little bit more room than others  
18          because there was that little gap between where the  
19          extended range fuel tank was.

20  SIR GEORGE NEWMAN: So you're on the right-hand side of the  
21          aircraft, are you?

22  A. (The witness nodded).

23  SIR GEORGE NEWMAN: On the other side of the vehicle rail?

24  A. Where the gap is opposite the extended range fuel tank,  
25          that's where I am.

1 SIR GEORGE NEWMAN: Right. How long did you stay there?

2 A. I was there --

3 SIR GEORGE NEWMAN: Having got to that position, is that

4 where you stay?

5 A. That's where I stayed until we dropped the prisoners of

6 war off.

7 SIR GEORGE NEWMAN: And did you see others being loaded?

8 A. It was happening, but I can't visualise it at the time.

9 SIR GEORGE NEWMAN: Did you know how many were going to be

10 loaded on to the heli?

11 A. I would have been told how many we would have been

12 expecting to load. How many got loaded on I wasn't

13 aware of.

14 SIR GEORGE NEWMAN: Is it right that your EPW was the one

15 who had prosthetic limbs?

16 A. He was, sir, yes.

17 SIR GEORGE NEWMAN: When did you realise that he had

18 prosthetic limbs?

19 A. Not long after take off he then somehow got out of his

20 plasticuffs and as he was wiggling about I then moved to

21 sit on him, and that's when I noticed that his legs had

22 come off.

23 SIR GEORGE NEWMAN: And so did you in fact take his legs

24 off?

25 A. I did, sir. I moved them out of the way.

1 SIR GEORGE NEWMAN: How had he got his hands out of the  
2 plasticuffs?

3 A. Well, that's a good question. Now, when you put  
4 plasticuffs on, on what ever you are going to use them  
5 for, even if it's in a domestic environment, these cable  
6 ties, when you put them on they -- fit them correctly,  
7 they are very secure. They're very hard to get out of.  
8 But if you was to put them on in a rush you could quite  
9 easily put them on backwards and if you put a plasticuff  
10 on or an electrical cable tie on backwards it very  
11 easily you can open them up. Now I'm not saying they  
12 were put on backwards, but it could be a possibility of  
13 how he got out of these cable ties so easy.

14 SIR GEORGE NEWMAN: And were you concerned when he got his  
15 hands out of his plasticuffs?

16 A. Initially a little, but then when I realised that his  
17 legs had come off, well, I thought he's not going to get  
18 up and run around because he can't.

19 SIR GEORGE NEWMAN: You were concerned that he'd got his  
20 hands free?

21 A. I did try to plasticuff them again.

22 SIR GEORGE NEWMAN: Sorry, you did?

23 A. I did try to plasticuff them again myself.

24 SIR GEORGE NEWMAN: You did. Did you succeed?

25 A. That I can't remember. I can't remember. I believe

1 I didn't succeed.

2 SIR GEORGE NEWMAN: So he may have been compliant but he was  
3 also, one might say, rather canny?

4 A. Could have been. But if the plastic tie is not fitted  
5 correctly, only a little bit of force and it will come  
6 apart.

7 SIR GEORGE NEWMAN: What was he doing which alerted you to  
8 the fact that his hands were free or becoming free?

9 A. I saw his hands come out.

10 SIR GEORGE NEWMAN: You saw his hands come out?

11 A. Yes.

12 SIR GEORGE NEWMAN: Did he have a hood on?

13 A. I believe he did, sir, yes. But it was dark.

14 SIR GEORGE NEWMAN: Did he protest when you took his limbs  
15 away?

16 A. No, he didn't protest. He did put up a struggle about  
17 getting his -- when I tried to re-plasticuff him again.

18 SIR GEORGE NEWMAN: He did put up a bit of struggle then?

19 A. He did put up a bit of a struggle. But in the end  
20 I thought it don't matter, he's not doing anything, I'll  
21 just sit on him here until we get to the other end.  
22 He's not going anywhere.

23 SIR GEORGE NEWMAN: Were you able to get his plasticuffs  
24 back on him on your own or did you get assistance?

25 A. I tried to do it on my own and then I asked for S056 --

1 SIR GEORGE NEWMAN: Yes.

2 A. -- to help me.

3 SIR GEORGE NEWMAN: And where was SO56? Where was he  
4 situated? Was he nearby? Was he the next EPW down?

5 A. He was, sir, yes, on the left.

6 SIR GEORGE NEWMAN: Now this is an event occurring at your  
7 end of the aircraft. I don't know whether it's  
8 convenient to agree, do we call your end -- can we call  
9 your end of the aircraft the front of the aircraft, and  
10 the back the ramp?

11 A. Yeah, can do, sir, yes.

12 SIR GEORGE NEWMAN: So we have this event of the plasticuffs  
13 and you getting SO --

14 A. 56.

15 SIR GEORGE NEWMAN: -- 56 to help you. He's back -- his  
16 legs have been taken off him. Were you aware anybody  
17 else in the aircraft back towards the ramp knowing that  
18 this is something that had been going on? Was there  
19 anybody supervising what you were doing, or what?

20 A. I believe at the time SO42 was covering me but he went  
21 off to do something else, probably with the confidence  
22 that I was actually doing okay with my prisoner.

23 SIR GEORGE NEWMAN: When you say he went off to do something  
24 else, where can he go to?

25 A. I don't know. I don't know. We hadn't took off at this

1 point.

2 SIR GEORGE NEWMAN: Right. Can we call it a commotion, your  
3 commotion with your EPW. Your commotion took place  
4 before the aircraft took off or --

5 A. Not long after it took off.

6 SIR GEORGE NEWMAN: Not long after it took off. Now there  
7 is your commotion. Does there come a time at all, that  
8 you remember, when there was a further commotion on the  
9 aircraft but not at your end, not at the front end?

10 A. I think I did say in one of my statements that I did in  
11 my peripheral vision see something going on at the back  
12 end of the helicopter. I wasn't too concerned because  
13 I had the same going on at my end.

14 SIR GEORGE NEWMAN: Do you remember whether this was prior  
15 to take off or shortly after take off, or what?

16 A. I think it was probably shortly after take off.

17 SIR GEORGE NEWMAN: How would you describe what you did hear  
18 or see?

19 A. I couldn't describe it because it was a flash in the  
20 peripheral vision, that was all, and that was me  
21 concentrating on my prisoner as well.

22 SIR GEORGE NEWMAN: Right. Now does there come a time when  
23 you are called to the back of the aircraft by S039? Is  
24 that right?

25 A. Sorry, sir, can you say the question again?

1 SIR GEORGE NEWMAN: Yes. Does there come a time -- perhaps  
2 it's when you are at the arrival point. But does there  
3 come a time, when you get back to H-1, when you are  
4 called to the back of the aircraft by SO39?

5 A. After dropping my prisoner off -- yesterday he talked  
6 about 60 metres away. I felt like it was further than  
7 60 metres because I carried this guy on my shoulders.  
8 But for whatever reason, whether it was over the radio  
9 or I saw it in my peripheral vision as I was exiting the  
10 aircraft, as I was one of the last to leave, once I'd  
11 put my prisoner down, in the line with everyone else,  
12 I did go back to the helicopter.

13 SIR GEORGE NEWMAN: Well, tell me in your own words what the  
14 scene was then when you put down at H-1. You were  
15 towards the front of the aircraft?

16 A. (The witness nodded).

17 SIR GEORGE NEWMAN: In order to get your EPW out, down the  
18 ramp and away, you had to pass any of the other EPWs who  
19 were still on the floor of the aircraft?

20 A. Most of them had exited. I was probably the last to  
21 leave. My prisoner was the last to leave.

22 SIR GEORGE NEWMAN: And whilst you were there then, did you  
23 see the unloading take place of all the others down  
24 towards the ramp?

25 A. I was more concerned how I was going to get this guy off

1           rather than what other people were doing.

2   SIR GEORGE NEWMAN:  But there wasn't anything you could do

3           until the other EPWs had been moved off?

4   A.  Yes, they all had to get off before I could leave.

5   SIR GEORGE NEWMAN:  When you went off with your EPW, as you

6           have described carrying him --

7   A.  On my shoulder.

8   SIR GEORGE NEWMAN:  On your shoulder, was there anybody left

9           at the back on the ramp?

10  A.  Not that I recall.

11  SIR GEORGE NEWMAN:  You don't remember seeing any EPW at the

12          back on the ramp?

13  A.  Not that I recall, and the reason being is I had this

14          guy on my shoulder, on my right shoulder.  As I am

15          exiting the aircraft on the left-hand side, I actually

16          can't see a great deal of what's down there.

17  SIR GEORGE NEWMAN:  But you have to walk down the ramp?

18  A.  I've almost got tunnel vision of what's in front of me.

19  SIR GEORGE NEWMAN:  You have to walk down the ramp?

20  A.  Yes.

21  SIR GEORGE NEWMAN:  What did you see?  Were there any

22          vehicles around at the back of the aircraft near the

23          ramp?

24  A.  Not when I exited, no.

25  SIR GEORGE NEWMAN:  Who had instructed you to wait and

1 pick up the body? Was anybody telling you what to do  
2 or?

3 A. I don't recall. It was down to myself, which I'd  
4 already sort of worked out on the flight back, that  
5 I think I'm going to have to carry this guy. He's not  
6 going to walk, you know, which I didn't want to do but  
7 I had to.

8 SIR GEORGE NEWMAN: And his limbs, where were they?

9 A. I tried to carry those as well, which I didn't manage in  
10 the end and I passed them over to S056 and he carried  
11 them half the distance.

12 SIR GEORGE NEWMAN: Right. Now, this isn't a criticism and  
13 I merely want to get your recollection of it. But is it  
14 right that the other ARF people on the Heli2 became  
15 aware of the prosthetic limbs which had come off?

16 A. I don't --

17 SIR GEORGE NEWMAN: Do you remember it giving rise to  
18 a measure of humour and so forth?

19 A. I don't think so at the time, sir, no. It certainly  
20 wasn't funny from my perspective.

21 SIR GEORGE NEWMAN: You didn't find it funny?

22 A. No.

23 SIR GEORGE NEWMAN: But, I mean, life being what it is --

24 A. There is a comedy sort of element to it.

25 SIR GEORGE NEWMAN: Exactly. I mean, one has to be

1           realistic about these things.

2   MR HENDERSON:  Sir, I wonder if you might refer the witness  
3           to paragraph 17 of his statement to you on this point  
4           because it is quite important.

5   SIR GEORGE NEWMAN:  Yes, thank you.

6           So you can't remember yourself, you're saying, any  
7           comedic element passing through the helicopter as result  
8           of this?

9   A.  There may have been, but not from where I was.

10  SIR GEORGE NEWMAN:  How would anybody know that there were  
11          prosthetic limbs which you had taken up or taken off?

12  A.  They probably would have seen them as I moved them to  
13          the side.

14  SIR GEORGE NEWMAN:  Had the prosthetic limbs given rise, so  
15          far as you were concerned, to any concerns initially?  
16          Were you worried about it?

17  A.  Yes, I think I did mention in my statement that  
18          I thought they could have contained explosives of some  
19          sort.  I did look in them and there wasn't.  They were  
20          just prosthetic limbs.

21  SIR GEORGE NEWMAN:  Do you remember the prosthetic limbs,  
22          though, giving rise to some humour on the aircraft?

23  A.  I don't, sir, no.  It wasn't very -- from my perspective  
24          it wasn't very funny.

25  SIR GEORGE NEWMAN:  Just have a look at paragraph 17 of your

1 statement to the investigation.

2 A. Yes, it does say "caused a moment of black humour". It  
3 may have done, but from my perspective really I can't  
4 remember.

5 SIR GEORGE NEWMAN: I'm not quite sure where you're standing  
6 on this now. Here is this, on any basis, rather unusual  
7 event occurring. There you are in the middle of  
8 a fairly tense exercise. You say that you remember  
9 thinking, "Oh, my gosh, maybe there's some explosives  
10 tucked away inside this". What is this element of black  
11 humour in paragraph 13?

12 A. That's probably with hindsight, the sort of -- the  
13 comedy factor, if you like, of after the event rather  
14 than on the event from my point of view.

15 SIR GEORGE NEWMAN: You mean when you were discussing it  
16 among yourselves?

17 A. Yes.

18 SIR GEORGE NEWMAN: And you have transposed that into this  
19 paragraph in your statement?

20 A. Yes, sir.

21 SIR GEORGE NEWMAN: But at the time not so?

22 A. Not that I recall. I may have laughed to myself.

23 SIR GEORGE NEWMAN: So you are the last off the aircraft?

24 A. I believe I was.

25 SIR GEORGE NEWMAN: But before you went off the aircraft,

1           were you asked to do something by anybody?

2   A.   Not when I'm carrying that prisoner I wasn't asked to.

3   SIR GEORGE NEWMAN:   Have a look at paragraph 22, remind  
4           yourself of that.   Just read that to yourself.

5   A.   That's when I returned back to the aircraft, sir, not  
6           when I exited with my prisoner.

7   SIR GEORGE NEWMAN:   So that is when you have carried your  
8           EPW to the Americans?

9   A.   Yes.

10   SIR GEORGE NEWMAN:   Tell me about that.   You carry him  
11           across the distance.   It seemed rather greater than  
12           50 metres?

13   A.   It did at the time.   It may not have been, but it did at  
14           the time.

15   SIR GEORGE NEWMAN:   It felt like it?

16   A.   Mm-hmm.

17   SIR GEORGE NEWMAN:   When you got to the Americans, just give  
18           me a pen portrait of what happened there.

19   A.   There were -- absolutely nothing happened at all.   I put  
20           him in line with all the other prisoners and I returned  
21           a back to the helicopter.

22   SIR GEORGE NEWMAN:   What were they doing, all in a line  
23           lying down, on their knees, or standing up, or what?

24   A.   Very, very, vague, but I believe they were on their  
25           knees.   But --

1 SIR GEORGE NEWMAN: How many people in the US reception  
2 party?  
3 A. I didn't see any. I'm not saying they wasn't there,  
4 I didn't see any.  
5 SIR GEORGE NEWMAN: No, no. So you put your chap down?  
6 A. Yes.  
7 SIR GEORGE NEWMAN: What about his limbs, what did you do  
8 with those?  
9 A. He was then looked after by S056.  
10 SIR GEORGE NEWMAN: And you then came back to the aircraft?  
11 A. (The witness nodded).  
12 SIR GEORGE NEWMAN: When you came back to the Heli2, to the  
13 ramp, what did you see there?  
14 A. Another prisoner on the floor of the helicopter.  
15 SIR GEORGE NEWMAN: Just one?  
16 A. (The witness nodded).  
17 SIR GEORGE NEWMAN: And when you saw him he was just lying  
18 there, was he?  
19 A. I vaguely remember him just lying there, yes.  
20 SIR GEORGE NEWMAN: Well, what is so vague about remembering  
21 him? He's either lying there or --  
22 A. He was.  
23 SIR GEORGE NEWMAN: He was lying there?  
24 A. Yes, but it's dark, it's noisy and he's not --  
25 SIR GEORGE NEWMAN: Yes, but you are not in any doubt that

1           there was an EPW lying there; is that right?

2    A.   Yes.

3    SIR GEORGE NEWMAN:  And who do you remember being around at

4           the ramp when you came back?

5    A.   I believe, at the time, it was SO39.

6    SIR GEORGE NEWMAN:  And did you have any conversation with

7           SO39?

8    A.   I believe he had a conversation with me -- well it

9           wasn't a conversation, it was an order.  Which it may

10           not have been him.  I believe it was him.

11   SIR GEORGE NEWMAN:  Okay.  What was said?

12   A.   To remove the guy from the helicopter, remove the

13           prisoner of war from the helicopter.

14   SIR GEORGE NEWMAN:  It looks as though you were seen as the

15           man who was strong enough to carry people?

16   A.   Maybe so.  But that particular prisoner was extremely

17           heavy.

18   SIR GEORGE NEWMAN:  You mean you tried to pick him up?

19   A.   I tried to pick him up.

20   SIR GEORGE NEWMAN:  When you tried to pick him up, did he

21           move?

22   A.   He was unresponsive.

23   SIR GEORGE NEWMAN:  He was unresponsive?

24   A.   (The witness nodded).

25   SIR GEORGE NEWMAN:  Did you examine him?

1 A. There was no examination to be -- in that environment to  
2 do.

3 SIR GEORGE NEWMAN: Did he have a hood on still?

4 A. I can't remember, sir.

5 SIR GEORGE NEWMAN: Was he still cuffed?

6 A. I believe ... I don't know.

7 SIR GEORGE NEWMAN: But he was very weighty, he was a very  
8 large figure?

9 A. He was, sir.

10 SIR GEORGE NEWMAN: Did you succeed in picking him up?

11 A. I didn't.

12 SIR GEORGE NEWMAN: So what did you do?

13 A. I dragged him.

14 SIR GEORGE NEWMAN: What, by his feet?

15 A. No, initially by his hands, to position him in a better  
16 position, and then I dragged him by his feet -- or maybe  
17 his lower legs rather than his feet.

18 SIR GEORGE NEWMAN: He was still -- again I haven't been to  
19 look at a Chinook. But the ramp is down and I imagine  
20 with the ramp down there is something of a slope there,  
21 is that right?

22 A. From what I recall, you know, part of my, at the time  
23 was to position him at the end of the ramp so I could  
24 then get a better leverage to pick him up on to my  
25 shoulder and move him to a safer area.

1 SIR GEORGE NEWMAN: Did you say to anybody "He's a bit  
2 heavy, I can't handle him on my own" or not?  
3 A. I don't think I did, sir, no.  
4 SIR GEORGE NEWMAN: You were just told him to move him, so  
5 you struggled to move him; is that right?  
6 A. Mm-hmm.  
7 SIR GEORGE NEWMAN: While you were doing that, was anybody  
8 around you? Was SO39 still around?  
9 A. I can't remember that. Because what you've got to also  
10 bear in mind is now I am extremely tired.  
11 SIR GEORGE NEWMAN: Tired?  
12 A. Yes. I've doubled over with the guy with no legs on my  
13 shoulder. I've then ran back to the helicopter. I've  
14 then got to deal with this.  
15 SIR GEORGE NEWMAN: When you were asked to do this, do you  
16 remember now whether there was anybody else  
17 unresponsive, an EPW, or is this the only one left?  
18 A. Only one. I only saw one unresponsive EPW.  
19 SIR GEORGE NEWMAN: You didn't see any -- now that you'd got  
20 rid of your EPW, this was the only one you remember  
21 seeing on the aircraft?  
22 A. Yes. Yes.  
23 SIR GEORGE NEWMAN: Well, I'm getting the picture. You have  
24 to get him on to the ramp in the hope that you can then  
25 get some leverage to lift him up; is that right?

1 A. Yes. So I sort of moved him by his feet, his lower  
2 legs, that sort of -- I'm picking up a lot of the weight  
3 and then just dragging him a short distance to the ramp  
4 of the helicopter with the intention of then scooping  
5 him up on to my shoulder and then moving him, but he was  
6 too heavy.

7 SIR GEORGE NEWMAN: Did you notice anything about his  
8 condition at the time other than -- and you will  
9 understand the way in which I put this. I'm quite sure  
10 you didn't say, "Oh, my goodness me, he's unresponsive".  
11 It's not the word that would have come into your mind.

12 A. No.

13 SIR GEORGE NEWMAN: So what did come into your mind when you  
14 got hold of this man?

15 A. Nothing, to be honest. There he is. I move him.

16 SIR GEORGE NEWMAN: Do you wonder why he wouldn't move for  
17 himself? Did you try and shake him?

18 A. I did initially, because obviously if he could get up  
19 himself it would be a lot easier --

20 SIR GEORGE NEWMAN: That would be bit of a solution,  
21 wouldn't it?

22 A. -- you know, but he wouldn't.

23 SIR GEORGE NEWMAN: Or he didn't anyway?

24 A. He didn't.

25 SIR GEORGE NEWMAN: What did you do? Did you shake him by

1 the shoulders or something like that?

2 A. I think it's the way I tried to pick him up initially  
3 from sort of chest upwards, and at that point I knew he  
4 was --

5 SIR GEORGE NEWMAN: What did you know he was?

6 A. He wasn't going to cooperate with actually walking off.

7 SIR GEORGE NEWMAN: Did he move at all?

8 A. I can't remember that, sir.

9 SIR GEORGE NEWMAN: What was in your mind? Think hard and  
10 take your time.

11 A. At what point, sir?

12 SIR GEORGE NEWMAN: I'm just going to tell you, or ask you  
13 rather than tell you. What is in your mind? There you  
14 have a body which is not responding to you. You have to  
15 do something with it, or with him. It is difficult.  
16 What went through your mind as to why this man was in  
17 this position of not responding to you, apparently  
18 motionless -- save to the extent that you pulled at him  
19 and tucked him. What went through your mind at that  
20 stage as to what you were dealing with?

21 A. I can't recollect anything going through my mind at the  
22 times. It was just move him off the helicopter.

23 SIR GEORGE NEWMAN: Did you think he was ill?

24 A. I had no sort of -- that. Whether he was ill or not,  
25 nothing could be done while he was on the helicopter.

1 SIR GEORGE NEWMAN: I'm not worried about what could be  
2 done. I want to just get into inside your skin, as it  
3 were, on this occasion. There you are, in darkness, and  
4 you have a body there that you have to move. I have to  
5 try and understand what goes through people's minds in  
6 these situations. Inevitably I can do no more than  
7 actually put myself there and in the position and think,  
8 well, what would I have done.

9 A. I would imagine what went through my mind at the time  
10 was "why me?"

11 SIR GEORGE NEWMAN: Why you?

12 A. Why me, you know --

13 SIR GEORGE NEWMAN: Why you were having to move him?

14 A. That's probably what went through my mind, you know.

15 SIR GEORGE NEWMAN: Well, the answer to that you knew. It  
16 was because you had been told to move him?

17 A. (The witness nodded).

18 SIR GEORGE NEWMAN: But it's the, if I may say so, complete  
19 lack of curiosity or even thought process that I'm  
20 interested in. There you have a body which you are  
21 trying to move which on any basis should move. Indeed  
22 in normal circumstances if you have shaken him and  
23 pulled him, indicated to him you want him to move, he  
24 would move of his own accord. Are you following me?

25 A. Mm-hmm.

1 SIR GEORGE NEWMAN: But he's not doing any of that. What  
2 I'm just puzzled by -- and I can only put it to you so  
3 that you can explain to me if you can. Didn't at some  
4 stage you say, "Crumbs, what's the matter with this  
5 bloke?" Good God, he's -- and I don't mean this  
6 light-heartedly. "Good God, he's a bit of a dead  
7 weight." I mean, some sort of thought processes,  
8 I would assume, would come into your mind and that is  
9 what I am trying to draw you on.

10 A. If it was to happen now that thought process might go  
11 through my mind, but 15 years ago as a young lad.

12 SIR GEORGE NEWMAN: How old were you then?

13 A. 20 or so, something like that, 20 something.

14 SIR GEORGE NEWMAN: Just early 20s?

15 A. Yes, younger than I am now.

16 SIR GEORGE NEWMAN: We were all younger that time ago.

17 A. That thought process, if it was to happen today,  
18 probably would be along the lines of what you're saying.  
19 But back then it was remove him off and that's what  
20 I did.

21 SIR GEORGE NEWMAN: There is a sort of mechanical response  
22 in these situations and, if I may say, I've seen it  
23 before in examining these instances. But it seems  
24 devoid of all thought beyond the immediate as task. Do  
25 you see what I mean by that?

1 A. Well the immediate task was to remove him from the  
2 helicopter.

3 SIR GEORGE NEWMAN: Exactly, but your thinking doesn't go  
4 beyond it?

5 A. Well it would have done, but I handed him over, once  
6 I got him off the aircraft, to someone else, which  
7 I don't know who it was.

8 SIR GEORGE NEWMAN: All right. Well I have been with you on  
9 the ramp now for probably long enough. You get him down  
10 the ramp, correct?

11 A. (The witness nodded).

12 SIR GEORGE NEWMAN: You get him off the ramp?

13 A. (The witness nodded).

14 SIR GEORGE NEWMAN: Is that right?

15 A. Yes, I tried to pick him up from the ramp.

16 SIR GEORGE NEWMAN: And you couldn't?

17 A. I couldn't, he was too heavy.

18 SIR GEORGE NEWMAN: You didn't ask for assistance?

19 A. I didn't see anyone around me.

20 SIR GEORGE NEWMAN: And then he comes on to the sand; is  
21 that it?

22 A. Yes.

23 SIR GEORGE NEWMAN: So then you have this body lying on the  
24 sand, motionless; correct?

25 A. Yes. Just go back a little bit. When I got him off the

1           back of the ramp, you know, it wasn't a dead weight that  
2           just then bounces off the back of the ramp. He was put  
3           down gently on to the desert floor.

4   SIR GEORGE NEWMAN: Who put him down gently?

5   A. Me.

6   SIR GEORGE NEWMAN: Okay. But he's still motionless?

7   A. Mm-hmm.

8   SIR GEORGE NEWMAN: Well, I'm with you now at the bottom of  
9           the ramp, in the middle of the night, with this body on  
10          the sand, not moving; but you with a task to perform and  
11          the task is to get him to the US people?

12  A. That wasn't the task I was given --

13  SIR GEORGE NEWMAN: What was the task?

14  A. -- for him, it's to remove him from the helicopter.

15  SIR GEORGE NEWMAN: So you had completed your task?

16  A. Yes.

17  SIR GEORGE NEWMAN: That's what you felt?

18  A. Yes. So not only had I took him up from the helicopter,  
19          I also remember taking him out of the rotor risk area of  
20          the Chinook, further enough back so he's not getting ...

21  SIR GEORGE NEWMAN: The down draft.

22  A. The down --

23  SIR GEORGE NEWMAN: The down thrust?

24  A. Yes.

25  SIR GEORGE NEWMAN: When you got him to the position you

1 tell me you did -- which obviously I accept. You get  
2 him into a position and then did you leave him or did  
3 you go and speak to somebody, or what?

4 A. No, I believe he was then taken off me or two other  
5 people, who I can't identify, then took over.

6 SIR GEORGE NEWMAN: What did they do? Did they pick him up?

7 A. I don't know what they did. At the moment they took  
8 over I think I took my helmet off, wiped the sweat from  
9 my forehead and then -- and then I think we got  
10 a briefing some time later from S053.

11 SIR GEORGE NEWMAN: A briefing?

12 A. A quick one.

13 SIR GEORGE NEWMAN: Where were you when that happened?

14 A. At the back of the helicopter.

15 SIR GEORGE NEWMAN: And does this follow quite closely on  
16 you having got the body to the position you tell us  
17 about?

18 A. I can't remember the time frames between the two.

19 SIR GEORGE NEWMAN: Well are we talking about a couple  
20 of minutes or are we talking about ten minutes or --

21 A. I couldn't tell you how long it was. At the time what's  
22 going on to that is the other prisoners are also being  
23 processed.

24 SIR GEORGE NEWMAN: But you weren't near there?

25 A. No.

1 SIR GEORGE NEWMAN: You were at the back of the aircraft?  
2 A. (The witness nodded).  
3 SIR GEORGE NEWMAN: Not talking to anybody, nobody there to  
4 talk to?  
5 A. (The witness shook his head).  
6 SIR GEORGE NEWMAN: Just a body?  
7 A. Which was being dealt with by others.  
8 SIR GEORGE NEWMAN: When you say "being dealt with", what  
9 was being dealt with? What was being done?  
10 A. Actually don't know because as soon as they took the  
11 prisoner off me, that was it. I sort of -- I almost  
12 went into like a shut down mode because I was exhausted.  
13 SIR GEORGE NEWMAN: Do you remember how the body was moved  
14 from where you had, as it were, put it and left it?  
15 A. No, I don't, sir.  
16 SIR GEORGE NEWMAN: To go to the Americans?  
17 A. No.  
18 SIR GEORGE NEWMAN: Do you remember seeing any vehicles?  
19 A. I may have put in my statement that I remember seeing  
20 a Humvee.  
21 SIR GEORGE NEWMAN: That's the one I'm after.  
22 A. Yes, I may have seen one or two of them but I can't  
23 remember.  
24 SIR GEORGE NEWMAN: Coming back to where you were so far as  
25 your state of mind is concerned -- just forgive me

1 a moment, I just want to ask somebody something.

2 (Pause)

3 Excuse me for a moment. I will just ...

4 (Pause)

5 Thank you.

6 I just wanted to get some references together.

7 Could you look at your statement of 22 July 2003, which

8 is exhibit NAH/1. Do you see that? Have you got that?

9 Take your time.

10 A. Can I have --

11 SIR GEORGE NEWMAN: It's attached to your statement to this

12 investigation. You have what are called exhibits.

13 A. I've got one dated 22 June 04.

14 SIR GEORGE NEWMAN: 22 July 2003. It's the one which has

15 the -- just before the picture of the aircraft. Have

16 you got your statement to me or to this investigation?

17 A. I've got --

18 SIR GEORGE NEWMAN: Last page, which you signed

19 22 February 18?

20 A. Yes.

21 SIR GEORGE NEWMAN: Turn over the next page.

22 A. Yes.

23 SIR GEORGE NEWMAN: That should say at the bottom P8,

24 page 8. Does it say exhibit NAH/1 on the front piece of

25 that? If you are having difficulty, I will ask Naveena.

1 A. No, I don't think it does.

2 SIR GEORGE NEWMAN: Naveena, see what you can do.

3 Do you have it now?

4 A. I have, sir, yes.

5 SIR GEORGE NEWMAN: 22 July 2003. The date is on the front

6 page of the witness statement. Do you see that?

7 A. Yes.

8 SIR GEORGE NEWMAN: Go to the next page. It says sheet

9 number 2 --

10 A. Yes, got that.

11 SIR GEORGE NEWMAN: -- top left-hand corner. You see that?

12 A. Yes.

13 SIR GEORGE NEWMAN: About 10 or 11 lines down, "On arrival

14 at H-1", do you see that?

15 A. Yes, I've got that.

16 SIR GEORGE NEWMAN: Let's read that together, shall we, so

17 we will take our time on it:

18 "On arrival at H-1, the aircraft began to unload.

19 I was unsure how to deal with my prisoner who obviously

20 could not walk. I sat astride him with ..."

21 A. S056.

22 MR HENDERSON: S056, sir.

23 SIR GEORGE NEWMAN: "S056 until all the other prisoners were

24 unloaded. At this point someone who I think was S039

25 motioned me to go to him at the rear of the aircraft and

1 I could hear him shout, 'Oggy, come here'."

2 What's Oggy, who is that?

3 A. I think it's terminology for a reserve, an auxiliary.

4 It's not --

5 SIR GEORGE NEWMAN: You were --

6 A. Yes, it's not a derogatory term or anything. It's just

7 a term.

8 SIR GEORGE NEWMAN: It's a term of affection?

9 A. Possibly.

10 SIR GEORGE NEWMAN: All right. Okay, Oggy:

11 "Oggy, come here. I move forward to him and saw

12 that a POW was lying on the floor motionless. He told

13 me to get the POW off the aircraft and indicated the

14 motionless POW. I tried to get the prisoner to move but

15 he remained motionless."

16 This is the bit I wanted to remind you of in the

17 light of what you said to me earlier:

18 "I thought to myself that the man was dead and

19 dragged him by the hands across the aircraft and left

20 him lying on the desert floor some 5 to 10 metres from

21 the back of the aircraft. During this process I did not

22 hear any noises and he remained lifeless. Nobody told

23 me the POW was dead. It was an assumption I made.

24 "I returned to the aircraft and my own legless

25 prisoner who I then dragged to the rear of the aircraft

1 before hoisting him on to my shoulders in a fireman's  
2 lift. I then carried to a position about 400 metres  
3 away."

4 All right? It's immaterial for me at the moment,  
5 but you seem to have got the carrying of your EPW after  
6 the movement of the motionless body at the rear. That's  
7 not a very important point, I'm not concerned about  
8 that. All right?

9 But what I do ask you just to reflect on -- there is  
10 another passage I want to show to you -- is what I have  
11 just read. You will now understand why it was that  
12 I was lingering on what was in your mind and how, as  
13 I was saying, I would put myself at that time. All  
14 right?

15 Let's look at the next bit that I want to show you.  
16 There is another statement there which is dated  
17 10 July 2012. I want you to go to page 6 of 7 in that,  
18 if you would. Have you got there?

19 A. Page -- yes, I'm there.

20 SIR GEORGE NEWMAN: It is the last paragraph I am going to  
21 go to for the moment on that page, beginning "When  
22 I arrived back at the helicopter". All right? Okay?

23 A. Yes, where is that? Yes, I've got you, yes.

24 SIR GEORGE NEWMAN: I am going to read that with you  
25 together so that we can all understand:

1           "When I arrived back at the helicopter, the lights  
2           had got a bit brighter inside it and things were  
3           a little bit clearer. I remember a prisoner laying on  
4           the back of the Chinook and I could see that SO39 was  
5           still on board and that there was a prisoner laying on  
6           the floor of the aircraft. I remember SO39 telling me  
7           to take him off. I couldn't tell you if it was face up  
8           or face down on the back of the aircraft. I couldn't  
9           even tell you what he was wearing. I realised that he  
10          was a big bloke because I physically could not pick him  
11          up. I did try several attempts to pick him up and put  
12          him on my shoulder, like I did the last guy. It  
13          surprised me how big he was at the time because  
14          I thought all Iraqis were small skinny. He must have  
15          been getting on for what I would say 90 kilograms at  
16          least. I know you may find that quite surprising, but  
17          at the time I was a butcher for my day job and I was  
18          used to picking up carcasses. So that's the connection  
19          there. And when I did try to pick him up I knew that he  
20          wasn't very well. There were no signs of movement in  
21          him and he was not helping himself to stand up.  
22          I presumed he was dead."

23                 So, SO40, I know there are problems in recollection  
24                 on these occasions, but you can see where I'm coming  
25                 from now, can't you? I have asked you about your

1 perception of this heavy weight, a body that you had to  
2 move. You have told me this morning -- and I am not  
3 criticising you, I am not suggesting you are lying or  
4 anything else. But you have told me this morning that  
5 you didn't have anything in your mind.

6 A. That's how --

7 SIR GEORGE NEWMAN: But here we are with two passages in two  
8 written statements in which you say "I presumed he was  
9 dead". Now, which is it?

10 A. Well, as I -- as you're recalling now I don't know what  
11 was going through my mind. The statement which I gave  
12 in 2003 and 2012, things were probably a little clearer.  
13 You know, this is another five years on.

14 SIR GEORGE NEWMAN: So what do I take as the best and most  
15 reliable perception that you had of what was going on or  
16 what had happened at the time?

17 A. I would say of what I wrote in my statement at the time.  
18 But of course I'm -- you know, what's the word? Because  
19 I said I presumed he was dead, it doesn't necessarily  
20 mean he was.

21 SIR GEORGE NEWMAN: You are not a medic?

22 A. No.

23 SIR GEORGE NEWMAN: You are not meant to be carrying out  
24 a post-mortem?

25 A. No.

1 SIR GEORGE NEWMAN: But you can see, I hope now, that when  
2 I was asking you the questions this morning and I was  
3 asking you to explain to me -- even in the stressful and  
4 difficult circumstances that you were in and everybody  
5 else was in, how anybody, when asked to deal with  
6 a prone motionless human being, could have no thought at  
7 all as you were indicating earlier. That's why it  
8 seemed to me that we needed to clear this up.

9 A. But even when you look at the statements back then, my  
10 only thought was I presume he was dead and that's just  
11 a flash --

12 SIR GEORGE NEWMAN: Don't worry about -- I have the words,  
13 I have them. I know you are not somebody who was  
14 determining he was dead. I have all that. Please don't  
15 underestimate my own powers of comprehension.

16 I still have some more questions. We are going to  
17 take a break because I know the transcript writer likes  
18 to have a break. What I am trying to do is get inside  
19 all these events. Do you understand?

20 A. Mm-hmm.

21 SIR GEORGE NEWMAN: It just needs some thinking about. It  
22 needs thinking about because the first answer that comes  
23 into your mind is not necessarily going to be the answer  
24 that I'm going to be satisfied with because I am  
25 carrying out an investigation; and first answers are not



1 A. That is a good point as well because that is on my  
2 bayonet scabbard at the back of my webbing. Now I do  
3 remember stopping while I had the limbless guy on my  
4 shoulder and asking SO56 if he would remove my bayonet.

5 SIR GEORGE NEWMAN: Yes?

6 A. Because I was conscious of the fact that -- as unarmed  
7 as he was, and his arms were out, that he could  
8 potentially, if he saw it, remove the bayonet and stab  
9 me.

10 SIR GEORGE NEWMAN: Mm-hmm. Well, I saw that and I just  
11 wanted you to say that because it's part of the  
12 atmosphere of the time which I wanted you to tell me  
13 about.

14 A. Yes, and that's still clear in my head today.

15 SIR GEORGE NEWMAN: Now, as I say, I'm not particularly  
16 troubled by the apparent inconsistency between whether  
17 you carried the legless man to the Americans and then  
18 came back and saw the person you presumed to be dead or  
19 whether it went the other way. I mean, it doesn't make  
20 any difference, does it, to the account you are giving  
21 to me as to what the order was?

22 A. I don't think so really, no.

23 SIR GEORGE NEWMAN: So coming back to this night in  
24 question, you remember a Humvee but you don't remember  
25 particularly what happened with the Humvee and what it

1 did. Now we have ourselves in the desert with all the  
2 EPWs away from the helis, and you and your colleagues in  
3 the ARF at that stage having to be geared up in order to  
4 go back and do another operation. That's right, isn't  
5 it?

6 A. It is, yes.

7 SIR GEORGE NEWMAN: You remember the conversation with SO53,  
8 or you believe with SO53, who came round and spoke to  
9 you when you are at the back of the aircraft?

10 A. Afterwards, yes.

11 SIR GEORGE NEWMAN: You say after --

12 A. When we were about to lift off again on the second --

13 SIR GEORGE NEWMAN: But you'd seen him earlier, hadn't you?

14 A. On the second run, he then came to brief the personnel  
15 on the back of that helicopter.

16 SIR GEORGE NEWMAN: For the next stage of the second  
17 exercise --

18 A. For the second lift.

19 SIR GEORGE NEWMAN: For the second lift?

20 A. Yes.

21 SIR GEORGE NEWMAN: Is there anything more you can tell me  
22 which you think I ought to know about?

23 A. What he said?

24 SIR GEORGE NEWMAN: Well, either what he said or -- yes,  
25 anything?

1 A. I mean, his words, which I vaguely remember, and it's to  
2 the effect of we were to be a lot more robust with  
3 dealing with the EPWs.

4 SIR GEORGE NEWMAN: A lot more robust than you had been --

5 A. Whether that meant, you know, quicker on and off or  
6 handling them I don't know. But in my context the way  
7 I took that was what I did was okay and I'm happy with  
8 it, so I've stayed as I am.

9 SIR GEORGE NEWMAN: On the next lift, were you essentially  
10 in the same position in Heli2? You went back and you  
11 picked up another EPW, the same part of the aircraft and  
12 so on?

13 A. I believe so, but that itself has become even more vague  
14 over the years.

15 SIR GEORGE NEWMAN: Then the unloading again and then you  
16 had to do it yet again, as I understand it?

17 A. Well, yes, I mean --

18 SIR GEORGE NEWMAN: Three times I think?

19 A. Yeah, and even in my statements, right from 03 and to  
20 this day, I thought we only did two lifts.

21 SIR GEORGE NEWMAN: Okay.

22 A. But we did three possibly.

23 SIR GEORGE NEWMAN: No matter.

24 A. I don't know.

25 SIR GEORGE NEWMAN: Then you come back from the last lift

1           and you've got all the EPWs handed over. What do you  
2           remember next in the chain of events with your  
3           colleagues? I should think you were exhausted and went  
4           to get some sleep, is that it?

5    A. Yes, I was probably mentally exhausted. I do remember  
6           a little comedy moment I had to myself where I got back  
7           to the tent and unclipped my webbing belt. Inside my  
8           jacket I had I believe it was two RGGs and as  
9           I unclipped my webbing belt they fell straight to the  
10          floor, which was a comedy moment to myself because  
11          I thought that's all I need. It's two rocket grenades  
12          which went on the end of the rifle and --

13   SIR GEORGE NEWMAN: You had those in your belt?

14   A. I had those inside my jacket.

15   SIR GEORGE NEWMAN: Had they slipped there, is that it?

16   A. That's where they lived, inside my jacket.

17   SIR GEORGE NEWMAN: That's where they lived and you had  
18          forgotten that?

19   A. But as I unclipped my webbing belt they fell straight  
20          through underneath my jacket on to the floor.

21   SIR GEORGE NEWMAN: So that was a bit of a dark humorous  
22          moment?

23   A. Only to myself.

24   SIR GEORGE NEWMAN: To yourself?

25   A. Yes.

1 SIR GEORGE NEWMAN: Now when do you next learn something  
2 about the man you had presumed to be dead?

3 A. I don't think I really did. It was -- there may have  
4 been a briefing the following day, but it's all very  
5 vague. I -- you know, I wasn't overly concerned. It  
6 was -- it had been in the past.

7 SIR GEORGE NEWMAN: Well, there is something in your  
8 statements which is to the effect that you did become  
9 aware of the death the following morning, obviously from  
10 some conversation or --

11 A. Yes.

12 SIR GEORGE NEWMAN: -- whatever?

13 A. I've probably become aware of it but, yes, if I put it  
14 in there that's what happened.

15 SIR GEORGE NEWMAN: But there is nothing which sticks in  
16 your mind about that?

17 A. Not without reading through the statements. As you're  
18 asking me now what I remember, no.

19 SIR GEORGE NEWMAN: (Pause)

20 I think the effect of what you say is that you heard  
21 about the death through the grapevine the next day.  
22 I think that's the expression you might have used?

23 A. Yes.

24 SIR GEORGE NEWMAN: But there was a hot debrief, as  
25 I understand it?

1 A. There probably was.

2 SIR GEORGE NEWMAN: But you can't remember?

3 A. I can't remember that. I may have put it in the  
4 statement where the detail is. That was, you know,  
5 nearer the event, but I can't remember it at the moment.

6 SIR GEORGE NEWMAN: All right.

7 Well, do you want to ask me anything?

8 A. There's three points that aren't on my statement which  
9 I'd like to -- which I don't think they are on my  
10 statement which I would like to ...

11 SIR GEORGE NEWMAN: Tell me about?

12 A. One is the unconscious casualty. What I don't say in my  
13 statement is I'm unaware -- he may have been put on to  
14 the helicopter in that condition. I'm completely  
15 unaware of that.

16 The second one is the time constraints, the time  
17 constraints. I don't -- I mention about the  
18 environmental factors, it being dark, it being hot,  
19 dusty, you know, noisy. We also had time pressures as  
20 well against us, you know, things were rapid .

21 The third point -- this may be not connected, but  
22 just for your own sort of knowledge. While in my garden  
23 a few weeks ago I was planting runner beans.

24 SIR GEORGE NEWMAN: You were planting runner beans?

25 A. Runner beans.

1 SIR GEORGE NEWMAN: Right.

2 A. No pressure, nothing going on, you know, and there I am  
3 tying up the canes, the garden -- you know, the 8-foot  
4 canes and I'm using plastic ties and myself had put two  
5 plastic ties on the wrong way round. They're very easy  
6 to do, very easy to put on the wrong way round.

7 SIR GEORGE NEWMAN: Okay. Coming back to your first point,  
8 could you repeat that to me again?

9 A. The first point?

10 SIR GEORGE NEWMAN: Of the three points you have just the  
11 made, could you repeat the first one you have just made?

12 A. About the unconscious casualty, where I presumed he was  
13 dead? He may, to me, at the time have been brought on  
14 in that unconscious --

15 SIR GEORGE NEWMAN: What brings that into your mind?

16 A. I don't know. I just thought I'd say it, you know.

17 SIR GEORGE NEWMAN: I mean if he was unconscious when he was  
18 brought on he couldn't have walked on, could he? He  
19 would have had to have been carried on?

20 A. That's right, but I didn't see any of that.

21 SIR GEORGE NEWMAN: Why are you even suggesting to me --

22 A. It's just when we was going back, what was going through  
23 my mind at the time.

24 SIR GEORGE NEWMAN: Are you saying that when you presumed he  
25 was dead you actually thought at the time: well, maybe

1           he was dead when he was brought on? Is that what you  
2           are saying to me?

3    A.   Possibly, yeah. I know it's not in that statement but  
4           that may have been what I was alluding to.

5    SIR GEORGE NEWMAN: "May have been what I was alluding to",  
6           what in the statement?

7    A.   No, in my mind. You know, I have no idea.

8    SIR GEORGE NEWMAN: Since we had our chat and we took  
9           a break -- we have just taken a 10-minute break, haven't  
10           we?

11   A.   (The witness nodded).

12   SIR GEORGE NEWMAN: Have you talked somebody?

13   A.   I've sat here, sir, and talked to nobody.

14   SIR GEORGE NEWMAN: I'm puzzled. It's probably my fault but  
15           I haven't got my mind round this thought process that  
16           you presumed he was dead at the time, as you are now  
17           fairly -- you say that's reliable evidence. But you're  
18           also saying that at that same time you think you might  
19           have thought: well, he could have been brought on in  
20           this condition. Is that right? Is that what you're  
21           saying to me?

22   A.   Yes, sir, yes.

23   SIR GEORGE NEWMAN: You remember thinking that at the time?

24   A.   No, that's just something that's more through my mind,  
25           you know, over the years.

1 SIR GEORGE NEWMAN: Ah. It's just a thought you've had  
2 since?

3 A. Yes.

4 SIR GEORGE NEWMAN: But, talking about it objectively,  
5 doesn't it run up against the problem I have just  
6 ventilated to you that if he was dead when he was  
7 brought on he couldn't have been brought on other than  
8 being carried on; and you saw no evidence of that?

9 A. I saw no evidence of that. I'm just saying, you  
10 know ...

11 SIR GEORGE NEWMAN: It sounds, if I may say so, a bit of  
12 a funny idea --

13 A. Possibly.

14 SIR GEORGE NEWMAN: -- that you loaded up an EPW who was  
15 motionless and dead in order to carry him half an hour  
16 to somewhere where he was to be -- anyway, I take your  
17 point and I take your point on plasticuffs; and that's  
18 fine.

19 I am very grateful to you. You have illuminated  
20 this occasion with your account and I am grateful to  
21 you. Thank you.

22 A. Okay sir.

23 SIR GEORGE NEWMAN: You can sit down.

24 Right. SO38, please.

25 38 and 39 are here. Do I get a feeling that 39

1           wants to --

2   SO38:  No, sir, it's just that 39 was in the order yesterday

3           and we were late.  So we were just going on that.

4   SIR GEORGE NEWMAN:  All right.  Well I don't want to

5           discomfort anybody.  Do you want to go now, 39?

6   SO39:  I think that would be better.

7   SIR GEORGE NEWMAN:  Okay.

8           Just before we start, have you had a chance to take

9           instructions on --

10  MR HOLT:  I have.  With all of those that I am assisting in

11           this, sir, the instructions I have are that nobody has

12           spoken to the newspaper in question.

13  SIR GEORGE NEWMAN:  Nobody has approached them?

14  MR HOLT:  They've not spoken to anyone from the newspaper

15           that you've mentioned or any other newspaper reporters.

16  SIR GEORGE NEWMAN:  As I say, nobody has approached them and

17           they haven't approached --

18  SO38:  The Daily Mail approached the boss at the end there

19           yesterday, but that's the only person who has been

20           approached to our knowledge.

21  SIR GEORGE NEWMAN:  Ah.  Thank you.  Thank you very much.

22           Then, Mr Henderson, we'll chat about this a little

23           later because I want to clear it up.

24  MR HENDERSON:  In fact, sir, I did receive a message this

25           morning from the MOD, via MOD press people, which didn't



1 SIR GEORGE NEWMAN: You are content that is as accurate and  
2 truthful as you can be at this time about these events?  
3 A. At the time I signed that, yes, sir.  
4 SIR GEORGE NEWMAN: Is it right that you have made other  
5 statements and you have had a chance to look at those?  
6 A. Yes, I have had a chance to look at them, sir, yes.  
7 SIR GEORGE NEWMAN: Are you satisfied that I can take those  
8 as accurate and truthful?  
9 A. Yes, sir.  
10 SIR GEORGE NEWMAN: Now, you have seen the way in which  
11 I have a preference for dealing with things?  
12 A. Sir.  
13 SIR GEORGE NEWMAN: It's everybody to lift themselves away  
14 from statements and to try and get back, so far as one  
15 can, to what is remembered, with always knowing there is  
16 a statement that one can go to if one needs to clarify.  
17 But tell me, over these years you must have thought  
18 about these events or had reason to think about these  
19 events on countless occasions?  
20 A. Yes, sir.  
21 SIR GEORGE NEWMAN: Is that right?  
22 A. Definitely, sir, yes.  
23 SIR GEORGE NEWMAN: Mm-hmm?  
24 A. I did sir, yes, especially when the police have been  
25 investigating you for so long.

1 SIR GEORGE NEWMAN: And as a result you have probably been  
2 over the timetable, timescale, of what it was that  
3 happened and so forth many, many times?

4 A. Yes, sir. It was interesting to get the disclosure,  
5 sir. It was interesting to get the disclosure fully to  
6 see what has been happening over all the years and what  
7 you haven't been privy to.

8 SIR GEORGE NEWMAN: Have you got anything in mind you want  
9 to tell me about in particular on that?

10 A. No, that will probably come out during the session, sir.

11 SIR GEORGE NEWMAN: Okay. So, first of all, this has caused  
12 you, I imagine, considerable stress and tension?

13 A. Yeah, considerable, sir, as the focal point for so many  
14 men who predominantly, due to insufficient support by  
15 other people, have constantly been in touch with me for  
16 advice and actions to take over the years which has been  
17 a little bit wearing for family and friends. However  
18 that comes with the responsibility.

19 SIR GEORGE NEWMAN: And on the night in question, as  
20 I recollect it, you were probably one of the most  
21 experienced members of the ARF team who were there; is  
22 that right?

23 A. I would say the most experienced, sir, at the time.

24 SIR GEORGE NEWMAN: You had had to handle prisoners of war  
25 before; is that right?

1 A. I've had experience of it on various courses and various  
2 instructional postings, sir, so I did have an awareness  
3 of it compared to the other people who were involved  
4 that evening.

5 SIR GEORGE NEWMAN: Let's jump you right into the course of  
6 events then because we've heard about it. We have the  
7 evidence we had yesterday from the LO that there came  
8 a time when he had to task you and others with the  
9 mission which he had been tasked with, is that right?

10 A. That's right, sir, yes.

11 SIR GEORGE NEWMAN: You remember him doing that?

12 A. Yes, sir, yes.

13 SIR GEORGE NEWMAN: As I recollect it, there must have been  
14 some conversation between you and he and others about  
15 the character and nature of the people you were  
16 anticipating you were going to have to transport; is  
17 that right?

18 A. That's right, sir. He appeared with my -- excuse me,  
19 with SO55 at our tented encampment and gave us a quick  
20 overview of the mission, that we'd been called out, we  
21 needed to transport the EPWs from where they were  
22 located with the unit who had jurisdiction on them and  
23 to move them back to where we were situated. He then  
24 set the scene of what type of characters they were,  
25 described them as (inaudible), potentially suicide

1           bombers, bad people who were making a bolt for the  
2           Syrian border.

3   SIR GEORGE NEWMAN:   For the which border?

4   A.   The Syrian border.   That was the context of his brief,  
5           and that was it really from his point.

6   SIR GEORGE NEWMAN:   Having been deployed forward to H-1, in  
7           terms of what you anticipated you were going to have to  
8           do, this fell into exactly, what, the sort of thing you  
9           anticipated you were going to have to do, did it?

10  A.   Well, this was a task that I would say we didn't expect.

11  SIR GEORGE NEWMAN:   You didn't expect?

12  A.   We were responsible to do --

13  SIR GEORGE NEWMAN:   Protection work generally?

14  A.   A vast array of different tasks, but this one was not  
15           one that was at the fore of practice that we did.   So it  
16           was a bit of a curve ball on the evening.

17  SIR GEORGE NEWMAN:   Is it sensible then just to move forward  
18           a bit to the training exercise?   Is that where you would  
19           go next in giving me your account of things?   Or is  
20           there anything else you would like to fill in?

21  A.   Basically the LO give a quick brief which was a general  
22           brief but no detail.   SO55, being in overall charge of  
23           the ARF but only being a young character, he then said  
24           his part, which wasn't much.   But what we were lacking  
25           was what we would call "actions on", for when we arrived

1 and met the EPW. So basically I stepped in because as  
2 I remember we were told that we had roughly about  
3 40 minutes from when the briefing started to when we had  
4 to lift off. So 40 minutes is not much time to brief  
5 the men, conduct rehearsals and give the men time to get  
6 their equipment and weapons ready. So it was decided to  
7 do action on the objective, as it is known, and do  
8 a rehearsal on how we were going to facilitate the  
9 movement back. What we needed to do to that effect was  
10 to work out a drill because, the military, we exist on  
11 drills. So on the evening, with the man with having  
12 limited experience on this, I worked out a quick drill  
13 based on past experiences that I thought the men needed  
14 in order to do the job properly and make sure everything  
15 went okay. So I then stepped in and gave what we would  
16 call QDOs, a quick set of orders based on the drill,  
17 which we then went and practised in detail before we  
18 moved back to get the equipment and the weapons ready.

19 SIR GEORGE NEWMAN: Did that drill include any instruction  
20 from you on how the men were to deal with  
21 a non-compliant, difficult EPW?

22 A. Yes, sir.

23 SIR GEORGE NEWMAN: Can you just give me a run over of that  
24 in brief terms?

25 A. Well, basically, sir, when you're going to move somebody

1 from A to B, and somebody doesn't want to move from A to  
2 B you've got to give them the impetus to do that.  
3 However under minimum force you can't just punch people,  
4 you can't just kick people. So, going back to past  
5 experience from courses that I'd done many years ago,  
6 I took the men through that if the prisoners were  
7 compliant they would get a reassuring pat. Therefore  
8 that if they did something that the handlers wanted them  
9 to do they would get the pat. (Demonstrated)

10 However if they did not want to move -- and in some  
11 cases this would be for the prisoners' health and  
12 safety. If they did not want to move we had to give  
13 them the impetus to move and I instructed them on the  
14 evening that they would do a chop into the shoulder,  
15 a chop into the arm or a chop on to the fleshy part of  
16 the leg. (Demonstrated)

17 SIR GEORGE NEWMAN: Now you are showing underside of the  
18 hand on to the shoulder?

19 A. Shoulder, the arm.

20 SIR GEORGE NEWMAN: The bicep?

21 A. The bicep, sir, and the thigh.

22 SIR GEORGE NEWMAN: The thigh?

23 A. Now if on chop one they still did not get any movement  
24 from the prisoner, two to three chops then to show that  
25 you want him to carry out the command. If he then

1 carried out the command he would then get the  
2 reassurance. (Demonstrated)

3 The way we were trained many years ago, that would  
4 then condition the prisoner: I need to do as I'm told  
5 and I will get the tap rather than the chop.

6 SIR GEORGE NEWMAN: Is this taking place on the body of the  
7 prisoner from behind, I would imagine, rather than -- as  
8 you are having to for the purposes of demonstration,  
9 indicating on the front of yourself. Was this a chop  
10 chop which would go, for example, from behind on to the  
11 shoulder and then by some means or other on to the bicep  
12 from the side? Just give me an idea how -- I'm not  
13 going to send anybody into the witness box with you in  
14 order for you to demonstrate, but I would like to have  
15 some idea.

16 A. That would depend on the situation, where the EPW was in  
17 relation to his guard and what was required with the  
18 movement. If you were standing behind him and you  
19 wanted him to go down and he wouldn't go down, it would  
20 be force him down on one shoulder and a potential chop  
21 on the other.

22 SIR GEORGE NEWMAN: Yes.

23 A. Now this what I want to get across to you, sir. For  
24 every yin you must have a yang, you must have a positive  
25 to a negative. We could not have the pat without the

1 chop, that is not the drill.

2 Now on the evening, sir, very, very young men, very  
3 apprehensive the LO has already got them up for the job  
4 to an extent I wasn't happy with. And the only way we  
5 could control the emotion, the fear, the pressure, was  
6 to direct that into a formalised and professional drill.

7 SIR GEORGE NEWMAN: When you say you were not entirely,  
8 what, you were a bit worried about them being too afraid  
9 of the occasion?

10 A. No. Once you told some of the young men that there is  
11 a potential chance of suicide bombers being on the  
12 aircraft, it sets thoughts running. They need to be  
13 controlled. So give them the drill. Give them a proper  
14 brief. Rehearse them. Be happy with the rehearsal.  
15 Confirm the rehearsals with the hierarchy, who were  
16 watching. Once you've got that confirmation everybody  
17 is happy, we're good to go, sir. And that's what I did  
18 on the evening, I got the confirmation from the  
19 hierarchy.

20 SIR GEORGE NEWMAN: It was part of the scheme or plan, as  
21 I understand it, that they would be hooded with  
22 sandbags?

23 A. We were told off the LO that --

24 SIR GEORGE NEWMAN: When you say off the yellow?

25 A. Off the liaison officer.

1 SIR GEORGE NEWMAN: Yes, LO, sorry, yes.

2 A. That the -- bear with me, sir. That the Australian  
3 armed forces had already bagged them and tied them. He  
4 also stated, like you've heard yesterday, that he wanted  
5 them bagged anyway. I agreed with that because the back  
6 of a helicopter that we are on is a sensitive area and  
7 their eyes should be covered anyway. And I did not want  
8 them seeing where arms were located and the potential  
9 for them taking those weapons, as described yesterday,  
10 and having an effect on the helicopter. The suspicious  
11 man I am, and having had insight into other people's  
12 unprofessionalability, I told my men that they would  
13 bring extra bags and ties just in case.

14 SIR GEORGE NEWMAN: I have a picture in my mind of  
15 a sandbag. How is it secured around the head of the  
16 prisoner?

17 A. It's just placed over, sir. The sandbag is just placed  
18 over and sometimes slightly rolled up.

19 SIR GEORGE NEWMAN: How is it secured so it doesn't come  
20 off?

21 A. It just --

22 SIR GEORGE NEWMAN: It just stays there?

23 A. It just stays on, sir. The only way it will come off is  
24 if we pull it off or if they get free and they pull it  
25 off. And the size of the holes, sir, just so you're

1           aware, I don't know if you've seen a sandbag, you can  
2           get a fly through the holes in the sandbag.

3   SIR GEORGE NEWMAN:  Yes, I don't think anybody has informed  
4           me, in the information I have had, other than they can  
5           breathe through the sandbag --

6   A.  Yes.

7   SIR GEORGE NEWMAN:  -- through the holes?

8   A.  Definitely, sir, yes.

9   SIR GEORGE NEWMAN:  So --

10  A.  The other thing I would like to say to you, sir, because  
11           of the description of the EPWs by the LO and because of  
12           the environment that we were in, part of the drill was  
13           for two of the men on my aircraft and two of the men on  
14           the other lifter -- for want of a better word who  
15           I would describe as my potential boffins.  I instructed  
16           them that they would leave their weapons down by the  
17           emergency fuel tank and that they would be armed with  
18           pistol.  And I told them that in the worst case  
19           scenario, if prisoners did get lose and approached the  
20           cockpit, they were to use the blunt end of the pistol as  
21           minimum force and to stop anybody getting into the  
22           contact use the short barrelled low velocity weapon.  So  
23           that was the thought process that went into the drill  
24           from the minimum force aspect of the chop and pat, to  
25           facilitate the movement of the prisoners, up to if

1           anybody tries to bring the helicopter down the two men  
2           at the back and armed with pistols -- because low  
3           velocity weapon in the helicopter, less damage. So that  
4           was the thought process put into the drill, sir, and  
5           everybody had their part.

6   SIR GEORGE NEWMAN: You were familiar with the inside of  
7           a Chinook, I take it, the helicopter?

8   A. Yes, quite well, sir.

9   SIR GEORGE NEWMAN: Quite familiar?

10   A. Yes, different -- we were in a different variant to  
11           normal on the evening, but mostly the same.

12   SIR GEORGE NEWMAN: From the beginning you realised, did  
13           you, that the EPWs were going to have to lie across the  
14           floor, the breadth of the helicopter?

15   A. Yes, sorry, sir, the other thing that we -- I talked  
16           through with the troops was the need for the shock of  
17           capture from the point of view of the potential  
18           intelligence that they could have, and the one thing you  
19           don't want to happen is you don't want POWs  
20           communicating with each other. So the idea was, when we  
21           got them on the floor where we could control them, to  
22           put them top to toe, in order that they could not  
23           communicate, even though they had the sand bags on.

24           However, from what I can see as we went into the  
25           operation, that was changed through necessity, common

1           sense and due to the rails. However, the drill was  
2           something that could be tweaked by the men under mission  
3           command, through common sense, as you went along, which  
4           is what happened. The men started to all lie the same  
5           way, through necessity.

6   SIR GEORGE NEWMAN: They did, did they? I hadn't picked up  
7           on that.

8   A. They did, sir.

9   SIR GEORGE NEWMAN: Why was that? Because of the space?

10   A. Because of the space, we found the rail, and then  
11           consequently, because we had a lot more than what we  
12           expected on the initial briefing, it was just through  
13           necessity, sir.

14           If I can just give you -- are you happy for me to  
15           give you the figures we --

16   SIR GEORGE NEWMAN: Yes.

17   A. Just to explain the drill, sir, because it's many many  
18           years, and the one thing I hold on to is the drill.  
19           Whenever we work out a drill, it gives you a lot more  
20           information.

21           We had 14 men on the aircraft. I had the two  
22           goalkeepers with the pistols which I spoke about at the  
23           front. I had myself in the middle, in overall control  
24           of the aircraft, and I had what I described as my link  
25           man at the back of the aircraft, doing other jobs, and

1 I had five pairs, and we were briefed an initial number,  
2 which I am pretty sure -- I can't be definite -- was 30.

3 Because the plan on my lifter was to take eight and  
4 the plan on Lifter1 was to take seven. Two trips of  
5 eight and two trips of seven would have been the 30,  
6 which fitted in with the drill that was briefed on the  
7 lads.

8 Consequently, on the first trip, when I ended up  
9 with two from the other aircraft, giving them five and I  
10 ended up with ten, and then when we've seen the numbers  
11 that were waiting for us, we then was briefed we are  
12 going to have to do three trips.

13 So everything was changing very very fast. In  
14 an environment where you cannot stop and brief, it's  
15 short, sharp commands into somebody's ear, because the  
16 personal radios we had were either intermittent or not  
17 working.

18 SIR GEORGE NEWMAN: Right. You have taken me through and  
19 I have the picture of the training session. You do lift  
20 off in order to go to the pick up point first time  
21 round.

22 A. And just to get across, sir, that was roughly about  
23 40 minutes from being initially told of the operation to  
24 lifting off was about 40 minutes.

25 SIR GEORGE NEWMAN: About 40 minutes.

1 A. And that is not much time, sir, to prepare and get your  
2 men ready.

3 SIR GEORGE NEWMAN: Well, as prepared as the best you could  
4 be, you lifted off?

5 A. Yes, sir.

6 SIR GEORGE NEWMAN: When you got to the pick up point, is it  
7 right that you went from the helicopter in company with  
8 the LO and one other? That would be --

9 A. SO38.

10 SIR GEORGE NEWMAN: -- SO55?

11 A. SO55. SO55 and --

12 SIR GEORGE NEWMAN: SO53, the LO?

13 A. Yes, and there was one other.

14 SIR GEORGE NEWMAN: And there was one other. Who was that?

15 A. On my man, there was -- SO38 was my link man who was  
16 in --

17 SIR GEORGE NEWMAN: He came with you, did he?

18 A. He came with me, sir.

19 SIR GEORGE NEWMAN: So the four of you went?

20 A. No. This is where I am getting to now, sir. There was  
21 me and SO38, SO55 and his link man, who was not on the  
22 list. So the two commanders and the two link men --

23 SIR GEORGE NEWMAN: I see.

24 A. -- come off the lifters, with the LO --

25 SIR GEORGE NEWMAN: I am with you.

1 A. Being in overall hovering charge.

2 SIR GEORGE NEWMAN: And you have to go a short distance to  
3 walk to where the Australians have the EPW?

4 A. I would say it was about 150 to 200 metres, sir, and it  
5 was a case of checking with the Australian forces what  
6 state they were in, making sure they were ready to be  
7 walked back ready to have the carriage on the aircraft.  
8 Because of the -- because of the lack of ability to  
9 brief on the night, the drill was that the one link man  
10 would be the only man from my lifter and the other link  
11 man from Lifter1 would be the only two people that would  
12 have hands-on with the EPWs in any preparation that was  
13 needed.

14 What that meant is if I needed to re-brief anything  
15 I was only re-briefing two people, and I could move from  
16 one to the other quickly because time is of the essence.

17 SIR GEORGE NEWMAN: So the link men, they needed to do  
18 anything which was necessary to prepare the EPW to take  
19 them from the Australians to the helicopters?

20 A. That's right, sir, yes.

21 SIR GEORGE NEWMAN: And that would include, if they were not  
22 already bagged, bagging them?

23 A. Yes. The main thing I wanted to do, sir, was to have  
24 them searched.

25 SIR GEORGE NEWMAN: Had they been searched by the

1           Australians?

2    A.   I took it from the initial brief from the LO that they  
3           potentially had, but I didn't want to leave anything to  
4           chance.

5    SIR GEORGE NEWMAN:  Were they all gathered together in one  
6           place in order to be searched, or did you do that as  
7           they came up to be moved?

8    A.   They were standing in a line, sir.  So my link men moved  
9           behind them to the initial rendezvous with the  
10          Australian forces on how we were going to facilitate it,  
11          to make sure they knew what to do, which took about  
12          two minutes.  From what I can remember, I then told the  
13          LO or I called my men forward, who were in herringbone  
14          outside the aircraft, through hand signals, and they  
15          came forward and waited for the preparation of the EPWs  
16          by the link man in order to pass to the relevant pair to  
17          move.

18   SIR GEORGE NEWMAN:  Right.

19   A.   So as we searched them we also found that they were not  
20          bagged, so we then used our own bags to bag them.  But  
21          they were only, as you've already heard from a previous  
22          witness, tied in a thumb wrap to the front, which  
23          I wasn't happy about.  However, because of the time  
24          pressure I chose to leave them in that position because  
25          of time.  So I briefed the link man, "Leave the thumb

1 ties, bag and search. Once you are ready, kneel them  
2 back down. I will then pass to the pair."

3 So this is then happening from left and right on the  
4 EPW line coming in, with the eight -- once eight have  
5 been done and moving, and once seven on this side have  
6 been done and moved to Lifter1, we are then good to go,  
7 sir.

8 SIR GEORGE NEWMAN: Right. Now do you remember any  
9 conversation with the Australian forces' commander or  
10 anybody there?

11 A. Only initially when we first met them, in consultation  
12 with the LO. However, because, in effect, it was my  
13 drill, I ended up explaining to the Australians how we  
14 were going to do it, and just getting clarification of  
15 them what state they thought all their EPWs were in, and  
16 that took part -- that was very very quickly done.

17 SIR GEORGE NEWMAN: What about this bag of money? Did you  
18 see all these American dollars?

19 A. I -- once my men were on the way back, I was also  
20 ensuring that the ground was clear of Lifter2 as well.  
21 I hope you can appreciate, I have got a young man in  
22 S055.

23 SIR GEORGE NEWMAN: He is the officer?

24 A. Yes, and he is only a young man, with a lot of  
25 responsibility on his first operation, and one of the

1 implied tasks by me, as his second in command, is to  
2 make sure he does not get into any trouble and drop  
3 himself in it, so I am also looking after him.

4 SIR GEORGE NEWMAN: Mm-hmm.

5 A. Which meant that I was having cursory glances across to  
6 Lifter1 to make sure everything looked like it was all  
7 happening okay there. It was only then, near the end,  
8 as I was going back, that I've then seen the bag.

9 SIR GEORGE NEWMAN: So you hadn't heard anything or any  
10 conversation with the holdall being passed over, "This  
11 contains US dollars", or anything like that?

12 A. No, because that was in the domain of Lifter1.

13 SIR GEORGE NEWMAN: Yes.

14 A. I was aware of it on the periphery, but I wasn't briefed  
15 on it because that was opposite to myself.

16 SIR GEORGE NEWMAN: Then the next question, which is quite  
17 important for me, is did you understand whether the  
18 Australians had done anything by way of identification  
19 of the EPW that they had stopped?

20 A. It's a lot easier in hindsight, sir, but cold war drills  
21 is basically what I am talking about. Things have  
22 changed. I was trained on cold war drills. Now the  
23 processing of the prisoners, where would it be done and  
24 by who. Now generally if you are in a fighting  
25 situation and you take a POW you generally don't do the

1 full processing, as in name, rank and number and tag  
2 him, because you wouldn't have time for that. You'd  
3 pass him back and somebody who has got the time and the  
4 safety to do that.

5 Now this was a strange situation. Did they have  
6 time to do that? I would say, from what I've heard in  
7 this court, potentially yes. Would they have thought  
8 about doing that in the situation they were in?  
9 Probably not, but that's just my personal point of view.

10 Now there was no way in the circumstances that  
11 I could go into the administration part of "Who are you?  
12 What is your name?" in that situation with the time  
13 pressure and the language pressure and the noise  
14 pressure. So there was no way I could do any -- we call  
15 that aspect of tagging. I automatically thought -- and  
16 again bringing in the 40-minute flash to bang time,  
17 I automatically thought that would be done by the people  
18 I was handing over to. I never asked any detailed  
19 questions on that because I didn't have time to ask,  
20 sir. I surmised.

21 SIR GEORGE NEWMAN: Right. Did you see or hear about any  
22 bag that contained identification documents?

23 A. From what I remember, when my link man was doing the  
24 search he found weapon systems and he did find  
25 documentation. And I believe some of that documentation

1           was handed to the LO to go back into the process,  
2           whoever was going to do the tagging.

3   SIR GEORGE NEWMAN:  So let's assume your link man found some  
4           form of documentation on an EPW.  He would obviously  
5           take that off them and put it into a bag or give it to  
6           the LO, is that it?

7   A.  That got handed to the LO, as far as I can remember, at  
8           the end of the op.

9   SIR GEORGE NEWMAN:  You see, I have seen something to the  
10          effect that when you arrived back at H-1 and went over  
11          to the Americans the LO had with him not just the  
12          dollars, which he handed over, but that he also had  
13          a bag which contained identification documents?

14  A.  I would like to comment on that, sir, because this  
15          investigation the next day became the fore of our  
16          thoughts, as you heard from another witness.  And  
17          I would say at that time most of my concentration was on  
18          that as well as what the next potential mission was  
19          because we were still on call.  So I would say I did not  
20          delve into that at the time in any detail because it  
21          was -- the old phrase is it is was not the nearest  
22          crocodile to my canoe, sir.

23  SIR GEORGE NEWMAN:  Okay.  Do you want to tell me anything  
24          about the muddle up or -- it's fairly clear in my mind,  
25          you can either confirm it or tell me otherwise, that

1 I gather the Australians became involved in the loading  
2 and as a result of that you had EPW in the wrong place?

3 A. Yes, basically the drill was for the eight to come on  
4 top to toe, which meant I had two men on each one of  
5 them plus a spare pair in reserve for anything that  
6 I needed, plus the two goalkeepers, the link man and  
7 myself. And I remember being the last man on to the  
8 helicopter and at that point it's back to the air crew  
9 and you are waiting for the air crew to do what they  
10 have to do before they lift off. I just remember then  
11 something happening at the end of the aircraft, there  
12 was some movement. I'd already positioned myself back  
13 near the front to the middle and when I got back down to  
14 the rear of the aircraft the two extra men had been  
15 loaded on, I presume by the Australians, which caused us  
16 a bit of consternation because we then had to start  
17 shifting people up.

18 SIR GEORGE NEWMAN: Because you couldn't put the ramp up?

19 A. Well we -- to be fair, I can't fully remember, but  
20 I recollect that we moved them to a certain extent and  
21 I was then trying to work out the positioning of guards  
22 accordingly and then there was further movement. After  
23 the ramp then was going to come up we then had to move  
24 there was my recollection. But I then moved to the  
25 middle of the aircraft and the men with the crew at the

1 back had no problems facilitating that.

2 SIR GEORGE NEWMAN: Is it right that the EPW were lying  
3 across at the ramp end in a way which made it difficult  
4 to put the ramp up?

5 A. That's right, sir, yes. And they were moved because of  
6 that.

7 SIR GEORGE NEWMAN: How were they moved? What did you do to  
8 move them?

9 A. The men actually got hold of them on the back with two  
10 hands, the weapons were being slung round to the side of  
11 the back at that point, and actually pulled them up.  
12 And this is where the pat and the chop would come in.  
13 If they didn't want to move up, the chop would have to  
14 go in: we need to move you. Now across the language  
15 barrier, if somebody is trying to move you up and you're  
16 getting that (Demonstrated) and then as he gets up you  
17 then get the pat, they are now involved in the language,  
18 you know, very quickly. And that's how they were then  
19 moved and then put down.

20 So some would have been kneeling, some would have  
21 been standing. Some may shuffled from left to right as  
22 best they could with the two men helping them.

23 SIR GEORGE NEWMAN: How many ARF were involved in doing  
24 this? Was it you and the link man or others involved  
25 in --

1 A. No, because that was happening. If I'd have gone in  
2 there I would have just added to any potential melee  
3 because there was not much room, sir.

4 SIR GEORGE NEWMAN: Had you seen any of the EPW, and in  
5 particular the latter one or two, when they were loaded  
6 being non-compliant?

7 A. No, nobody was non-compliant, sir, when they got on the  
8 aircraft. Everybody walked on.

9 SIR GEORGE NEWMAN: Sorry?

10 A. Everybody walked on to the aircraft, sir, which ...

11 SIR GEORGE NEWMAN: I thought -- there was nobody  
12 non-compliant in the sense they wouldn't lie down?

13 A. I'm -- I never seen that, sir.

14 SIR GEORGE NEWMAN: You didn't see that?

15 A. By the time I got on to the aircraft, sir, all eight had  
16 been loaded on and were down. It was only two loaded  
17 after I'd actually on the aircraft. I was the last man  
18 off the ground, sir. Once I'd seen Lifter1 on the  
19 aircraft I then got on to Lifter2.

20 SIR GEORGE NEWMAN: Okay?

21 A. Confirming everybody was on the two aircraft.

22 SIR GEORGE NEWMAN: All right. That might be a convenient  
23 moment to pause and have a break.

24 A. Is my accent all right with the lady, sir?

25 SIR GEORGE NEWMAN: She seems to have a benign smile on her

1 face, so I think probably that's all right.

2 A. I'm more scared of them than you, sir.

3 SIR GEORGE NEWMAN: Well, I'll go away and think about that.

4 Things can change.

5 Okay. 2 o'clock then. All right?

6 (12.58 pm)

7 (The luncheon adjournment)

8 (2.00 pm)

9 (Delayed start)

10 (2.15 pm)

11 SIR GEORGE NEWMAN: Now, SO39, forgive me but what I am

12 going to do is I am going to interpose a couple of

13 witnesses who need to be accommodated.

14 A. Certainly, sir.

15 SIR GEORGE NEWMAN: And then come back to you. I hope you

16 don't mind, I'm sorry.

17 A. No problem, sir.

18 SIR GEORGE NEWMAN: I would like to, please, interpose now

19 SO44.

20 SO44

21 Examination by SIR GEORGE NEWMAN

22 SIR GEORGE NEWMAN: Yes. Good afternoon, SO44. You were

23 here yesterday, weren't you?

24 A. Yes, sir.

25 SIR GEORGE NEWMAN: And you have been here this morning, so

1           you are familiar with what we're on at and how we do it?

2   A.   Yes, sir.

3   SIR GEORGE NEWMAN:   Okay.   Good.   Could you do what the  
4           others have done and that is please identify your  
5           signature on the statement you have made to this  
6           investigation and the attached exhibits, which are the  
7           earlier statements.   You have signed -- although I have  
8           it in my bundle.   Yes, 22 March 2018 you signed this  
9           investigation statement?

10   A.   I did, sir, yes.

11   SIR GEORGE NEWMAN:   And you are satisfied that is as  
12           accurate as you can be and a truthful account of what  
13           you remember?

14   A.   Yes, sir.

15   SIR GEORGE NEWMAN:   Equally so far as the other statements  
16           are concerned, you have had a chance of refreshing your  
17           memory from those and you are satisfied those are  
18           accurate?

19   A.   Yes, sir.

20   SIR GEORGE NEWMAN:   Fine.   Thank you.

21           I am trying to economise time because we are now  
22           halfway through our three allocated days.   I want to try  
23           and cut to the chase a bit if you don't mind.   But on  
24           the other hand I want you to feel that this is  
25           an occasion when you must tell me everything that you

1           feel I ought to know. All right?

2    A. Yes, sir.

3    SIR GEORGE NEWMAN: So with that in mind, what I was going  
4           to do was to first of all introduce you as -- for the  
5           purposes of the evidence, you were a cover guard;  
6           correct?

7    A. Yes, sir.

8    SIR GEORGE NEWMAN: And you were a cover guard in company  
9           with SO45?

10   A. That's correct.

11   SIR GEORGE NEWMAN: You had some experience, having been in  
12           the forces for a little time; is that right?

13   A. Yes, sir.

14   SIR GEORGE NEWMAN: How many years was that?

15   A. At the time about three and a half, four years.

16   SIR GEORGE NEWMAN: Now you tell me if I'm going too  
17           quickly, if I was to go forward to the steps you were  
18           taking to escort an uncooperative EPW on to the  
19           aircraft, is that a good place to go to?

20   A. Yes, sir.

21   SIR GEORGE NEWMAN: Tell me about that.

22   A. On the night in question, as previously mentioned, it  
23           was kinetic and very fast, we had a lot of time  
24           constraints. So the set procedures for a two-man op on  
25           a POW initially happened and then because of how fast it

1           was -- basically it was one guy per POW. The prisoner  
2           that I had, as we got close to the aircraft, the back of  
3           the aircraft, he started to flail his arms around  
4           because his hands were free.

5   SIR GEORGE NEWMAN: He'd got them out of the plasticuffs,  
6           had he?

7   A. Yes, his hands were plasticuffed to the front by his  
8           thumbs.

9   SIR GEORGE NEWMAN: But he'd got them free in order to flail  
10          around. Had he?

11   A. Yes.

12   SIR GEORGE NEWMAN: How were you then holding him? You were  
13          holding him on a shoulder or?

14   A. No. I held him by the back of the sandbag and by the  
15          scruff of his jacket.

16   SIR GEORGE NEWMAN: I see?

17   A. And I had my rifle pointed and escorted him on to the  
18          aircraft.

19   SIR GEORGE NEWMAN: So you have to have quite a strong arm.  
20          If you're controlling a man whose physically resistant  
21          to whatever it is you're doing, you have to have  
22          a pretty strong arm if you have the other arm already  
23          engaged, as it were, with a weapon?

24   A. To a point sir, yes. But, you know, back then I was  
25          14 -- 14 and a half, 15 stone. I was a strong lad.

1 SIR GEORGE NEWMAN: You were?

2 A. Yes.

3 SIR GEORGE NEWMAN: So that's bound to say what I had in  
4 mind as I looked at you. So you've lost a fair bit of  
5 weight?

6 A. As it states in my statement I was seriously injured in  
7 Iraq on my second tour in 2004. So I not only lost  
8 a lot of weight, I got a lot of muscle wastage, a lot of  
9 complications and injuries. So, yes, my body has taken  
10 a smashing, sir.

11 SIR GEORGE NEWMAN: You've taken a smashing. Hey-ho. So,  
12 go on, tell me. You are leading him to the aircraft or  
13 directing him towards the aircraft?

14 A. Directing him towards the aircraft and initially he was  
15 compliant. You know, he was doing everything that you  
16 would expect the POW to do. And then when his hands got  
17 free -- and it was actually when we got close to the  
18 down wash and the heat of the aircraft, his hands came  
19 free. So I know he had a short distance to get him to  
20 the aircraft. At that point I slung my rifle behind me  
21 and got another hand on him, and tried to push him on to  
22 the aircraft, you know. So we're basically breaking  
23 into a jog and I used my body momentum and my weight to  
24 get him on to the aircraft. Once inside the aircraft  
25 the nearest colleague to me at the time was SO38. So

1 I give him -- I say in my statement I shouted. I may  
2 have shouted, but it's all eye signals and hand signals  
3 just to give him the nod. He comes over straight away.  
4 I give this guy a gentle kick to the back of the legs to  
5 get him on the floor.

6 SIR GEORGE NEWMAN: Why a gentle one?

7 A. Because you're not -- it's not in our nature to be  
8 aggressive in that mind --

9 SIR GEORGE NEWMAN: No, but if you have a man who is  
10 resisting and flailing and you have to get him to the  
11 floor, you are not going to tap him, are you?

12 A. It's just following that momentum. You know, we've got  
13 him on the aircraft. We're still moving forward. I've  
14 given SO38 the nod that there's a drama, we need to get  
15 this drama squared away. So as I turn the POW to lay  
16 him down, just gently kick the back of his legs, buckles  
17 his knees, and then SO38 assists me by making sure that  
18 he's laid on the floor appropriately.

19 SIR GEORGE NEWMAN: Now at this stage is he towards the end  
20 of all the floor space, as it were?

21 A. We were --

22 SIR GEORGE NEWMAN: You were pretty well full up by then?

23 A. -- pretty much on the ramp at that point, sir.

24 SIR GEORGE NEWMAN: So was he the last one to go on, as you  
25 recollect?

1 A. I wouldn't like to say, sir.

2 SIR GEORGE NEWMAN: Or the next to last perhaps?

3 A. Possibly, sir.

4 SIR GEORGE NEWMAN: Okay. And so you, with the assistance  
5 of SO38, get him so that he's lying down; is that right?

6 A. That's correct, sir.

7 SIR GEORGE NEWMAN: And once you got him down, is he  
8 compliant or is he still resisting?

9 A. He wasn't compliant, sir. We had to get him re-cuffed.  
10 Obviously wanted to cuff him to the back. So I'm trying  
11 to restrain the said EPW and --

12 SIR GEORGE NEWMAN: Excuse me, would you like -- if you want  
13 to stay, you had better come in and sit down.  
14 Yes. So you re-cuff him?

15 A. So I'm trying to restrain the EPW and SO38 is assisting  
16 by trying to apply the cuffs to his back.

17 SIR GEORGE NEWMAN: And you succeeded?

18 A. Yes, sir.

19 SIR GEORGE NEWMAN: What about the bagging? Was he still  
20 backed?

21 A. He was still bagged at the time, sir.

22 SIR GEORGE NEWMAN: Who took over guarding him, as it were,  
23 or keeping him under control in the course of the  
24 journey? Was that -- half a minute. Was that SO58?

25 A. That's correct, sir, yes.

1 SIR GEORGE NEWMAN: And what did you do then? Where were  
2 you on the aircraft?

3 A. I was right next to that EPW at the time, sir, and I was  
4 back in my role as a cover man, just making sure that  
5 everyone and the POWs were okay and that everyone else  
6 on the aircraft was okay.

7 SIR GEORGE NEWMAN: And so far as you are concerned that's  
8 all you can tell me about -- or that's the only thing  
9 you need tell me about the journey back until we get to  
10 the drop off point; is that right?

11 A. Yes, sir.

12 SIR GEORGE NEWMAN: So, so far as the man with the  
13 prosthetic limbs is concerned, have you anything to say  
14 about that --

15 A. The only time I realised we had a guy that had no legs  
16 is when I saw him being piggybacked off the aircraft,  
17 sir.

18 SIR GEORGE NEWMAN: Right. Okay. Now when it came to  
19 landing back at H-1, is it right that you noticed that  
20 it looked as though he had urinated at that point, by  
21 that time?

22 A. I wrote it in my statement, sir, so yes.

23 SIR GEORGE NEWMAN: And at that time had he moved for some  
24 time or certainly at that moment was he motionless?

25 A. I can't remember, sir.

1 SIR GEORGE NEWMAN: But you would remember if he was moving?

2 A. He was compliant.

3 SIR GEORGE NEWMAN: Well he was not moving then?

4 A. He wasn't being -- yes, he was compliant. Like everyone  
5 else on the aircraft, he was just still.

6 SIR GEORGE NEWMAN: This is when you landed?

7 A. Yes, sir.

8 SIR GEORGE NEWMAN: Well compliant shows something positive.  
9 Not moving is just a physical condition?

10 A. It was positive that there was no more drama, sir. He  
11 was compliant.

12 SIR GEORGE NEWMAN: Okay. Did you see S058 carry out any  
13 sort of check on him?

14 A. Again I wrote it in my statement, sir, but my own  
15 personal recollection now is very hazy.

16 SIR GEORGE NEWMAN: Well, if you wrote it in your statement  
17 do I take it as something which can rely upon?

18 A. Yes, sir.

19 SIR GEORGE NEWMAN: I mean, everybody's recollection  
20 decreases over the passage of time. But I have to  
21 proceed on such evidence as you tell me I can rely on.  
22 And I can rely on your statement as I understand it?

23 A. Yes, sir.

24 SIR GEORGE NEWMAN: So according to that SO --

25 A. 58.

1 SIR GEORGE NEWMAN: -- 58 took his pulse?

2 A. Yes, sir.

3 SIR GEORGE NEWMAN: So I get the impression, which is why  
4 I just dwelt on it a moment or two ago, that we are not  
5 really dealing with a situation in which you thought,  
6 "Oh, he's compliant", he was somebody who was not moving  
7 and somebody took his pulse because they wanted to  
8 perhaps at least find out why he wasn't moving; correct?

9 A. That didn't happen until we were actually looking at  
10 moving the EPW, sir.

11 SIR GEORGE NEWMAN: That's fine. We'll moved forward to  
12 that then in our survey. That's what's happening, is  
13 it?

14 A. Sir, we touched down, sir, and we got the prepared to  
15 move to get the EPWs off the aircraft. And it came to  
16 that EPW and --

17 SIR GEORGE NEWMAN: But the others couldn't get off, could  
18 they, because he was in the way?

19 A. I can't remember, sir.

20 SIR GEORGE NEWMAN: I have read that, that he was in fact --  
21 because he was there motionless it was preventing the  
22 passage of the others who could move off.

23 Never mind --

24 A. No, sir, I'm sure he was one of the last EPWs to be  
25 removed off the aircraft, sir.

1 SIR GEORGE NEWMAN: I'm sure he was, but wasn't he moved to  
2 one side?

3 A. From my own recollection I can't remember, sir.

4 SIR GEORGE NEWMAN: All right. Okay, let's only deal with  
5 what you now remember and what you have in your  
6 statement. Now did you discuss the situation -- it does  
7 cover it in your statement, so that's why I'm asking --  
8 with SO58 what had happened or what was wrong, or  
9 whatever?

10 A. No, sir, because I was re-tasked with taking the EPW off  
11 the aircraft.

12 SIR GEORGE NEWMAN: I thought that -- we can look it out --  
13 there is a reference that when SO58 checked for his  
14 pulse you had a conversation with SO58 and there was  
15 some talk about why he might have no pulse, which  
16 I think is the result of what SO58 found?

17 A. Again, sir, I can't remember. It's been a very long  
18 time. I just ...

19 SIR GEORGE NEWMAN: Well let's have a look. This is  
20 important.

21 A. Yes, sir.

22 SIR GEORGE NEWMAN: Would you look, please, at page 5, sheet  
23 number 5, of your statement of 24 July 2003. Let's do  
24 what I did with the others because it helps everybody,  
25 it helps to put into the record and so on what was going

1 on.

2 At the bottom of the previous page, sheet number 4,  
3 you say:

4 "I saw a pool of liquid around the legs of the POW."

5 Do you see that?

6 A. Yes, sir.

7 SIR GEORGE NEWMAN: "This was pointed out to the guys in the  
8 vicinity. I saw the pool also. Just to make sure,  
9 instinct made me certainly want to be sure, what the  
10 liquid was, that is piss or blood or anything else.  
11 I personally was unsure. There may have been  
12 a possibility that he could have banged his head on the  
13 vehicle bar in the chopper. I don't think so. I didn't  
14 see that happen. But because the bar is close it was  
15 just a possibility going through my mind. I think  
16 a colleague [and that's S058] dabbed his finger in it  
17 and sniffed, as I did, and concluded it was likely to be  
18 urine. He was closest and he ..."

19 That is you and -- I keep for getting these numbers  
20 and I want to make sure I get them right. He and --

21 A. S058, sir.

22 SIR GEORGE NEWMAN: S058. You were both combat medics,  
23 correct?

24 A. Correct, sir.

25 SIR GEORGE NEWMAN: What's a combat medic?

1 A. It's a week-long course that you have to go down to  
2 attend and then you're a patrol medic basically. So  
3 that any of the lads get shot, injured, you're the first  
4 person on the scene to deal with that individual.

5 SIR GEORGE NEWMAN: And what does your training take you up  
6 to doing? Taking a pulse, for example, whether  
7 somebody's dead or alive; is that it?

8 A. If there were gunshot wounds trauma wounds.

9 SIR GEORGE NEWMAN: Sorry?

10 A. Gunshot wounds, trauma wounds.

11 SIR GEORGE NEWMAN: What do you do with those, dress them?

12 A. Yes, sir.

13 SIR GEORGE NEWMAN: So it's advanced first aid really?

14 A. Yes, sir.

15 SIR GEORGE NEWMAN: Does it involve CPR?

16 A. Yes, sir. I know where you're leading with that now  
17 sir. There wasn't time to do anything like that on the  
18 chopper at that time.

19 SIR GEORGE NEWMAN: No, I'm not leading you anywhere.  
20 I don't lead anybody anywhere. I just try and  
21 understand --

22 A. Sorry for phrasing it that way, sir.

23 SIR GEORGE NEWMAN: -- the ambit of what is going on. But  
24 since you mention it, obviously I have to consider --

25 A. There was no time, sir.

1 SIR GEORGE NEWMAN: All right. Okay. So going back to the  
2 statement:

3 "I can't recall the exact conversation but between  
4 us we were concerned. It was a thought that the POW  
5 could have suffered a heart attack or shock."

6 Right?

7 A. Sir.

8 SIR GEORGE NEWMAN: "We were considering also the fact that  
9 most of the POWs were moving to get comfy all the time  
10 but this guy had only moved about two or three times  
11 since he had been subdued. We wondered if his pulse was  
12 racing or weak; racing, shock, weak being a heart  
13 attack. SO58 felt for the pulse in his wrist but he  
14 couldn't find one. He tried two or three times but to  
15 no avail. I then tried once at the carotid artery  
16 pressure point but none was detected."

17 Is that as it was? Can I take it that's a reliable  
18 account of what you and SO58 were doing together at this  
19 difficult moment?

20 A. Yes, sir. I don't remember that now, but yes.

21 SIR GEORGE NEWMAN: You don't remember ...

22 A. (The witness shook his head).

23 SIR GEORGE NEWMAN: Right. But taking that for what it says  
24 and assuming it to be accurate, which is what you tell  
25 me it is -- you were not setting out to be anything

1 other than accurate in your recollection when you made  
2 the statement. It looks as though you and S058,  
3 together, had concluded that this man was likely to be  
4 dead?

5 A. Yes, sir.

6 SIR GEORGE NEWMAN: I mean, I would be flying in the face of  
7 common sense if I was to conclude that you thought  
8 anything else, wouldn't I?

9 A. Yes, sir.

10 SIR GEORGE NEWMAN: Now how many times before that had you  
11 examined somebody in a way that you say you examined  
12 this man and concluded he was dead or thought that he  
13 was dead?

14 A. Never, sir.

15 SIR GEORGE NEWMAN: So this was the first time?

16 A. Yes, sir.

17 SIR GEORGE NEWMAN: Have you ever done it since?

18 A. Unfortunately, yes, sir.

19 SIR GEORGE NEWMAN: In your other service, subsequent  
20 service?

21 A. No, sir.

22 SIR GEORGE NEWMAN: In different circumstances?

23 A. Yes, sir.

24 SIR GEORGE NEWMAN: But what I want you to help me with is  
25 whether you are saying to me now "I simply have no

1           recollection on the occasion on the first time in my  
2           life of examining somebody who I then believed to be  
3           dead", that you have no recollection of it at all?

4    A.   I have none at all, sir.

5    SIR GEORGE NEWMAN:   What has happened to that recollection?

6    A.   I'll be completely honest, sir.  With what happened to  
7           myself and my accident I was diagnosed with  
8           post-traumatic stress disorder so I had to go and do  
9           a lot of courses to try and eradicate some of the stuff  
10          that I've seen and been through.  And through that I've  
11          eradicated a lot of stuff, and this is definitely one of  
12          those incidents that I've had to eradicate in order to  
13          move on and be the best father I can be for my three --

14   SIR GEORGE NEWMAN:   So is this one of the traumas that  
15          you've had the great misfortune to --

16   A.   Yes, sir.

17   SIR GEORGE NEWMAN:   -- misfortune to --

18   A.   15 years, sir.  It's cost me my marriage, a relationship  
19          with my children, health.  So, yes, it's gone and that's  
20          the truth.

21   SIR GEORGE NEWMAN:   Is it painful for me now to extract this  
22          from you?

23   A.   I haven't seen half of these individuals, sir, since the  
24          end of my career.  So, yes, this whole process is -- is  
25          a pain.

1 SIR GEORGE NEWMAN: Do you want me to stop?

2 A. No, sir. I want to it out, done, for everybody.

3 SIR GEORGE NEWMAN: If you want me to stop questioning you  
4 because it's going to upset you, I will.

5 A. It's not upsetting me, sir.

6 SIR GEORGE NEWMAN: All right. Good. Let me just try and  
7 speed it on a bit then.

8 In your statements you appear to recall -- and if  
9 you can't recall now tell me -- some sort of  
10 conversation taking place either by you or by S058 with  
11 S039?

12 A. I can't -- I can't remember, sir.

13 SIR GEORGE NEWMAN: Were you then in fact, as you remember,  
14 tasked to unload another EPW other than the one we've  
15 just been talking about from the aircraft? Do you  
16 remember that?

17 A. Yes, sir.

18 SIR GEORGE NEWMAN: Are you sure that that's right, that's  
19 what you had to do?

20 A. Yes, sir.

21 SIR GEORGE NEWMAN: And when you came back to the aircraft,  
22 having done that, did you then see S058 again in company  
23 with the EPW we've been talking about whose pulse was  
24 not showing any signs of life who you thought was  
25 probably dead?

1 A. I can't remember, sir.

2 SIR GEORGE NEWMAN: Do you remember a vehicle, a Humvee?

3 A. I do remember a vehicle, sir.

4 SIR GEORGE NEWMAN: Do you remember anything to do with it?

5 Do you remember seeing anybody being loaded into it?

6 A. Yes, sir.

7 SIR GEORGE NEWMAN: You do?

8 A. (The witness nodded).

9 SIR GEORGE NEWMAN: Do you remember whether SO58 said

10 anything to the American who had brought the Humvee

11 over?

12 A. No, sir.

13 SIR GEORGE NEWMAN: And then I think you saw SO40 carrying

14 the legless EPW on his back; is that right?

15 A. Yes, sir, because I do remember chuckling to myself

16 about it.

17 SIR GEORGE NEWMAN: All right. Well, I'm very grateful to

18 you for you having assisted in the way you have.

19 A. Yes, sir.

20 SIR GEORGE NEWMAN: I am aware of the misfortunes you have

21 suffered since and in fact not long after this, and the

22 way in which your life has been disrupted as a result.

23 I'm sorry about that.

24 A. Thank you, sir.

25 SIR GEORGE NEWMAN: Is there anything more I can say to you

1 or follow up on? I'll just check with my team here.  
2 They're forever telling me I'm missing things.  
3 Okay. All I'm being reminded of is there was a hot  
4 debrief at some stage?  
5 A. There was, sir.  
6 SIR GEORGE NEWMAN: And there was no doubt talk the next day  
7 about what had happened in relation to one of the EPW  
8 and the fact he died. Do you remember that?  
9 A. Yes, sir.  
10 SIR GEORGE NEWMAN: All right. Well, thank you very much.  
11 A. Thank you, sir.  
12 SIR GEORGE NEWMAN: So you are free to go and thank you very  
13 much for assisting.  
14 A. Thank you very much.  
15 SIR GEORGE NEWMAN: S042, I think you would need to, as it  
16 were, get away?  
17 S042: Yes, sir.  
18 SIR GEORGE NEWMAN: Come?  
19 S042: May I just use the lavatory before we start?  
20 SIR GEORGE NEWMAN: Of course, of course.  
21 S058, sorry, I just see you leaving. You are not  
22 going far?  
23 S058: No.  
24 SIR GEORGE NEWMAN: It would suit you if you were done  
25 today, is that right?

1 S058: Yes, sir, yes, I'm here today and tomorrow.  
2 SIR GEORGE NEWMAN: You're here today and tomorrow?  
3 S058: I believe so, sir.  
4 SIR GEORGE NEWMAN: But if you can be done today it's more  
5 convenient as I understand it?  
6 S058: I'm in no rush, sir, because I'm here tonight as  
7 well.  
8 SIR GEORGE NEWMAN: Okay. All right. Well then it might  
9 enable me to go back to S039 a little earlier than  
10 I thought. All right. Thank you.  
11 S042  
12 Examination by SIR GEORGE NEWMAN  
13 SIR GEORGE NEWMAN: Right. Yes. Do sit down. I just want  
14 to make sure you have everything you need in front of  
15 you there?  
16 A. Yes, I've got the bundle they have given us.  
17 SIR GEORGE NEWMAN: Okay. Is the statement you have signed  
18 for the purposes of this investigation true and  
19 accurate? Is it the best you can do by way of  
20 information now?  
21 A. 16 March 2018, sir?  
22 SIR GEORGE NEWMAN: That's the one.  
23 A. Yes.  
24 SIR GEORGE NEWMAN: And you were had occasion to be  
25 interviewed at some length, is that right, by the RAF?

1 A. In 2003 and --

2 SIR GEORGE NEWMAN: In 2003?

3 A. When you say at length, sir, certainly 2003

4 approximately 45 minutes.

5 SIR GEORGE NEWMAN: Well, yes?

6 A. With my then solicitor --

7 SIR GEORGE NEWMAN: I'm looking at the length of the

8 5 minute transcript. There was a lot of ground covered?

9 A. Yes, but it was 45 minutes.

10 SIR GEORGE NEWMAN: There' nothing more you want to say out

11 of that to me?

12 A. Not particularly, sir, no.

13 SIR GEORGE NEWMAN: All right. But I can take that as your

14 evidence and you are happy that I should take it as

15 reliable evidence given by you?

16 A. Yes, sir.

17 SIR GEORGE NEWMAN: Thank you very much. Were you in effect

18 SO39's second in command on this lifter?

19 A. Yes, sir.

20 SIR GEORGE NEWMAN: What did that involve you in? What did

21 it mean?

22 A. Well due to my rank at that present time, in the absence

23 of SO39 if a decision had to be made I would make that

24 decision.

25 SIR GEORGE NEWMAN: That was because of your rank at that

1           time?

2    A.   Yes, sir.

3    SIR GEORGE NEWMAN:   And you were a prisoner handler for the

4           purposes of this operation?

5    A.   Yes, sir.

6    SIR GEORGE NEWMAN:   And you were partnered with -- were you

7           partnered with one in particular or were you in fact

8           supervising others?

9    A.   Going back to my statements from 2003, 2012, I think,

10           no, I was partnered with someone.   But however, as

11           I said, if the need arose I would supervise accordingly.

12   SIR GEORGE NEWMAN:   Were you involved in bagging and tagging

13           at all?

14   A.   Not that I can remember, sir.

15   SIR GEORGE NEWMAN:   I think there is somebody who recollects

16           you might have been, but it may not be very important.

17   A.   Well I don't personally remember that, sir.

18   SIR GEORGE NEWMAN:   It's not something which is of

19           significance to you anyway, but is that right?  You

20           might have been but you don't remember?

21   A.   I don't remember, sir.

22   SIR GEORGE NEWMAN:   When you got off at the pick up point,

23           you escorted your EPW back I think with SO40; is that

24           right?

25   A.   I can't remember exactly who it was, but it was with

1           someone else.

2   SIR GEORGE NEWMAN: I will take it with SO40 unless somebody

3           tells me I am monumentally wrong?

4   A. Okay.

5   SIR GEORGE NEWMAN: Is it right that you then stayed on

6           board with the EPW?

7   A. Yes, sir.

8   SIR GEORGE NEWMAN: And this is in fact the EPW who had

9           prosthetic limbs?

10  A. I can't remember specifically if it was the gentleman --

11  SIR GEORGE NEWMAN: It sounds as though it was if you were

12           doing it in company with --

13  A. I don't remember specifically the gentleman having false

14           legs -- prosthet -- false legs.

15  SIR GEORGE NEWMAN: As I understand it, you really were not

16           aware of anything untoward that went on on the aircraft;

17           is that a fair summary?

18  A. Yes, as I've said in all my statements 2003, 2012, 2018

19           as far as I'm concerned everything we did was to the

20           highest standard and professional throughout.

21  SIR GEORGE NEWMAN: When you got back to H-1 in order to

22           unload -- to hand over to the Americans, what do you

23           remember about that?

24  A. I remember the aircraft -- is this on the first lift,

25           sir, we're talking about?

1 SIR GEORGE NEWMAN: Yes.

2 A. I remember landing. Obviously the door going down, the  
3 ramp going down and then a pregnant pause to start  
4 escorting the prisoners off. And I remember taking the  
5 prisoners off as we put them on, if that makes sense, in  
6 reverse order, lined them up as they come off. And  
7 then, through the chain of command, the Americans taking  
8 the prisoners off and then waiting then for the order to  
9 go back on to the aircraft.

10 SIR GEORGE NEWMAN: But do I take it that you were up  
11 towards -- I have called it the front of the aircraft?

12 A. Okay.

13 SIR GEORGE NEWMAN: When you came to unload your EPW?

14 A. Mm-hmm.

15 SIR GEORGE NEWMAN: Was that the one with the prosthetic  
16 limb or another one?

17 A. I think -- it was another one. I don't remember --

18 SIR GEORGE NEWMAN: It must have been another one?

19 A. It was another one, sir.

20 SIR GEORGE NEWMAN: Because I think S040 told us --

21 A. As he mentioned this morning, sir.

22 SIR GEORGE NEWMAN: He picked him up and carried him?

23 A. He carried him, on his piggyback.

24 SIR GEORGE NEWMAN: So you obviously were designated to take  
25 another EPW off?

1 A. Mm-hmm.

2 SIR GEORGE NEWMAN: Which is what you did?

3 A. Yes, sir.

4 SIR GEORGE NEWMAN: And when you did that, had it been done  
5 in a way which all the EPWs back to the point where you  
6 were had been unloaded and you just took your turn to  
7 take the next EPW and took him off the aircraft? Or  
8 were there some EPWs still round the ramp at the rear?

9 A. I don't remember. It was a clear path because, as  
10 discussed yesterday and today, the aircraft being quite  
11 tight, I don't remember room for manoeuvre so to speak  
12 to steer people round. There had to be a clear path to  
13 get the prisoner off I was detailed to take off.

14 SIR GEORGE NEWMAN: So you didn't see anybody lying there  
15 motionless?

16 A. No, sir.

17 SIR GEORGE NEWMAN: Do you remember seeing an American  
18 Humvee?

19 A. Yes, I do, yes.

20 SIR GEORGE NEWMAN: Where do you remember seeing that?

21 A. When we landed.

22 SIR GEORGE NEWMAN: Where was it?

23 A. Well, as I come off the aircraft it was pretty much  
24 directly in front of me -- pretty much. It could have  
25 been off to an angle, but pretty much directly in front

1 of me because it's tail lights --

2 SIR GEORGE NEWMAN: Anybody who was around it, do you  
3 remember?

4 A. Not particularly, sir.

5 SIR GEORGE NEWMAN: To me, and I only say this because  
6 perhaps I have a wider overall picture of what was  
7 happening, on the other material I have there was a bit  
8 of a wait for the Humvee to come. Indeed there was some  
9 suggestion it was longer than it should have been.  
10 Anyway the Humvee came. So it would suggest quite a lot  
11 had gone on while you were still on the aircraft, if at  
12 the moment you came off with your EPW the Humvee was  
13 there?

14 A. As I recollect.

15 SIR GEORGE NEWMAN: Fine, I don't want you to say anything  
16 other --

17 A. I wouldn't want to speculate. As I recollect  
18 I remember --

19 SIR GEORGE NEWMAN: Just you telling me that, I'm telling  
20 you the implications of that for me -- partly I say that  
21 to you and partly because others here are hear to listen  
22 to what I have to say and they can think about it. But  
23 it leads me to conclude that you came off after quite  
24 a lot of the events of unloading had already occurred?

25 A. Yes, because of obviously where we were told to wait

1 I was more towards the front of the aircraft.

2 SIR GEORGE NEWMAN: Okay. When did you find out or learn  
3 that somebody had died?

4 A. The next day, sir. Well, it might have been next day or  
5 the day after. But I would say -- bear with me,  
6 please -- pretty much within the next 24 to 48 hours.

7 SIR GEORGE NEWMAN: And you picked that up on the grapevine  
8 and chit-chat or debrief, or what?

9 A. I can't remember exactly whether it was a debrief --  
10 chit-chat, I would say not because due to the nature of  
11 what -- who it was and what I was doing and who I was  
12 supporting.

13 SIR GEORGE NEWMAN: That's about it really for you. That's  
14 about all you can tell me?

15 A. Yes, sir.

16 SIR GEORGE NEWMAN: All right. Tell me anything else that  
17 you remember about it, just anything?

18 A. Just --

19 SIR GEORGE NEWMAN: The conditions or about anything about  
20 the atmosphere on the aircraft, just anything which you  
21 remember about it?

22 A. Just to reiterate, it was as -- it was very  
23 professional, very disciplined, as we'd been trained to  
24 do, throughout.

25 SIR GEORGE NEWMAN: Had you ever done this sort of thing



1           what we are doing?

2    A.   That's it, sir, yes.

3    SIR GEORGE NEWMAN:   You understand?

4    A.   I do.

5    SIR GEORGE NEWMAN:   The first thing, therefore, for me to do

6           is make sure you are happy with the statement you have

7           made to this investigation and the other statements

8           which form attachments to it.  Is that all right?

9    A.   Yes, I'm happy with those, sir.

10   SIR GEORGE NEWMAN:   Right.  You were here, just now, weren't

11          you when I was asking your colleague about these events?

12   A.   Yes, sir.

13   SIR GEORGE NEWMAN:   So you know in particular what it is

14          that I'm focusing on?

15   A.   Yes.

16   SIR GEORGE NEWMAN:   What I think is important for me is that

17          you were tasked by SO38 to sit on and subdue the EPW who

18          had been causing trouble from the beginning.

19   A.   Is that SO38 or SO44?

20   SIR GEORGE NEWMAN:   No, not SO44.  I thought it was SO38,

21          the link man?

22   A.   I wasn't here for that part of the witness --

23   SIR GEORGE NEWMAN:   Ah.  Were you tasked by the --

24   MS JACKSON:   Sorry, just clarify, he hasn't given evidence

25          yet.

1 SIR GEORGE NEWMAN: He hasn't given evidence yet. I have  
2 statements, you see.

3 A. Okay.

4 SIR GEORGE NEWMAN: So I know what it is that has been said.  
5 But is it right that you were tasked by SO38, the link  
6 man, to sit on the -- we will call him the non-compliant  
7 EPW?

8 A. I was tasked by someone to look after the non-compliant  
9 EPW, but I don't believe it was SO38 that tasked me with  
10 that. I believe it was SO61 according to my previous  
11 statement.

12 SIR GEORGE NEWMAN: All right.

13 A. I have no recollection of SO38 detailing me with that.  
14 I thought it was SO61 that time.

15 SIR GEORGE NEWMAN: Okay, fine. Good. Anyway that's where  
16 you were, tasked by somebody to sit on and keep the  
17 non-compliant EPW under control?

18 A. Yes, I was tasked by someone.

19 SIR GEORGE NEWMAN: We will clear up who tasked you later.

20 A. Also regarding that, though, sir, it wouldn't have been  
21 to sit on that individual. It would have just been  
22 tasked to look after that individual.

23 SIR GEORGE NEWMAN: Right.

24 A. I'd just like to state, if I can, that I didn't sit on  
25 that individual.

1 SIR GEORGE NEWMAN: Sorry?

2 A. I did not sit on the individual in question.

3 SIR GEORGE NEWMAN: You didn't?

4 A. No. I knelt beside him, to the rear of him, having my  
5 hands on the back of his legs. My left knee and my  
6 right knee were either side of his legs with his legs in  
7 between. So I wasn't actually sat on that individual.  
8 I was basically astrided over the top of him.

9 SIR GEORGE NEWMAN: When you were astrided over the top of  
10 him, was he then compliant? Was he moving, doing  
11 anything?

12 A. He was wriggling aggressively to start off with, I'd say  
13 within the first couple of minutes. I gave him one  
14 chop. He still carried on wriggling. So I gave him two  
15 chops as detailed. So one still not compliant, then  
16 two. And then he stopped wriggling. So I just tapped  
17 him on the back of the leg.

18 SIR GEORGE NEWMAN: Where did you chop him?

19 A. On the back of the calf.

20 SIR GEORGE NEWMAN: And was he hooded?

21 A. He was.

22 SIR GEORGE NEWMAN: And he was at this point still -- he was  
23 cuffed?

24 A. Yes, he was.

25 SIR GEORGE NEWMAN: Had you been aware of him before you

1           were tasked?

2    A.   Yes.

3    SIR GEORGE NEWMAN:   To --

4    A.   While he was being loaded on I was aware of some kind of

5           altercation happening at the rear.   So I'm going on to

6           the front of the Chinook now and I'm aware of something

7           going on behind me as I'm placing an individual on the

8           floor, because before being detailed to look after that

9           non-compliant EPW I already had an EPW at that point

10          which I had placed down on the floor.   I was then

11          looking after that individual up until the point where

12          I then got re-tasked with a non-compliant EPW.

13   SIR GEORGE NEWMAN:   So just putting it in simple terms, you

14          were with one EPW a little further in to the aircraft?

15   A.   Probably the next bloke -- the next person along, sir.

16   SIR GEORGE NEWMAN:   There then comes a time when there is

17          an EPW who comes on who is not -- who is non-compliant

18          and is causing trouble.   He is then subdued.   Do you

19          remember who subdued him?

20   A.   No.   I've not got anything in my statement other than

21          what I've just said here.

22   SIR GEORGE NEWMAN:   No, but I want your recollection.   Try

23          and work outside your statement to a certain extent.   Do

24          you remember who was subduing him?

25   A.   Not at the time I didn't, but obviously, after just

1 hearing the witness statement from SO44 -- he's just  
2 mentioned that it was SO44 assisted by SO38. However,  
3 up until this point now it wasn't an individual in my  
4 head, that person.

5 SIR GEORGE NEWMAN: Okay. So you then are summoned back.  
6 You did what you've just told me you did by sitting on  
7 his legs or putting your hands down on his legs, because  
8 he's still being restless and non-compliant you chop  
9 him?

10 A. (The witness nodded).

11 SIR GEORGE NEWMAN: And eventually he settles, is that  
12 right?

13 A. That's correct, sir.

14 SIR GEORGE NEWMAN: Then you've got a half an however of  
15 a journey, roughly?

16 A. I believe so.

17 SIR GEORGE NEWMAN: And in that period of time?

18 A. Nothing. Um, when it comes to the movement side of the  
19 non-compliant EPW, we were getting chucked around the  
20 back of the Chinook quite a lot. We had kit on. It was  
21 pulling some fast manoeuvres from what I remember. So  
22 it appeared to me that that EPW was moving.

23 SIR GEORGE NEWMAN: In one of your witness statements you  
24 make mention of hearing noises, I think before you  
25 were -- well I don't know when it was. But hearing

1 noises as though there was a POW screaming, is that  
2 right?

3 A. That's correct, sir. My up-to-date statement -- I've  
4 had that taken out of the previous statement or I've  
5 allowed it -- well as part of this statement now I've  
6 asked for that to be taken out of the previous  
7 statements as I can't define whether it was that POW  
8 screaming or whether it's just the noise of  
9 an altercation occurring.

10 But what I would like to say there, sir, is that was  
11 an RAF police probe to interview at the time. I had no  
12 kind of legal representation and I can't actually  
13 remember going on record and saying that, although I've  
14 signed the witness statement.

15 SIR GEORGE NEWMAN: I see. So then you take off. As you've  
16 told me, he was still wriggling when you took over?

17 A. That's correct.

18 SIR GEORGE NEWMAN: In your witness statement you described  
19 that as wriggling angrily, is that right?

20 A. I'd say so.

21 SIR GEORGE NEWMAN: So it's not just somebody wriggling,  
22 it's somebody being positively --

23 A. Just trying to -- I've got hold of his feet/calf. I'm  
24 lent over him beside, my legs left and right. So I'm  
25 basically leaning down to his feet/top lower part of his

1           calfs and he's still trying to kick out at that point.  
2           But that was possibly within the first sort of minute or  
3           two of actually being me in control of that individual.  
4   SIR GEORGE NEWMAN:  Now, as I think we heard a little  
5           earlier, you and SO44 both had some medical training; is  
6           that right?  
7   A.  I was a basic first aider, sir.  So that's been confused  
8           at some point.  I've not done a combat first aid medic  
9           course at that point.  That's only further down the line  
10          where I went off and did a first aid course.  But that's  
11          after -- it's probably about two years after 2003.  
12  SIR GEORGE NEWMAN:  But you did take the pulse of this EPW,  
13          didn't you?  
14  A.  I did, yes.  
15  SIR GEORGE NEWMAN:  So you knew how to take a pulse?  
16  A.  Yes, that's basic first aid, sir.  
17  SIR GEORGE NEWMAN:  What did you notice when you took the  
18          pulse?  
19  A.  That I was getting no reading from the pulse.  I wasn't  
20          feeling any sort of like pumping of the arteries or the  
21          veins.  So I determined that to be no pulse.  Also at  
22          that point where I did take his pulse it was the one on  
23          the arm and he had plasticuffs on.  So I wasn't sure  
24          whether this was just because the restriction of the  
25          plasticuffs.  And I tried a couple of times to find

1 a pulse.

2 Also though we are being, like I said, chucked  
3 around the back of the Chinook and it's quite easy to  
4 mistake your thumb pressing down on that individual's  
5 wrist with a sort of like pulsing you've got in your  
6 thumb. However I don't think that I found a pulse at  
7 that point.

8 SIR GEORGE NEWMAN: What were your thoughts when you  
9 couldn't find a pulse?

10 A. I believe I then put my hand underneath the sandbag to  
11 try for the carotid pulse. This was just before we were  
12 about to land and I tried raising the attention at that  
13 point. I believe that I was trying to shout to S039.  
14 I also believe that I told S061 that, "I can't find  
15 a pulse, I can't find a pulse". I believe it was S061  
16 that I told this. But again, just from the previous  
17 witness statement, that may have been S044.

18 SIR GEORGE NEWMAN: When you don't find a pulse, what's the  
19 thought that goes through your mind and went through  
20 your mind?

21 A. That I need to get in there and do first aid. But we  
22 were up against time constraints. Knowing that we were  
23 going to be landing at a sort of detainee area, that  
24 would come with like a first aid post, and handing over  
25 to forces on the ground, that they would be able to

1 deliver first aid. At the point where I found that  
2 there was no pulse and I'm just about to start looking  
3 at doing first aid, that was the case of wheels down,  
4 preparing to land, possibly within the last sort of  
5 two minutes of being ready to land. And it would have  
6 been a hard landing as well with quite a lot of what  
7 they call brown owl, and that's just basically the tail  
8 ramp will open, all of the dust and the sand will kick  
9 in, and it's just a mass -- a mess on the insides of the  
10 aircraft. So it wouldn't have lent itself appropriate  
11 to do first aid at that point.

12 SIR GEORGE NEWMAN: Did you have any conversation with SO58  
13 about what you had discovered in these very basic tests  
14 or examinations you carried out?

15 A. Apologies, sir, I'm SO58, sir.

16 SIR GEORGE NEWMAN: Sorry, you are SO58. Did you have any  
17 conversations with SO44?

18 A. Not to my recollection. I thought it was SO61 that  
19 I tried getting the message to. I was aware that I'd  
20 spoken to someone but I didn't make eye contact with  
21 that individual. So I thought it was SO61 because  
22 I know that individual was quite close to me at the  
23 time, but it may have been SO44.

24 SIR GEORGE NEWMAN: Did you help move any of the EPWs  
25 from -- the unresponsive EPWs from the aircraft?

1 A. Yes, sir. Only after already letting or taking one  
2 compliant EPW over to the holding area -- so this is to  
3 my recollection. I can't now to this day actually sort  
4 of remember it in detail. But I believe that I took one  
5 EPW off, handed him over to the ground forces at the  
6 time and then came back for the unresponsive EPW.

7 SIR GEORGE NEWMAN: What did you do then?

8 A. Went to pick him up with SO41.

9 SIR GEORGE NEWMAN: Did you pick him up?

10 A. We did, yes, and we took him off the back of the Chinook  
11 and then we went to hand him over to the ground forces.

12 SIR GEORGE NEWMAN: Did he go in a vehicle?

13 A. I believe he was loaded into a Humvee. In my original  
14 RAF police statement I said that myself and another  
15 individual at the time. I believe I don't think  
16 I mentioned that it was SO41. At the time I believed  
17 that I'd actually placed him into the Humvee, but now to  
18 this day I don't actually recollect putting him into the  
19 vehicle itself. I could have, with SO41, placed him  
20 beside the Humvee and then he might have been loaded by  
21 the ground forces. I can't honestly remember.

22 SIR GEORGE NEWMAN: Do you remember whether it was only one  
23 or two people who were loaded into the Humvee?

24 A. No, sir. I can't remember.

25 SIR GEORGE NEWMAN: Are you sure that you didn't put your

1 EPW in and then see somebody else being loaded into --

2 A. In my first statement to the RAF police I believed that

3 myself and one other loaded him into the back of the

4 Humvee.

5 SIR GEORGE NEWMAN: Why is that now not something you stand

6 by?

7 A. It's just something that I don't recall now.

8 SIR GEORGE NEWMAN: Am I to take it from the fact it's in

9 your earlier statement or evidence that it's not to be

10 relied on, or what?

11 A. I would say it would be a fairly reliable source. It's

12 just that the chain of events that occurred in my head

13 I've kind of built a bit of a story up in the last

14 15 years. So I can't actually determine whether I did

15 or not, but I believe that I would have done.

16 SIR GEORGE NEWMAN: All right. Did you think the person

17 that you were examining for pulse -- both at wrist and

18 at carotid artery. Did you think, as a result of your

19 examination, that he was probably dead?

20 A. Possibly. Worst case -- best case, unconscious because

21 again although I couldn't find a pulse, like, we're

22 always taught when it comes to basic first aid training

23 you can't actually determine whether someone is dead

24 unless you're a doctor or, you know, you've received

25 advance first aid training.

1 SIR GEORGE NEWMAN: Sure.

2 A. To me I thought worse case he's unconscious. If I can't  
3 find a pulse then he is possibly dead. Without any kind  
4 of CPR then you're not going to be able to bring him  
5 back to life. So it was at the back of my head that he  
6 was potentially dead, but not 100 per cent like  
7 guaranteed.

8 SIR GEORGE NEWMAN: No, no, no. Did you say that to anybody  
9 at any stage?

10 A. No. It was quite a quick turnaround, ready to go and  
11 pick up the second lift of EPWs. For me, that was the  
12 first time I'd experienced any kind of, you know, trying  
13 to even attempt giving first aid. I know I didn't go  
14 into CPR or anything like that, but it's a bit of shock  
15 to a system that I came across someone without a pulse.  
16 But then it was a case of it was a quick turnaround. So  
17 it was get this person off, get back on, making sure  
18 that no one was left on the ground, ready do the second  
19 collection of the EPWs.

20 SIR GEORGE NEWMAN: How old were you at the time?

21 A. I would have been 20.

22 SIR GEORGE NEWMAN: How long had you been in the force?

23 A. Two years.

24 SIR GEORGE NEWMAN: This was your first active service?

25 A. It was. We went to Jordan, like, the year before but we

1           didn't do anything.

2   SIR GEORGE NEWMAN:  Had you seen or been in contact with

3           a dead body before this moment?

4   A.  Yes, I've done six previous -- I've done six tours

5           since.

6   SIR GEORGE NEWMAN:  Since, but before this moment --

7   A.  Oh, apologies.

8   SIR GEORGE NEWMAN:  -- in 2003?

9   A.  No.  No, that's my first experience of potentially

10          somebody that might be dead.

11  SIR GEORGE NEWMAN:  Okay.  Right.  Thank you.  Is there

12          anything you want to say to me?

13  A.  No, sir.

14  SIR GEORGE NEWMAN:  Thank you.  All right, thank you very

15          much.

16                 S039, the transcriber would like a 5-minute break

17                 and then we will get back to you.  We will go as

18                 speedily as we can to try and finish you today.  Okay?

19  S039:  Sure.

20  SIR GEORGE NEWMAN:  Let's just rise then for five minutes.

21  (3.22 pm)

22   (A short break)

23  (3.30 pm)

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S039 (continued)

Examination by SIR GEORGE NEWMAN

SIR GEORGE NEWMAN: Right, S039. I think, S039, we are virtually back at H-1 together with your heli, Heli2, loaded up. There comes a time when you have to let everybody know that you're going to land shortly. As we've just heard -- and it's an advantage that I have been able to have S044 and S058 now in the box so that you could hear -- there obviously came a time where the pulse of the EPW, who was motionless at the back of the heli, had been taken. It was obviously quite close to the moment when landing was due to take place?

A. (The witness nodded).

SIR GEORGE NEWMAN: Was anything said to you, that you remember, about his pulse and the fact that he wasn't showing any signs of a pulse?

A. Sir, if you will indulge me.

SIR GEORGE NEWMAN: Of course I will.

A. Just to set the scene which leads up to that and something that I missed out this morning which may give you a bit of clarity. A fast moving operation, very noisy, very sandy, changing circumstances at all times, with poor communications, which is leading up to the question you've asked me. I just wanted to get across, sir, one thing I should have said. The first pair that

1           came off to receive as a cover man and a collector  
2           included SO42.

3   SIR GEORGE NEWMAN:   Mm-hmm.

4   A.   So that when SO42 was back on the aircraft he was my  
5           main man tying down the aircraft while I was outside  
6           I didn't emphasise that, sir.

7   SIR GEORGE NEWMAN:   I'm not quite so sure that I'm -- it's  
8           probably the end of a long-ish day.   So SO42, who we  
9           heard from a little earlier?

10   A.   That's why he stayed on the aircraft.

11   SIR GEORGE NEWMAN:   He stayed on the aircraft?

12   A.   After he took his EPW on.

13   SIR GEORGE NEWMAN:   But how did he take his EPW off?   He  
14           took him off and then took him to the Americans?

15   A.   No, this is when we picked them up from the Australian  
16           forces.

17   SIR GEORGE NEWMAN:   Oh, I see.   So I am back at H-1 on  
18           the --

19   A.   Yes.

20   SIR GEORGE NEWMAN:   -- return?

21   A.   Yes, because this is getting into the next bit, you see,  
22           sir, yes.

23   SIR GEORGE NEWMAN:   Okay.   Can you help me on the H-1 return  
24           moment then?

25   A.   I wasn't aware of what you've just asked me.   From what

1 I can see, that has happened as we've got potentially  
2 1 minute to landing, where everybody has to get in  
3 a position to brace, because the aircraft is not in its  
4 normal fit. So basically everybody has got ready to  
5 brace, make sure the prisoners are okay, and we all know  
6 what's going to come in when the door is open.

7 So I would say, listening to what I've heard this  
8 morning, that then has overtaken any communication to  
9 me.

10 SIR GEORGE NEWMAN: Yes. But --

11 A. Now --

12 SIR GEORGE NEWMAN: Sorry. So that you focus on what I need  
13 to focus on, you see the picture that is coming across  
14 to me in respect of which I need your help?

15 A. Sir.

16 SIR GEORGE NEWMAN: We have an uncooperative EPW, who is  
17 uncooperative at the beginning. He is then subdued. He  
18 then, according to the evidence that I have heard, bar  
19 the wriggling and so on which continued for a while, he  
20 ends up being subdued. Then there comes a moment in  
21 time, shortly before landing back at H-1, when two  
22 people take his pulse, by one means or another, and  
23 conclude that he hasn't got one and that it's looking  
24 pretty bad, putting it in simple language, perhaps he's  
25 even dead.

1           Now what I have to grapple with is that a man who  
2           was alive, and indeed more than alive, he was alive and  
3           kicking, you might say?

4    A.   Sir.

5    SIR GEORGE NEWMAN:  Was, within half an hour or 35 minutes,  
6           when the aircraft put down, on the weight of the  
7           evidence -- though I am not making conclusions or  
8           findings of fact -- but on the weight of the evidence as  
9           it's going through my mind and today it looks as though  
10          he was dead, and if not dead, well nigh dead.

11          I need help as to what went on.  Why is a man who is  
12          alive at the beginning dead at the end or near dead at  
13          the end?  Can you help me?

14   A.  I can't help you with that bit at the minute, sir.

15          I can carry on with what happened next to give you  
16          clarity.

17   SIR GEORGE NEWMAN:  That's what we are going to go to next.

18          So what happens next?

19   A.  Over the communications I had between the two Lifters,  
20          I was told just before we came in that when we touched  
21          down I was to eject the EPWs off the back and just leave  
22          them and our priority was to get straight back out and  
23          liaise with the Australian forces.

24   SIR GEORGE NEWMAN:  When you say "eject", you mean get them  
25          off, out of the aircraft?

1 A. Just get them out of the aircraft, leave them and we are  
2 going.

3 SIR GEORGE NEWMAN: They are talking now specifically about  
4 those who are not responding?

5 A. No, that's all of them.

6 SIR GEORGE NEWMAN: All of them?

7 A. At this point, sir, I am not aware that nobody is not  
8 responding.

9 SIR GEORGE NEWMAN: It's all of them. Get them all off.

10 A. Get them all off.

11 SIR GEORGE NEWMAN: Right.

12 A. I wasn't happy with that, being an RAF regiment gunner  
13 and (a) was not prepared to have them wandering around  
14 in what in essence was an active airfield of some sort  
15 and (b) their health and safety. So I had a bit of  
16 fracture over the communication system and I told all my  
17 men that nobody was to get out of the aircraft so I knew  
18 where they all were until I got a resolution on that,  
19 and I ejected the aircraft very very quickly as it  
20 touched down to go across 150 yards to the other  
21 aircraft that would already laden with the EPWs.

22 At that point I had what we would call a stand up  
23 with the LO. I told him I wasn't happy. What stopped  
24 that was the fact the American forces then sent  
25 a convoy, and the convoy was moving towards the rear of

1 my lifter. At that point I started running back. I did  
2 have some communications then at that point with a PRR  
3 to somebody on the aircraft, who I believed to be at the  
4 time SO42 -- however, I cannot be doubly sure on that in  
5 the circumstances -- and said, "Get them moving now.  
6 I am going to RV with the handover forces and I'll meet  
7 you at the vehicle."  
8 SIR GEORGE NEWMAN: To make sure I am following you, what  
9 you are saying to me is that you initially didn't  
10 unload?  
11 A. No, sir.  
12 SIR GEORGE NEWMAN: When the LO is expecting you to do so?  
13 A. Yes, sir.  
14 SIR GEORGE NEWMAN: Not because of any cause for delay in  
15 the unloading from people who were motionless or  
16 anything else?  
17 A. Yes, sir.  
18 SIR GEORGE NEWMAN: But because you didn't want to unload  
19 rapidly?  
20 A. Sir.  
21 SIR GEORGE NEWMAN: And release into the base --  
22 A. Sir.  
23 SIR GEORGE NEWMAN: -- a number of people who could cause  
24 trouble --  
25 A. Yes --

1 SIR GEORGE NEWMAN: -- if not properly escorted, controlled,  
2 guarded or anything like that?

3 A. Correct, sir, and that needed to be sorted out before --

4 SIR GEORGE NEWMAN: How is it then that or why is it that  
5 this convoy -- what do you mean by convoy? Was it more  
6 than one Humvee?

7 A. Sir, in my recollection it was six to eight.

8 SIR GEORGE NEWMAN: Six to eight?

9 A. Yes.

10 SIR GEORGE NEWMAN: Humvees?

11 A. Sir. All travelling from left to right, as I looked  
12 over to the outside left of the helicopter as you look  
13 forward, and I immediately at that point started back  
14 over there to sort out --

15 SIR GEORGE NEWMAN: What do these Humvees do?

16 A. They just pulled up, sir, in a line behind the  
17 helicopter, 100 yards off to the left.

18 SIR GEORGE NEWMAN: What were they doing there? Do you have  
19 any idea?

20 A. I was under the impression that they'd been called by  
21 somebody as a handover/takeover process which I wasn't  
22 privy to. But at that point common sense dictated, when  
23 I've seen them, without getting a brief, this must be  
24 it. So speed is the essence, back on to the plan, and  
25 I then said, "Get the EPWs off now because transport is

1 outside."

2 SIR GEORGE NEWMAN: And were you instructing people to get  
3 them off and load them into the Humvees?

4 A. My plan was to get to the Humvees and they would be  
5 arriving at the Humvees as I was there and I would then  
6 supervise it, because I was nearer than the other  
7 lifter. Sir, the expression is "linking up". I was  
8 continually trying to think link up from a point of view  
9 of common sense because things were changing all the  
10 time and it was a case of, in effect, keep the show on  
11 the road.

12 SIR GEORGE NEWMAN: Putting aside the motionless ones, were  
13 the other EPWs transported to the Americans by vehicles?  
14 Or were they escorted by being led?

15 A. I told my men by radio communications to get them off  
16 the same way that we got them on, and I would liaise on  
17 the next move.

18 SIR GEORGE NEWMAN: What happened?

19 A. As I got halfway back, I was told over the PRR, "We've  
20 got two unresponsive."

21 SIR GEORGE NEWMAN: Oh, I see.

22 A. I then said, "What do you mean they are unresponsive?"  
23 "I've got two not moving."

24 Now it's my thought process then, sir, if you are  
25 happy to hear it, I thought I am now going to have

1 a logjam on a helicopter. Speed is the essence. I told  
2 them, "Get anybody who is walking off for a handover and  
3 then straight back for anybody who is unresponsive."  
4 SIR GEORGE NEWMAN: Is that what they did?  
5 A. In my mind, I've now got concurrent activity going on  
6 with the troops and keeping movement, and at that point  
7 I then met who I thought was an American captain and  
8 gave him an overview of what I believed to be going on.  
9 I told him I had ten EPWs. I've just been told I've got  
10 two unresponsive. I said, "I don't know as yet what's  
11 wrong and why", and at that point I think I threw in the  
12 "heart attack" words. I said, "I don't know whether  
13 they've had a heart attack or what."  
14 SIR GEORGE NEWMAN: Where had you got that from?  
15 A. That was me surmising on the fact I've just been told --  
16 SIR GEORGE NEWMAN: Had anybody suggested to you that --  
17 A. No, that was me. Straightaway I've thought why have  
18 I got two men who have walked on who are now not coming  
19 off? So at that point I thought -- I said to the  
20 American, in passing, "I don't know what's wrong. We  
21 haven't got time to do first aid but they may have had  
22 a heart attack." His exact words to me were, "Do not  
23 worry about that man."  
24 SIR GEORGE NEWMAN: Do not what, worry about them?  
25 A. In American drawl, "Do not worry about that, man."

1           You've got to get back out of here. Just hand them over  
2           to me." At that point, I said, "Where do you want the  
3           unresponsive?" And he said, "In the back of the  
4           Humvee."

5           At that point, things get clouded because I was then  
6           running back to the helicopter because I realised we  
7           would need extra men if somebody was non-compliant  
8           because of weight problems and getting people off. So  
9           I needed to get bodies back for that. However, they  
10          still needed to be guarded by the men before the men  
11          would -- before they went to the Americans. So from  
12          what I can remember -- and I've never gone into this  
13          because I've never been questioned on this before in  
14          this much detail in past investigations -- but the men  
15          stayed for a time still in control of the EPWs prior to  
16          the Americans taking control, which left limited numbers  
17          with the two unresponsive people to get them over to the  
18          Americans' aircraft. So I was trying to galvanise  
19          people back, from what I can remember, to help lift.

20          That's where I picked up this morning in the  
21          meantime one of the men took it on himself to start  
22          dragging the EPW closer to the vehicles, which I didn't  
23          know about, but I can see why he did that. I think two  
24          of the men I managed to galvanise back then are the two  
25          that took over from him. At some point I do remember

1 one of the vehicles moving closer, I think to make it  
2 easier, and that probably would have impacted on the  
3 second non-compliant EPW.

4 The last thing I remember off the aircraft was the  
5 EPW with no legs because he wasn't the priority.

6 SIR GEORGE NEWMAN: He wasn't causing an obstruction then,  
7 I think?

8 A. He was causing an obstruction, I would say, when I did  
9 see on to the back -- no, the men were unloaded, I would  
10 say, over the top of them. They're walking over the top  
11 of them quickly in order to facilitate numbers back to  
12 move the non-compliant ones. Now that was the plan in  
13 my head, as I was running back, without initially seeing  
14 what was going on.

15 SIR GEORGE NEWMAN: Right. Okay. You've taken me through  
16 a lot which was in my head. Now let me just check.

17 Did you go back to the American reception facility?  
18 After the Humvees had taken the EPWs, did you go back  
19 again that evening? Or was it later that you went back?

20 A. Are you talking on the three handovers?

21 SIR GEORGE NEWMAN: Yes.

22 A. Or after that?

23 SIR GEORGE NEWMAN: No, no, after -- well I suppose in truth  
24 it must be that once you'd got rid of those who were on  
25 your Lifter2, then really there wasn't much time before

1           you turned around and went and did the other lifts?

2   A.   The lifts again, yes.  By the time we came back, you'd  
3           been asking about, there was a hot debrief off the LO.

4   SIR GEORGE NEWMAN:  Where did that take place, in the tent  
5           or --

6   A.   Yes, we came off the helicopter and it was a short  
7           distance.  We were living in a field, sir, with a bank  
8           of earth around us.

9   SIR GEORGE NEWMAN:  Yes?

10  A.   So we got straight off and was into a tented area, a hot  
11          debrief off the LO.  SO55 would have said his bit and  
12          then I would have give out a few bollockings.  That was  
13          my job, sir.

14  SIR GEORGE NEWMAN:  When did you next go back to the American  
15          facility then?  I know you went back, obviously, because  
16          you went back in order to deal with reporting or giving  
17          an account of what had happened which SO47 became  
18          involved in.

19  A.   I seem to remember I went over to the facility within --  
20          it was at least 48 hours.  The next day was taken up  
21          with operational -- recovery reorganisation.  And then  
22          we went into the -- when we found out fully what had  
23          happened, we then went straight into the report in order  
24          to get something down on paper, which we felt duty bound  
25          to do.

1 SIR GEORGE NEWMAN: You learned when that the Americans had  
2 declared somebody dead?

3 A. We got the troops to bed straight after the hot debrief  
4 because we potentially could have to go again on another  
5 task, so in effect fall asleep. And I remember being  
6 told fully a couple of hours after I got up the next  
7 morning. From recollection I got the impression that it  
8 was a rumour at first and then it became official.

9 Can I just say one other thing, sir?

10 SIR GEORGE NEWMAN: You have the floor.

11 A. SO42, who was supposed to tie down the aircraft for me,  
12 he would have -- as I was running about, he would have  
13 supervised the exit of the EPWs. And when they went  
14 down next to the American Humvees prior to the handover  
15 there would have been some time where he had to stay  
16 there in overall charge of the men with that line, which  
17 was why SO42 was not then back at the aircraft  
18 supervising things in detail there, which is why I then  
19 went back to the aircraft to try and get something  
20 going.

21 I just thought that was ...

22 SIR GEORGE NEWMAN: When you went back, just clarify this  
23 for me because I shall probably deal with it tomorrow,  
24 was there a time when you went back to the Americans in  
25 company with SO55 and a warrant officer -- whose name

1 I have here, but he's not somebody I have been involved  
2 with so I am not going to mention his name. Do you  
3 remember going to see the Americans with a warrant  
4 officer?

5 A. I do recall going over there.

6 SIR GEORGE NEWMAN: Tell me about that. How did that come  
7 about?

8 A. Well, it wasn't far away and I think at the time we were  
9 trying to find out something from their end.

10 SIR GEORGE NEWMAN: Mm-hmm?

11 A. I seem to remember, because, who we handed over to, we  
12 didn't know if that was where they finished.

13 SIR GEORGE NEWMAN: Why did the warrant officer go over?

14 A. I think because the warrant officer would have been  
15 responsible for us as the squadron warrant officer for  
16 administration and welfare. That would have come under  
17 his remit. With the fact that we'd put something down  
18 on paper within the report straightaway, I think he  
19 would have been doing that as his duty of care.

20 SIR GEORGE NEWMAN: Okay. Right.

21 I'm almost working towards my timetable. I just  
22 want to check.

23 Is SO61 here? He's coming tomorrow. Okay, good.

24 I'm having to reset my mind in the light of what you  
25 said, SO39. I must make sure that the critical point in

1 my survey -- I have it right so far as you are  
2 concerned.

3 The critical point which I have taken today, which  
4 has shifted my focus, is that when you landed back at  
5 H-1 the delay that took place initially had nothing to  
6 do, so far as you were concerned, with the motionless  
7 people?

8 A. No.

9 SIR GEORGE NEWMAN: It had everything to do with the fact you  
10 didn't want these guys to be released?

11 A. That's right, sir, yes.

12 SIR GEORGE NEWMAN: It's after you have spoken to Lifter1 and  
13 the LO that you then gather that there are two  
14 unresponsive motionless, call them what you will, EPWs  
15 on your lifter?

16 A. Sir.

17 SIR GEORGE NEWMAN: And at the time that that occurs you are  
18 also aware of a convoy of American vehicles?

19 A. Yes, it all happened concurrently, sir.

20 SIR GEORGE NEWMAN: You then get back to the lifter and S042  
21 is engaged in getting them off the aircraft?

22 A. Those that are compliant, sir, yes.

23 SIR GEORGE NEWMAN: Those who are compliant -- those who can  
24 get off?

25 A. Those who can walk, sir, yes.

1 SIR GEORGE NEWMAN: You are then left with the two at least  
2 who are unresponsive, can't move?

3 A. Plus the man with no legs.

4 SIR GEORGE NEWMAN: Plus the man with no legs, but we can put  
5 him to one side for the moment. You are then left with  
6 the two unresponsive. You became aware of one of them  
7 then responding?

8 A. No, only after he was handed over, sir.

9 SIR GEORGE NEWMAN: Only after -- okay. So he goes off in  
10 a Humvee?

11 A. He was carried to a Humvee. I seen that one go into the  
12 Humvee.

13 SIR GEORGE NEWMAN: You see him go into the Humvee?

14 A. But I didn't see the second one.

15 SIR GEORGE NEWMAN: You didn't see the other one go into the  
16 Humvee.

17 A. And I recollect that I -- I'm sure that the man with no  
18 legs was transferred.

19 SIR GEORGE NEWMAN: But as between the two who were  
20 unresponsive, you seem to be able to identify the one  
21 who was able to walk off, as he did subsequently?

22 A. No, no, they both went off, sir.

23 SIR GEORGE NEWMAN: Mm-hmm?

24 A. They both went off under aid. They were carried.

25 SIR GEORGE NEWMAN: Yes, they both -- but you seem to be

1           distinguishing between the one who subsequently was  
2           able --

3    A.   No.

4    SIR GEORGE NEWMAN: Not so, okay.

5    A.   We haven't got a clue on that, sir.

6    SIR GEORGE NEWMAN: So they both go off?

7    A.   Sir.

8    SIR GEORGE NEWMAN: You don't know anything about them?

9    A.   No, sir.

10   SIR GEORGE NEWMAN: You are not told anything about them?

11   A.   No.

12   SIR GEORGE NEWMAN: The best that you have done by way of  
13           thinking on it, and this isn't a criticism but  
14           an observation, is that once you were told they were  
15           unresponsive -- oh no, maybe they've had a heart attack  
16           or something. But that is the extent to which you  
17           became involved in the fact?

18   A.   Yes, I then asked for aid. I said, "Look, I've got two  
19           non-responsive. I don't know what's wrong with them.  
20           They may have had a heart attack. Can you deal?" And  
21           at that point the captain said that's now his problem,  
22           not my problem, "You've got to go". Now the fact that  
23           they were turning up, I'm obviously being called --  
24           I took it that there was communication going on by the  
25           LO which I wasn't privy to. And at that point when he

1           said to me, "We've got control here of everything  
2           including the first aid", because of the rapidity of the  
3           scenario we were in I took it as automatically, yes,  
4           he's aware that I've got two and he's going to deal with  
5           it.

6           Because again, sir, if we'd have started doing any  
7           sort of first aid at that point we would have scuppered  
8           the whole operation. The situation we were in, we were  
9           not in a situation to do that. It was back on to the  
10          helicopter and go.

11          Now I'd already slowed everything down by refusing  
12          to unload them initially, which may be why somebody said  
13          the LO said he wanted it more aggressively on the second  
14          one, probably meaning speedier.

15   SIR GEORGE NEWMAN: Okay. You are back tomorrow, aren't you?

16   A. I'm here if you need me, sir, yes.

17   SIR GEORGE NEWMAN: Shall we call it a day? Have you had  
18          enough for today?

19   A. I'm happy with that.

20   SIR GEORGE NEWMAN: All right, thank you. Let's call it  
21          a day for today.

22   A. Sir.

23   SIR GEORGE NEWMAN: Thank you very much.

24          Tomorrow then we will continue the programme and get  
25          through it. So we'll sit at 10.30 tomorrow, all right?

1 A. Do you need me again, sir, first thing?

2 SIR GEORGE NEWMAN: Tomorrow?

3 A. Do you need me back here, sir?

4 SIR GEORGE NEWMAN: I thought you were coming tomorrow

5 anyway.

6 A. I'm coming. Are you --

7 SIR GEORGE NEWMAN: I'll think about it overnight.

8 A. Sir.

9 SIR GEORGE NEWMAN: For the moment I want to try and break

10 some ground with other witnesses. Knowing you are here

11 gives me the confidence that we can get on with things,

12 but I do want S038's account of events --

13 A. Sir.

14 SIR GEORGE NEWMAN: -- as you might imagine. Okay. Thank

15 you.

16 MR HOLT: Sir, can I just -- I think what this gentleman is

17 referring to is that over the lunch break I advised him

18 he was a witness in being and that he wouldn't and

19 shouldn't speak to other people about the case. He is

20 sharing accommodation with other people who are

21 witnesses tomorrow. I dare say that's what he was

22 getting at, as to whether you need him tomorrow.

23 SIR GEORGE NEWMAN: I see. You can treat yourself as

24 finished.

25 A. Okay, sir.

1 MR HOLT: I'm grateful. Thank you, sir.

2 SIR GEORGE NEWMAN: In the nicest sense.

3 A. Thank you, sir.

4 SIR GEORGE NEWMAN: All right?

5 MR HENDERSON: Can I just ask whether all other witnesses  
6 who has given their evidence are released? You have  
7 done so specifically with some and not others.

8 SIR GEORGE NEWMAN: Yes, of course. I know that  
9 certainly --

10 MR HENDERSON: It's SO40 in particular I just wanted to  
11 check, sir.

12 SIR GEORGE NEWMAN: Yes, of course, of course. I am very  
13 grateful for his attendance.

14 MR HENDERSON: I'm obliged sir.

15 SIR GEORGE NEWMAN: Thank you. All right. Okay, 10.30  
16 tomorrow.

17 (4.03 pm)

18 (The hearing adjourned until Thursday, 17 May 2018  
19 at 10.30 am)

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